

The Constitution of r/SimDemocracy

Preamble

Whereas the constitution should provide only a framework for government upon which to build its specific workings,

Whereas the old constitution of r/SimDemocracy overly restricts the activities of the government by codifying into constitutional law many superfluous clauses which would be better suited as Acts of Senate,

The Constitution, be it enacted with the will of the People and their Representatives shall serve as a foundation for the governance of r/SimDemocracy and to protect the rights and liberties of its citizens.

Part I - The Legislative

Article 1 – Senate Powers

§1. The Senate shall be the primary legislative body of r/SimDemocracy and shall represent the interests of the people by wielding legislative authority.

§2. The Senate shall have the power to pass all legislation necessary and proper for the expansion, defense, and wellbeing of r/SimDemocracy with a simple majority vote.

§3. The Senate shall have the authority to conduct oversight into government businesses and shall have the power to subpoena current and former government officials.

§4. The Senate may impeach any government official for improper conduct, as decided by the Senate, with a 2/3rds majority; which shall be a power reserved only

for the Senate, and shall always result in the removal of the official from the impeached position.

§4.1. Impeachment of the President, Vice President, Senators, Judges or Supervisors shall be confirmed by a 2/3 referendum.

§4.2. Senators may not vote on their own impeachment.

Article 2 – Senate Election

§1. The Senate shall be elected every 02 weeks.

§2. Senate elections shall be available for 24 hours.

§3. The number of Senate seats shall be determined and fixed after the vote has ended in a Senate election and shall equal $\sqrt{\frac{v * \ln v}{8.75}}$ (take the product of v and the natural logarithm of v and divide it by 8.75, then, take the square root of the result) where v is the sum of the number of valid votes in the current senatorial election and the number of valid votes in the last presidential election, applying regular rules of rounding.

§3.1. The number of Senate seats may not exceed 1.5s, where s is the amount of Senate seats in the previous senatorial term. If the calculation gives a number higher than 1.5s, the amount of Seats shall be 1.5s, applying regular rules of rounding.

§4. The Senate shall be elected using the SPSV (Sequential Proportional Score Voting) method where voters will give each candidate an integer score between 0 and 5, with 0 being the lowest and 5 being the highest. Blank responses will be counted as 0s. Each of these score ballots will be converted into five virtual approval ballots using the Kotze-Pereira transformation, each with an initial weight of 1. The unelected candidate with the greatest number of weighted virtual approvals is elected, and all virtual ballots are set to have weight $\frac{1}{1+m}$ where m is the number of candidates approved on that ballot who were already elected. Repeat until all seats are filled or all candidates are elected.

§4.1. Ties at any point in the election calculations shall be broken in favor of the candidate with the greatest unweighted score total. If there is also a tie

for unweighted score totals, the tie will be broken pseudorandomly with all tied candidates given an equal probability of winning.

§5. In the event that a vacancy arises in the Senate, it will be filled by converting each score ballot into five virtual approval ballots using the Kotze-Pereira transformation. Each virtual ballot will have a weight of $\frac{1}{1+m}$ where m is the number of candidates approved on that ballot who were in the Senate at the time the vacancy arose. The candidate with the greatest number of weighted virtual approvals, excluding all Senators who have already served in the current term, will automatically be elected Senator.

§6. Senators may not concurrently be President, Vice President, Justice, Judge or Supervisor.

Article 3 – Speaker of the Senate

§1. The Senate shall choose one of its own members to lead the chamber; this Senator shall be granted the title of Speaker of the Senate.

§2. The Speaker of the Senate shall be a full moderator of r/SimDemocracy.

§3. The Speaker of the Senate shall have the authority to control the legislative calendar and the timing of senate votes.

§3.1. The Speaker of the Senate may not delay confirmation, impeachment or no confidence votes or for more than 24 hours. The vote on the State Budget may not be delayed by more than 12 hours.

§3.2. If the Speaker of the Senate chooses to deny a legislation a vote on the Senate floor, the Senate may pass a Discharge Petition with a majority vote to force the legislation to the floor.

§4. The Senate may remove a Speaker of the Senate from office by holding a vote of no confidence.

§4.1. . If the vote passes, the former Speaker of the Senate remains a Senator.

Part II – The Executive

Article 4 – The President

§1. The President shall be the primary executive body of r/SimDemocracy and shall represent the interests of the people by wielding executive authority.

§2. The President shall be elected every 02 weeks, with the election being available for 24 hours.

§3. The President shall be elected using the STAR (Score Then Automatic Runoff) voting method where voters will give each candidate an integer score between 0 and 5, with 0 being the lowest and 5 being the highest. Blank responses will be counted equivalent to the square root of the average score. The candidates with the 2 highest scores enter an automatic runoff phase where the candidate who was rated a higher score the most amount of times wins.

§4. The President shall have the authority to veto any Acts or lawfully binding processes voted on by the Senate, with the exception of acts affecting only the Senate and impeachments, within 03 days of its passing in the Senate.

§4.1. The Senate may override the veto with a $\frac{2}{3}$ majority

§5. The President shall a full moderator of r/SimDemocracy

§6. The President shall have primary authority over r/SimDemocracy's foreign affairs and shall have the authority to enter into treaties and agreements on behalf of the State of r/SimDemocracy, subject to approval by the Senate.

§7. The President may not concurrently be Vice President, Senator, Justice, Judge or Supervisor.

Article 5 – The Vice President

§1. The Vice President shall be appointed by the President to that office for the latter's term, without a confirmation vote by the Senate.

§1.1. If presidential candidates do not announce their vice president before the elections, the appointment shall be confirmed by $\frac{2}{3}$ referendum.

§2. The Vice President shall succeed the President in the event that the latter cannot complete their term.

§3. Ties in the Senate shall be resolved by the Vice President.

§4. The Vice President shall be a full moderator of r/SimDemocracy.

§5. The Vice President may not concurrently be President, Senator, Justice, Judge or Supervisor.

Part III – The Judiciary

Article 6 – Supreme Court of Justice

§1. The Supreme Court shall be the last court of appeals of r/SimDemocracy.

§2. The Supreme Court shall possess the power of judicial review, that is a process under which executive or legislative actions are subject to review by the judiciary, and may therefore invalidate laws, acts and governmental actions that are incompatible with a higher authority; an executive decision may be invalidated for being unlawful or a statute may be invalidated for violating the terms of the Constitution.

§3. The Supreme Court as represented by the Chief Justice may grant or decline appeals with a public brief concerning the decline of the appeal. When appeals are granted, the Supreme Court shall have the powers to reverse or amend the decision of the inferior Courts, or to grant a retrial.

§4. The Supreme Court shall be composed of three (3) Justices and requires the presence of all three to reach any binding decisions.

§5. Supreme Court Justices shall be appointed by the President and approved by the Senate with a 2/3 majority vote.

§5.1. Justices shall have had more than one month's experience as Judge prior to appointment.

§6. Justices shall serve indefinitely until resignation, or impeachment by the Senate.

§7. Justices may not concurrently be President, Vice President, Senator or Supervisor.

§6. The Supreme Court Justices shall elect a Supreme Court Chief Justice among themselves, who shall serve 02 week terms.

§7. The Supreme Court Chief Justice is to be the representative of the Judiciary branch.

§8. The Supreme Court Chief Justice is to preside over all Supreme Court cases as well as lead the discussion of cases among Supreme Court Justices.

§9. The Supreme Court Chief of Justice shall write the court's judicial opinion when in majority, otherwise the oldest serving Justice shall choose who will write the opinion.

Article 7 - Inferior Courts

§1. There shall be inferior courts, where the original jurisdiction of all criminal and civil cases lies.

§2. The first round of a case shall be heard by a judge assigned through a rotating schedule, excluding inactive judges, who must affirm their impartiality and the absence of conflict of interest.

§2.1. Judges must recuse themselves in the event they may have, or may appear to have, a conflict of interest in the case.

§3. Judges must provide a legal reasoning behind their judgment in a public brief, including cited acts, laws, and precedents, as well as the verdict. Failure to do so shall constitute dereliction of duty.

§3.2. Judges shall have twenty four (24) hours after the verdict to provide reasoning.

§3.3. In a case of believed wrongful verdict, the losing party may appeal with respect to relevant legislation.

§4. Judges shall be appointed by the President and approved by the Senate with a 2/3 majority vote.

§4.1. Judges must have had some courtroom experience.

§6. Judges shall serve indefinitely until resignation or impeachment by the Senate.

§7. Judges may not concurrently be President, Vice President, Senator or Supervisor.

Part IV – The Economy

Article 8 – Economic Rights

§1. There shall be an economy in r/SimDemocracy.

§2. The currency of said economy shall be the Tau (τ).

§3. The Executive Branch is responsible for ensuring that citizens and government entities can exercise their economic rights. Requests to exercise these rights must be processed without undue delay.

§4. Every citizen is entitled to 01 personal account.

§5. All funds on a citizens account are owned by the citizen.

§5.1. The Senate may pass legislation establishing fines, taxes and other ways of transferring money from a citizen to the government.

§5.2. The Senate may pass legislation that ignores this section on accounts that are classified as inactive.

§6. Every account holder has the right to view the balance on their account.

§7. Every account holder has the right to transfer funds from their account to any other account, provided that this is permitted by the balance on the account and neither account has been frozen.

§8. Every account holder has the right to request a voluntary freeze on their account. If the account holder makes this request in good faith, then the Economic Council is obligated to freeze the account and unfreeze it upon request.

§9. The Judiciary may order any account to be frozen.

§10. An account is considered not active if the account has not been interacted with by its owner for one month.

§11. The balance on all accounts must be maintained. This provision does not

exempt accounts from taxation, fines, or other debts.

§12. The Senate may pass legislation specifying what to do with funds in inactive accounts.

Article 9 – The Budget

§1. The President, or an individual appointed by them for this task, must present the State Budget to the senate within 48 hours of the Presidential election concluding.

§2. If no budget is presented to the Senate or the budget does not pass an exact replica of the previous budget will be used.

Part V – Supervisors

Article 10 – Subreddit Supervisor

§1. The Subreddit Supervisor is to guarantee the Subreddit’s democratic continuity by holding full head moderator power in r/SimDemocracy.

§2. The Subreddit Supervisor may not use this power except to grant or revoke moderator status in accordance with legislation and pin election posts, unless explicitly permitted by legislation.

§3. The Subreddit Supervisor may not hold any elected office; nor may they have any political affiliation

Article 11 – Discord Supervisor

§1. The Discord Supervisor is to guarantee the Discord’s democratic continuity by being its owner.

§5. The Discord Supervisor may not hold any other elected or appointed office; nor may they have any political affiliation.

§6. The Discord Supervisor shall be responsible for upholding legally enforceable rules.

Article 12 – Appointment and Removal of Supervisors

§1. Supervisors will be chosen with unanimous approval by a group named “The Elder Council”, composed of the President, the Vice President, the Speaker of the Senate, and the Leader of the Opposition.

§1.1. The Leader of the Opposition is the person who placed 2nd at the last presidential election, 3rd if the former is unable to communicate, 4th if both are, and so forth.

§1.2. The chosen Supervisor is to be confirmed by the Senate with a 2/3 majority. If over half but less than 2/3 of the Senate approve, the appointment shall be confirmed by a simple majority in a public referendum.

§2. Supervisors shall serve until resignation or impeachment by the Senate.

§3. If the Supervisor does not step down swiftly and gracefully after their removal, they are to be declared a tyrant.

§3.1. All laws against rebellion are nullified while a tyrant is in control of r/SimDemocracy and/or its associated Discord, and a backup subreddit as well as Discord Server is to be created if one isn't already present.

§3.2. Any and all action taken by a tyrant is illegal.

§4. If for any reason there is no supervisor, either for the discord or the Subreddit, top moderator position, in the form of server ownership of the discord and head moderator position on the subreddit must be handed to the President until the appointment of a supervisor.

Part VII — The Bill of Rights

Article 13 — Equality before the law

§1. Every person shall be equal before the law and every person shall be entitled to equal protection of the law.

§2. Protected characteristics shall include, race, religion, sexual orientation, gender identity, national or social origin, ethnicity, age, disability, religion, and political beliefs.

§3. Equal protection of the law, and equality of rights under the law, shall not be restricted or abridged on the basis of protected characteristics.

Article 14 — Freedom of expression

§1. Every person shall have the right to freedom of expression, which shall include the right to free speech, the right to free press, the right to petition for redress of grievances, freedom of peaceful assembly, and freedom of association.

Article 15 — Freedom of faith and conscience

§1. Every person shall have the right to freedom of faith and conscience and the freedom to peacefully exercise their religious beliefs.

§2. The state shall be prohibited from passing a law respecting an establishment of religion.

Article 16 — Right to personal privacy

§1. Every person shall have the right to personal privacy and the right to privacy of correspondence and communication.

§1.1. Every person has the right to cast an anonymous vote during elections

§2. Private correspondence and communications may only be disclosed to whistleblower, report or prove the commission of a criminal offence, or in any other manner as prescribed by law.

§3. Every person shall have the right to enjoy protection from the state against unlawful violations of personal privacy and rights to data protection.

Article 17 — Right to data protection

§1. Personal data shall include information which can identify a person's real life identity directly, information which can make a person's real life identity identifiable and information that can lead to indirect identification of a person's real life identity in combination with other information.

§2. Only public bodies and organisations prescribed by law may collect, retain, process, and disclose personal data.

§3. The collection, retention, processing, and disclosure of personal data shall only be lawful with the consent of the individual.

§3.1. Consent can only be obtained by a clear affirmative opt-in action that is freely given by the individual. The individual must be fully informed to what they have consented to. Consent must be specific and unambiguous.

§3.2. Once consent has been given by the individual, they must be informed about their right to withdraw consent.

§3.3. Every person shall have the right to withdraw consent. Withdrawal of consent must be non-obstructive and mechanisms of withdrawal must be easily accessible. On the withdrawal of consent, all collection, retention, processing, and disclosure of that individual's personal data must cease as soon as possible. All personal data retained of them must be destroyed within seven (7) days of withdrawal of consent.

§4. Every person shall have the right to be informed about the collection and use of their personal data.

§5. Every person shall have the right to access their personal data.

§5.1. An individual may send a request to a public body or any other authorised organisation prescribed by law to access their personal data.

§5.2. Upon receipt of the request, a copy of all personal data collected and retained relating to the individual must be handed over within seven (7) days of the request.

§5.3. An individual can not be charged a fee for access to their personal data.

§5.4. An individual may be limited from requesting further copies of their data following a request, but this limit shall not exceed more than one (1) month.

§6. Personal data can not be sold to third parties or used for marketing purposes.

Article 18 — Right to whistleblow

§1. Every person shall have the right to whistleblow.

§2. Whistleblowing shall be the public disclosure or release of classified or private information in the public interest.

§3. Whistleblowers shall be prohibited from disclosing personal data without consent.

Article 19 — Right to a fair hearing

§1. Every person shall be entitled to a fair hearing by a competent court in accordance with law.

§2. Every person charged with a criminal offence shall be presumed innocent until proven guilty.

§3. Every person shall have the right to defend themselves in person, and every person shall have the right to legal counsel for their defence.

§4. Every person shall have the right to adequate time for the preparation of their defence, and the right to private correspondence and communications with legal counsel.

§5. No person shall be guilty of a criminal offence on account of any act or omission which did not constitute a criminal offence at the time when it was committed, nor

shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed.

§6. No legal entity may be tried again on the same or similar charges and on the same facts following a valid acquittal or conviction.

Article 20 — Liberty and security of the person

§1. Every person shall have the right to liberty and security of the person.

§2. No person shall be deprived of their liberty without due process of law. The following cases shall constitute due process:

§2.1. The lawful suppression, detention, muting, fine, or ban of a person after conviction by a competent court.

§2.2. The lawful suppression, arrest, detention, muting, fine, or ban of a person for non compliance with a lawful court order, for contempt of court, or non compliance with any legal obligation as prescribed by law.

§2.3. The lawful arrest or detention of a person for the purpose of bringing them before a competent court to preside over a criminal trial.

§2.4. The lawful fine or muting after issuance of a lawful ticket or penalty notice by a competent authority which summarily sanctions a person for a minor criminal offence.

§2.5. The lawful suppression, arrest, detention, muting, or ban of a person for the purposes of enforcing the Reddit and Discord Terms of Service and other constitutional obligations of the state.

§2.6. The lawful suppression, detention, muting, fine, or ban of a person for the purposes of protecting the public safety, or the rights of others, by order of a competent court, by a designated security bot as prescribed by law, or in extraordinary circumstances.

§2.7. Under exceptional circumstances, a pre-emptive ban not exceeding ten percent (10%) of the statutory maximum punishment may be applied before a trial. When the statutory maximum punishment is a permanent ban, or is undefined, a pre-emptive ban not exceeding one (1) week may be applied.

§3. No person shall be detained, imprisoned, muted, or banned merely on the basis of inability to fulfil a contractual obligation.

Article 21 — Right to suffrage

§1. Every citizen shall have the right to vote in fair and free elections, and have the right to equal suffrage.

Article 22 — Right to citizenship

§1. Every person shall have the right to citizenship.

§2. No person shall be deprived of their citizenship unless in accordance with law. Deprivation of citizenship as prescribed by law must be legitimate and proportionate.

Article 23 — Prohibition of slavery and forced labour

§1. No person shall be held in slavery or servitude.

§2. No person shall be required to perform forced or compulsory labour.

§2.1. Any work or service which forms part of the normal obligations of public office shall not constitute forced or compulsory labour.

§3. Every person shall have the right to resign with immediate effect from any job or role, unless prescribed otherwise by law. Restrictions to resignation as prescribed by law must be legitimate and proportionate.

Article 24– Workers’ Rights

§1. All work shall compensated fairly. No work shall be free unless given by the worker, or the worker being unable to be compensated.

§2. All citizens have the right to know what others are being paid. Companies must give this information if requested.

§3. No person may be fired, be denied employment or otherwise be negatively treated differently by an employer based on protected characteristics.

§4. All citizens have the right to see all of the government's economic activity, including but not limited to all taxes and all salaries.

Article 25 — Implied rights

§1. The enumeration of certain rights in the Bill of Rights shall not be construed to deny or disparage other implied rights possessed by the people.

Article 26 — Protection of rights

§1. The free and lawful exercise of these rights shall never be infringed by the government, unless to protect the rights of others.

§2. Any constitutional or lower laws which unlawfully infringe on these rights shall be void and of no effect.

§3. Every person shall have the right to petition a competent court for judicial review if their rights have been unlawfully infringed and the right to seek effective judicial remedy.

Part VIII – The Constitution

Article 28 – Enactment

§1. This Constitution shall replace the old Constitution of r/SimDemocracy when passed in the Senate with a $\frac{2}{3}$ majority and approved in a referendum.

§2. The Constitution shall be available to the public on the wiki of r/SimDemocracy.

Article 29 - Constitutional Amendments

§1. This constitution may only be amended with a $\frac{2}{3}$ vote in the Senate, following a referendum which shall have to pass with $\frac{2}{3}$ in favour of the amendment.