

The Constitution of Midnight Democracy



Section 1: The Parliament

Title 1. Legislative power over Midnight Democracy is granted to the Parliament, split between two houses, the People's House and the House of Lords, and will be shared between them according to the content of this section.

Title 2. The Parliament will be led by the Speaker, elected by both houses. The Speaker will post all votes carried out by the Parliament and record the results. They must make the results of every vote public and easy to access. Immediately after the parliamentary election ends, candidates for Speaker must declare candidacy in a call for candidates. As soon as all members of the Parliament have stated whether they want to run or not, or after twelve hours have passed since the election ended, the Speaker election will begin. The Speaker election will use approval voting. All members of the Parliament will state if they approve of each candidate or not. The candidate that receives the most approval becomes Speaker.

Title 3. The People's House will vote on legislation passed by the House of Lords and pass it with a majority, and may amend the constitution through a two thirds majority. Amendments passed in the People's House must be confirmed by a two thirds majority of the electorate.

Title 4. The House of Lords must approve all appointments made by the Chancellor, and must approve every piece of legislation before the People's House votes on them. All necessary legislative powers not delegated to the People's House are granted to the House of Lords until legislation is passed declaring otherwise.

Title 5. Members of the People's House will be elected at the start of every month. Before the election, a call for candidacy must be posted, where candidates must state their intention to appear on the ballot. The creator of said ballot must respect their intention and put them on the ballot, unless they are not eligible to be elected, for whatever reason specified in related legislation or part of this constitution. This call for candidacy must be available for twenty four hours. Once completed, the election must begin.

Voters must rate each candidate on a zero to nine scale. Once the election is over, the scores given to all of the candidates must be totaled, and they must be sorted by total score, highest at the top of the list. The first winner will be the candidate in the top two who is preferred most, i.e. has the most points where each point is given by one person rating them higher than the other candidate in the top two. Once this winner is found, they are removed from the process, and the

next winner is selected from the new top two using the same procedure. Repeat until all seats in the People's House are filled.

Title 6. The number of seats in the People's House will be equal to one fourth the number of citizens, and max out at 20 seats.

Title 7. During any vote in the Parliament, Members of the Parliament must provide reasoning for their vote, no matter how short.

Title 8. The House of Lords will be composed of guild representatives, one from each guild. Once it has reached maximum capacity, the House of Lords may create or remove guilds by voting unanimously for that to happen, but may only do so once a month. During any vote to remove a guild, the representative for the guild in question may not vote.

Title 9. Guild removals may be vetoed by the Speaker, and once vetoed must be voted on in the People's House. If 2/3rds of the People's House votes to keep the guild, it will be kept. If less than 2/3rds votes to keep, the guild will be removed.

Title 10. All Members of the Parliament will be able to sponsor legislation to be voted on.

Title 11. With approval from the Supreme Court Chief Justice, either the Chancellor or the Speaker may initiate a *small majority dismissal vote* on any official. They must include how long the official in question will be dismissed for in the vote. This vote will take place in the People's House, and if a majority votes in favor of dismissal, the official in question will be dismissed, and will be ineligible for government office for whatever time specified.

Title 12. Any member of parliament may request a *large majority dismissal vote* on any official, with approval from the Supreme Court Chief Justice. They must include how long the official in question will be dismissed for in the vote. If 75% of the electorate votes in favor, the official in question will be dismissed. This vote must be posted by the Minister of Elections within 48 hours of the request.

Section 2: The Executive

Title 1. The candidate that receives the most score in the Parliamentary election will become the Chancellor.

Title 2. The Chancellor of Midnight Democracy will be a moderator of the subreddit with full permissions, and represent the subreddit in all diplomatic matters. The Chancellor's first duty is to hold the community together.

Title 3. The Chancellor will appoint appropriate Ministers to carry out the executive duties defined by this constitution and legislation passed by the Parliament. The Chancellor may only appoint Ministers from among the bottom 50% of winning candidates, sorted by total score, unless there are not enough to fill every position.

Title 4. The Chancellor must appoint a Vice Chancellor, who will replace him in case of resignation, removal from office, or absence for a period of time greater than 72 hours. Only Members of Parliament can be appointed Vice Chancellor.

Title 5. The Minister of Elections will be appointed by the Chancellor and confirmed by a two thirds majority of the electorate. They will create and post all posts requiring the interaction of the electorate, including but not limited to all elections and calls for candidacy, unless specified otherwise by legislation passed in the Parliament. If the role of Minister of Elections is currently not held by anyone, a moderator may step in to fulfill their duties.

Title 6. The Chancellor and all members of the executive who were elected or otherwise confirmed by the electorate will be part of the Chancellor's Cabinet, which may meet in an exclusive channel of the Discord. The Chancellor may appoint advisors, who will also be a part of the Chancellor's Cabinet.

Title 7. Only Members of the Parliament may become Ministers.

Section 3: The Judicial

Title 1. The Judiciary shall be the branch of government responsible for interpreting and applying legislation passed by the legislative branch.

Title 1.1. The judiciary shall adjudicate any conflict between any legal entities.

Title 1.2. A legal entity shall be anything or anyone that has any rights defined by acts of the Parliament or in the Constitution.

Title 2. The Judiciary shall consist of two (2) levels, those being the: Supreme Court, and the Magistrate's Court

Title 3. The Supreme Court Chief Justice shall be the head of the Judiciary.

Title 3.1. In the case that the Chancellor is unable to find any suitable candidates, or chooses to delegate their responsibility to the Chief Justice, the Chief justice may:

Title 3.1.1. Nominate citizens to become Magistrates.

Title 3.1.2. Nominate Magistrates to become Supreme Court Justices.

Article 1 - The Magistrates Court

Title 1. There shall be a Magistrates Court, which shall be the lower court of Midnight Democracy.

Title 2. The Magistrates court shall be made up of no more than one (1) magistrate for every fifty (50) citizens, or no less than five (5) members.

Title 3. A Magistrate may take part in political ideologies, or rallies.

Title 4. Magistrates shall be appointed by the Chancellor and confirmed by the Parliament by a two thirds ($\frac{2}{3}$) majority vote.

Title 4.1. Magistrates must be volunteer only; no one shall be compelled to sit in the position.

Title 4.2. To be nominated to be a Magistrate, a citizen must have:

Title 4.2.1. Passed the bar exam.

Title 4.2.2. Served in some legal capacity for at least two (2) weeks.

Title 5. Magistrates shall serve indefinitely until resignation, dismissal or impeachment.

Title 5.1. Magistrates may resign at any time except during a trial.

Title 5.2. Magistrates can be dismissed by a unanimous decision by all of the other judges with a two thirds ($\frac{2}{3}$) majority confirmation vote in the People's House.

Title 5.3. Magistrates may be impeached for abuse of office, dereliction of duty, treason, or other high crimes and misdemeanours.

Title 5.4. Impeachment of Magistrates shall be confirmed with a 24 hours public referendum by a two thirds ($\frac{2}{3}$) majority.

Article 2 - Magistrates Court Procedures

Title 1. Any criminal or civil cases will be heard in the Magistrates court.

Title 1.1. Whether a case is criminal or civil shall be determined by the criminal code; whereas if the offence is in the criminal code, the case shall be considered a criminal case.

Title 2. If a case has a valid legal basis, the Attorney General shall select a Magistrate to hear it.

Title 2.1. The selection is to be made at random through the use of a random number generator.

Title 2.2. The selection is to be made from a pool of all Magistrates of Midnight Democracy.

Title 2.3. If selected, a Magistrate must declare their neutrality towards the case.

Title 3. In the case of Conflict of Interest, a Magistrate must recuse themselves.

Title 3.1. Failure to recuse in the case of Conflict of Interest is grounds for impeachment.

Title 4. In a criminal trial, the party pressing charges shall be known as the “Prosecution”, and those that oppose the charges shall be known as the “Defense”.

Title 4.1. In a criminal trial, the “Prosecution” will be one of the following:

Title 4.1.1. The Attorney General, a Deputy Attorney General, or a Special Prosecutor.

Article 3 - Judicial Powers

Title 1. The Judiciary is responsible for accurately applying the law according to the Constitution, Acts of the Parliament, and precedents, as well as other legislation.

Title 1.1. In a case of contradiction, the Constitution overrides acts of the Parliament.

Title 2. The first round of a case shall be heard by a single randomly selected judge.

Title 2.1. The Judiciary must provide the legal reasoning behind their judgment, in a public brief, including cited acts, laws, and precedents, as well as the verdict. Failure to do so may be a cause for impeachment.

Title 2.2. Judges shall have 24 hours after a verdict to provide reasoning. They may request additional time once to the Attorney General of a maximum of one week.

Title 2.3. In a case of a believed wrongful verdict, the losing party may appeal the verdict to the Supreme Court.

Title 3. No legal entity may be tried twice on the same (or similar) charges and on the same facts, following a valid acquittal or conviction.

Title 3.1. This refers to being charged for the same instance of a crime being committed, not the same crime being committed multiple times.

Title 4. No one may be punished without a fair trial.

Title 4.1. A punishment shall include: unlawful deletion of a comment or message, ban from either discord or Reddit, kick from discord, removal of any role or permissions on the discord unless it is done by the Discord Supervisor, giving any role which takes away permissions, legally taking jobs or any other activities which negatively impacts the user.

S4.2. An exception shall be made in case of pre-trial measures or arrests.

S4.3. A citizen may choose not to exercise their right to trial.

S4.4. A fair trial shall be defined as a trial done accordingly to lawful and legal judicial procedures.

Title 5. All defendants shall have the right to defend themselves and self-representation as well as to have an attorney to represent themselves.

Title 6. Evasion of lawfully given punishment shall be illegal.

S6.1. Evasion of punishment shall be defined as trying to intentionally circumvent a lawfully given punishment.

Article 4 - The Supreme Court

Title 1. There is to be a Supreme Court, whose members will act as Midnight Democracy's constitutional court, as well as serve as the country's appellate court.

Title 2. The Supreme Court shall be composed of no more than three (3) Supreme Court Justices.

Title 2.1. Supreme Court Justices may only be nominated from a pool of the current Magistrates who meet the criteria below:

Title 2.1.1. Magistrates must have served for at least one month.

Title 2.1.2. Magistrates must have heard at least 3 trials.

Title 2.1.3. Magistrates must not have any prior convictions.

Title 2.2 In the case that no Magistrates meet the criteria listed in Title 2.1. The Supreme Court Chief Justice may choose to waive S2.1.1. and/or S2.1.2.

Title 2.2.1. In the case that there is no Supreme Court Chief of Justice, the Chancellor shall have the right to waive Title 2.1.1. and/or Title 2.1.2.

Title 3. The Supreme Court Justices shall choose a Supreme Court Chief Justice from among themselves.

Title 3.1. The duty of the Supreme Court Chief Justice is to be the representative of the Judiciary branch.

Title 3.2. The duty of 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.

Title 3.3. The Supreme Court Chief Justice shall have the right to reject cases brought before the Supreme Court with adequate reasoning.

Title 3.4. The Supreme Court Chief of Justice shall write the court's judicial opinion when in the majority, otherwise, the oldest serving Justice shall choose who will write the opinion.

Title 4. Supreme Court Justices shall serve indefinitely until impeachment or resignation.

Title 4.1. Supreme Court Justices shall be appointed by the Chancellor and confirmed by a 2/3 majority in the House of Lords.

Title 4.2. Supreme Court Justices may be impeached in the same way as judges.

Title 4.3. Supreme Court Justices shall be required to serve at least a month as judges and shall be also currently serving as judges.

Title 4.4. If there is an issue with a vacancy of third Supreme Court Justice, with approval from the Chancellor, two (2) Supreme Court Justices may appoint a judge to the office of Supreme Court Justice who has yet to serve the required month.

Title 5. The Supreme Court shall possess the power of judicial review, which is a process in which the Judicial Department shall ensure the actions of the Executive and Legislative Departments are constitutional.

Title 5.1. If through the process of Judicial Review, the Supreme Court finds an act, law, or action is unconstitutional they shall have the authority to invalidate them.

Title 5.2. Any citizen (including a member of the Supreme Court) may request the Supreme Court begin the process of Judicial Review.

Title 5.3. For Judicial Review to begin, the Chief Justice must bring the request to the Supreme Court

Title 5.4. The request may be denied if either the Chief Justice or two (2) out of the three (3) members of the Supreme Court so choose.

Title 5.5. In judicial review cases, the Attorney General shall act as the defence.

Title 6. All sentence appeals shall be directed to the Supreme Court.

Title 6.1. The Supreme Court Chief of Justice shall be permitted to deny hearing any case with adequate reasoning.

Title 6.2. The Supreme Court Chief's of Justice denial may be overturned by two (2) other Supreme Court Justices. In this case, section 2.1 of Article X shall be enforced.

Title 7. An appeal shall follow standard trial procedures, except:

Title 7.1. The Supreme Court shall act in the place of a Magistrate

Title 7.2. The judicial opinion and verdict on appeals may be released up to 72 hours after the trial.

Title 8. If any of the Supreme Court Justices had served as the magistrate in the appealed case, a magistrate shall be chosen at random to take their place.

Title 8.1. If the Supreme Court Chief Justice has been the judge in the appealed case, the longest-serving Justice shall instead temporarily assume the duties of Supreme Court Chief Justice.

Title 8.2. In the case that a Supreme Court Justice chooses to recuse themselves from an appeal, a magistrate shall be chosen at random to take their place.

Title 8.3. In the case that there is only the Supreme Court Chief Justice, they shall be solely responsible for sitting on the appellate.

Title 9. An appeal may be made only once per case.

 Title 3.4. The government may not appeal in a criminal case.

Title 10. The decisions of the Supreme Court shall be binding to any courts of lower instance.

Title 11. The decisions of the Supreme Court may be overturned in the same way that any act, action or law may.

Section 4: Guilds

Title 1. Guilds will be groups of citizens with a common interest.

Title 2. The default maximum number of guilds is seven.

Title 3. The first seven guilds may be formed by citizens who have found at least two other people to be a part of their guild. They must announce their creation on the subreddit, as well as their members, current leader, and the purpose of their guild.

Title 4. No one may be a member of multiple guilds at the same time.

Title 5. Should a political guild exist, it must not officially lean in any direction, or take any official stances on real-world issues.

Title 6. The representative any guild sends to the House of Lords will be selected by the founder or present leader of the guild. They may use whatever procedures they like to select them, democratic or otherwise.

Title 7. Guild members may vote to replace their leader with anyone they like. With at least 2/3rds support, the guild leader will be replaced by the named person.

Title 8. New guild members must be approved of by the guild leader.

Section 5: Rights and Restrictions of Power

Title 1. The government of Midnight Democracy may not pass bills violating the rights and restrictions of power mentioned in this section.

Title 2. All citizens of Midnight Democracy have the right to a timely trial.

Title 3. All participants in Midnight Democracy may apply for citizenship, which may be granted or rejected by the Citizenship Committee, and rescinded according to procedures defined by legislation passed by the Parliament.

Title 3.1 Citizenship may be withdrawn by simple majority vote by the People's House and approved by the House of Lords.

Title 4. The government may not allow non-citizens to hold any office.

Title 5. The government may not allow anyone to hold positions in both branches.

Title 6. All citizens are free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of comradery.

Title 7. Everyone is entitled to all the rights and freedoms set forth in this constitution, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Title 8. Everyone has the right to life, liberty and security of person.

Title 9. No one shall be subjected to cruel or degrading treatment or punishment.

Title 10. Everyone has the right to recognition as a person before the law.

Title 11. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this section of the constitution and against any incitement to such discrimination.

Title 12. Everyone has the right to an effective remedy by the courts for acts violating the fundamental rights granted to them by the constitution or by law.

Title 13. No one shall be subjected to arbitrary arrest, detention or exile.

Title 14. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of their rights and obligations and of any criminal charge against them.

Title 14.1. Everyone charged with a penal offence has the right to be presumed innocent until proven guilty according to law in a public trial at which they have had all the guarantees necessary for their defence.

Title 14.2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at

the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Title 15. All citizens have the right to complete privacy within channels declared private. Information may not be intentionally leaked from such channels, unless that information is of mundane, non-secretive quality.

Title 16. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change religion or belief, and freedom, either alone or in community with others and in public or private, to manifest religion or belief in teaching, practice, worship and observance.

Title 17. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Title 18.1. Everyone has the right to freedom of peaceful assembly and association.

Title 18.2. No one may be compelled to belong to an association.

Title 19. Every citizen has the right to take part in the government of their country, directly or through freely chosen representatives.

Title 19.1. Everyone has the right of equal access to public service in their country.

Title 19.2. The will of the citizens shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by free voting procedures.

Title. 20. Everyone has the right to education. Education shall be free. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Title. 20.1. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the purpose of democracy and positivity.

Title 21. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Title 22. Everyone is entitled to a social order in which the rights and freedoms set forth in this constitution can be fully realized.

Title 23. In the exercise of their rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Title 23.1 These rights and freedoms may in no case be exercised contrary to the purposes and principles of democracy and positivity.

Title 24. All citizens have the right to rest and leisure. The Parliament will be in recess every Wednesday, and the Judicial will be in recess every Thursday. All those who work in the government may signal a personal recess for a maximum period of one week, but may not do so if the recess overlaps with an ongoing emergency, and must signal this personal recess at least twelve hours in advance.

Title 25. Nothing in this section may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Title 26. The government of Midnight Democracy may not lie to its citizens.

Section 6: Interpretation

Title 1. All articles in the Constitution of Midnight Democracy and all laws passed by the government of Midnight Democracy must include at the start a “TL;DR” which provides a brief overview of what the law is that is easily understandable for the average person.

Title 1.1. The TL;DR is non-binding and should not be preferred ahead of the full text of the Constitution of Midnight or a piece of legislation in Midnight.

Title 2. Where two laws contradict each other in separate pieces of legislation, an interpretation that allows both to function should be given.

Title 3. If the two laws are so contradictory that only one may apply and not the other, the more recently passed law should apply.

Title 4. All laws shall be interpreted in a manner that aligns with the provisions of Midnight’s Constitution.

Title 5. Where a word or phrase is undefined, its ordinary dictionary meaning should be preferred.

Title 6. This constitution shall be referred to as the Constitution in related legislation.

Title 6.1. Amendments to the Constitution shall be referred to as Constitutional Amendments, and it shall be the practice of the State of Midnight to update the Constitution to include any Constitutional amendments to the Constitution.

Title 7. Laws passed by Parliament shall be referred to as Acts.

Title 7.1. Amendments to Acts must override an Act as a whole, renaming the Act to include a digit next to it indicating the number of amendments made to the Act.

Title 7.2. Older versions of Acts shall be archived.

Title 8. All laws passed shall be required to be in a similar form and structure as this constitution.

Section 7: Janitors

Article 1 - Maintaining Democracy

Title 1. The original owner of the Midnight server and r/MidnightDemocracy shall be required to pass ownership of the server and subreddit to the initially elected Discord Janitors and Reddit Janitors respectively.

Title 1.1 The original owner shall not bypass this requirement by being an initial Discord Janitor or Reddit Janitor.

Title 2. Should Discord or Reddit become unsuitable venues for Midnight to exist democratically, it is the right and duty of the people to find a new online home to continue Midnight's democratic and community-driven principles.

Title 3. Both Janitors will be appointed by the Chancellor and approved by both houses.

Article 2 - Discord Janitors

Title 1. The Discord Janitors shall be the dormant moderators on the Midnight Democracy Discord Server and any other Servers within Midnight Democracy's jurisdiction.

Title 2. There must be between 1 and 3 Discord Janitors.

Title 3. The Chancellor shall appoint the Discord Janitors, which are to be confirmed by a two-thirds majority in the House of Lords and then affirmed by a majority vote by the citizens of Midnight Democracy.

Title 3.1 The Discord Janitor with the highest vote shall be the server owner of Midnight Democracy's Discord Server.

Article 3 - Reddit Janitor

Title 1. The Reddit Janitor shall be the dormant moderator on the Midnight Democracy Subreddit and any other Subreddits within Midnight Democracy's jurisdiction.

Title 1.1 This excludes r/TwilightDemocracy, which shall be a back-up SubReddit owned by a separate moderator in the event the Reddit Janitor becomes tyrannical.

Title 2. The Chancellor shall appoint the Reddit Janitor, which is to be confirmed by a two-thirds majority in the House of Lords and then affirmed by a majority vote by the citizens of Midnight Democracy.

Closing statement

This document was written by and for the citizens of Midnight Democracy, using ideas and opinions formed by the entire community. By preserving, modifying, and upholding this constitution, our hope is to build a healthy, democratic community, focusing on the community activity and enjoyment that is protected by democracy, not the democratic system itself. All people involved with Midnight Democracy, be welcome, and be kind.