

PRESIDENTIAL ELECTIONS LAW

Number of Law : 6271
Date of Acceptance : 19/1/2012
Published on Official Gazette: 26/1/2012 Nr : 28185
Published Code : Consolidation : 5 Volume: 51

CHAPTER ONE**General Provisions****Objective and scope**

ARTICLE 1 – (1) The objective of this Law is to determine methods and principles of elections of President, specifications of presidential candidates, transactions that should be undertaken prior to elections, on election day and after election.

General principles to be implemented in election

ARTICLE 2 – (1) President is elected by public.

(2) The election is executed equal and secret ballot on the same day throughout the country under the management and monitoring of jurisdiction. The voting of the Turkish citizens living overseas is undertaken within the provisions of 26/4/1961 dated and 298 numbered Law on Basic Provisions on Elections and Voters Registers.

(3) The voter casts his vote himself and in full freedom.

(4) Counting, tabulating and preparing minutes for the votes are made in open.

(5) Unless otherwise is specifically mentioned in this Law, the provisions, their attachments and amendments that are not against this Law of 298 numbered law, 22/4/1983 dated and 2820 numbered Political Parties Act, 10/6/1983 dated and 2839 numbered Parliamentary Elections Law, 18/1/1984 dated and 2972 numbered Local Administrations and Neighborhood Mukhtars and Board of Alderman Elections, 23/5/1987 dated and 3376 numbered Law on Presenting Constitutional Amendments to Referendum, are applied.

(6) Supreme Election Council, from the beginning till the end of elections, is authorized to make or to have it made all necessary transactions for the proper management and honesty of elections, to take necessary principal decisions, when considered necessary to shorten all durations defined in this Law and the Laws mentioned in fifth clause and to determine and announce..

Electoral period, beginning of electoral period and completing of elections

ARTICLE 3 – (1) Presidential elections are undertaken once in five years. One person may be elected as President twice.

(2) Presidential elections are completed sixty days prior to end of mission of previous president or in case of discharging of office, in sixty days following the discharge of duty. Presidential elections period starts on the sixtieth day prior to the end of mission of the previous president, or in case of discharging of office, the day following the day of discharge.

(3) In order to complete the elections within the time period defined in second clause, Supreme Election Council ex officio determines and announces electoral calendar.

Electoral system and its implementation

ARTICLE 4 – (1) Elections which will be undertaken with general ballot, candidate who takes the majority of valid votes is elected as President. In case majority can not be achieved in first voting, second voting is undertaken on the second Sunday following the first voting. Two candidates with the highest two voting amounts in the first voting, attend to this second voting and the candidate who takes the majority of valid votes, is elected as President.

(2) In case one of the two candidates in the second round loses his/her eligibility of being elected or passes away, the second round is being undertaken by filling of empty candidacy according to the sequence in the first voting. Substitution is not applied for reasons other than the results mentioned above.

(3) In case of single candidacy, voting will be realized as referendum. The candidate is elected as President in case he/she takes the majority of the votes. The election is renewed if single candidate is unable to take majority of the votes.

(4) The mission of current President continues unless the new President starts his mission. In case the office of Presidency is emptied due to death, resignation or for any other reasons, Speaker of Turkish Grand National Assembly deputizes the office of Presidency and exercises the authorities of President.

(5) Person elected as President, is discharged ,if any, from his party and his membership in Turkish Grand National Assembly is terminated.

Retarding of election

ARTICLE 5 – (1) In case Turkish Grand National Assembly decides that elections can not be undertaken due to the reason of war, elections are retarded for a year.

(2) In case the reason of retarding has not diminished, the process is repeated in line with the method in retarding decision.

Electoral eligibility

ARTICLE 6 – (1) Members of Turkish Grand National Assembly over the age of 40 and completed his high education and every Turkish citizens who are eligible to be elected, can be elected as President.

SECTION TWO**Works prior to elections****Being nominated**

ARTICLE 7 – (1) In order to be nominated as President both inside and outside Turkish Grand National Assembly, written offer of at least twenty MP's is necessary. Each MP may offer only one candidate.

(2) Political parties that exceed ten percent in case their valid votes are calculated in recent parliamentary general elections may make common nomination. Each political party may only nominate for one candidate.

(3) Being nominated is subject to written consent of the individual.

(4) Within the period determined by Supreme Election Council, nomination is exercised after presenting names of the candidates, consent documents and other necessary papers to Presidency of Turkish Grand National Assembly or Supreme Election Council. In case the application is realized to Presidency of Turkish Grand National Assembly, all documents and information are transmitted to Supreme Election Council within 24 hours following the end of application date.

(5) Following the end of application date, new candidate can not be nominated in any conditions.

Deficiency in information and documents related with candidates

ARTICLE 8 – (1) In case deficiencies are determined in information and documents related with candidates, Supreme Election Council gives five days of additional time to remedy the deficiencies.

(2) In case the candidate is unable to remedy the deficiencies, the candidacy is automatically withdrawn.

Examination of candidacy and provisional candidate list

ARTICLE 9 – (1) Supreme Election Council, after making examination on candidates, determines provisional candidate list indicating the ones having eligibility of voting and conditions to be nominated. Provisional candidate list and duration of objection is published in Official Gazette.

Objection and final candidate list

ARTICLE 10 – (1) Within two days following the announcement in Official Gazette, objections may be raised to Supreme Election Council against provisional candidate list or not including into the list.

(2) Supreme Election Council decided on the objections within three days and publishes final candidate list in Official Gazette.

Candidates leaving or returning their offices

ARTICLE 11 – (1) Judges and prosecutors, members of supreme judicial bodies, instructors in higher education institutions, members of Higher Education Board and supreme Board of Radio and Television, public servants working in public offices and institutions, other public servants not working with the status of worker, mayors, military officers and sergeants, presidents and members of provincial and district boards of political parties, members of municipal councils, members of provincial councils, vocational institutions with the characteristics of public institutions, unions, public banks, those who work in the management and members of monitoring boards of ventures or enterprises of which upper unions and superior institutions, who are nominated as candidate for Presidency, are considered as resigned from their offices as of date of finalization of candidacy. Supreme Election Council immediately informs this situation to the related ministry or institution of candidates.

(2) Except from Judges and prosecutors, members of supreme judicial bodies, military officers and sergeants, public servants and other public officers nominated for Presidency, in case of losing candidacy or elections, upon their application within a month following the announcement of Supreme Election Council on result of elections, may return to their previous offices or any other offices with their acquired wages and rights on ranking.

Decrement in candidacy

ARTICLE 12 – (1) In the first voting, following the publishing of final candidate list in Official Gazette, decrements in the list until 17.00 of voting day, do not require any change.

Propaganda

ARTICLE 13 – (1) Propaganda period starts on the day of finalization of candidate list and ends at 18.00 previous day of election.

(2) In propaganda period, impartial and equal undertaking of propaganda broadcasting from Turkish Radio and Televisions is provided by Supreme Election Council and Turkish Radio and Television Institution.

(3) In the propaganda speeches of candidates in private radios and televisions, except from the limitations related with duration, provisions of 298 numbered Law are implemented.

(4) During propaganda period, including the provisions related with prohibition on Prime Minister, ministers and MP's, other issues related with propaganda, provisions of 298 numbered Law are implemented by analogy.

Aid to candidates

ARTICLE 14 – (1) Candidates are not allowed to take aid or donation from foreign states, international institutions, legal entities and real individuals without Turkish nationality.

(2) Candidates have to declare property within candidate application period determined by Supreme Election Council. Property declaration of elected candidate is published in Official Gazette.

(3) The amount of cash aid by each individual to a candidate, for each voting, may not exceed one month of gross salary of public servant actually paid within the scope of financial rights. Aids and donations taken are exempted from inheritance and transfer tax. Candidates are not allowed to borrow money.

(4) In order to provide transparency, cash aids over the amount determined by Supreme Election Council are deposited in "electoral account" that will be opened in the name of candidates. Cash aids under the amount determined by Supreme Election Council are taken in return of receipt and deposited in electoral account. Donations and aids may only be used in electoral purposes and may not be allocated for any other purposes.

(5) Within the period beginning from finalization of candidacy to finalization of results, all expenses are recorded in the lists approved by Supreme Election Council.

(6) Information and documents related with aids and donations with electoral accounts, are presented to Supreme Election Council within ten days following the finalization of results. Supreme Election Council examines the electoral accounts in a month and determined deficiencies if any, or whether the above mentioned limits have been exceeded. Supreme Election Council gives candidate an appropriate duration to eliminate such deficiencies. Among the aids and donations, amount that exceed determined limits are reverted to Treasury. While undertaking this mission, Supreme Election Council may take assistance from Council of State or any other related institutions.

(7) Examination of Supreme Election Council are final and announced in one month following examination.

(8) With the condition of prior notifying to Supreme Election Council, the candidate may assign one or more members of profession authorized due to 1/6/1989 dated and 3568 numbered Law on Independent Accountant and Financial Advisor or lawyers related with the issues of recording and presenting electoral accounts, electoral expenses and income. In such case, authorized professional is hold responsible due to provisions of legislation for undertaking of responsibilities or elimination of deficiencies.

(9) Methods and principles of declaration of property delivered by candidate, type, content and approval of the lists that will be used by candidates, type and content of invoices, their printing, accepting of donations and aids, their recording, spending, reverting of the exceeding amount to Treasury and other methods and principles related with the implementation of this Article, are determined by Supreme Election Council.

CHAPTER THREE **Works of Election Day**

Shape of ballot paper

ARTICLE 15 – (1) On the combined ballot paper with watermark, there is the phrase of “Candidates of Presidency” and names and surnames of the candidates in sequence determined by Supreme Election Council by drawing lot.

(2) In case the voting is being exercised as referendum, combined voting document composed of two colors on which “Yes” phrase on white and “No” phrase on brown exist.

(3) Supreme Election Council determines other issues related with combined voting documents. Supreme Election Council may print or may have get printed the combined ballot papers by hands of determined District Election Boards. Necessary allowance is taken from Ministry of Finance.

Type of voting

ARTICLE 16 – (1) Voter gets in ballot booth with combined ballot paper and “Yes” or “Preference” stamp in order to cast his vote.

(2) Voter exercises his voting right by impressing the seal on the special circle of the candidate he prefers and puts the combined paper in envelope and puts the envelope in the ballot.

(3) Voter, after casting vote, returns the stamp to the president of the ballot box committee.

Voting in case of referendum

ARTICLE 17 – (1) Voter gets in ballot booth with combined ballot paper and “Yes” or “Preference” stamp in order to cast vote.

(2) Voter casts his vote by impressing the seal on the special circle of the candidate he prefers and puts the combined paper in envelope and puts the envelope in the ballot.

(3) Voter, after casting vote, returns the stamp to the president of the ballot box committee.

CHAPTER FOUR
Post Electoral Works and Final Provisions

Combining of electoral minutes and combination of results

ARTICLE 18 – (1) Supreme Election Council methods and principles on content of minutes which should be arranged by Provincial and District Election Boards and combination of electoral results.

(2) Supreme Election Council combines the results delivered by Provincial Election Boards and makes announcement.

Cancel of election or combination minute

ARTICLE 19 – (1) In case cancellation is decided for combination minutes in one or more electoral environments, Supreme Election Council decides whether the elections will be renewed in aforementioned electoral environments considering the effect of results of such electoral environments on results in country general.

Finalization of Presidential elections

ARTICLE 20 – (1) Supreme Election Council notifies Turkish Grand National Assembly and Presidency about the final results of elections, results are announced to public and published in Official Gazette.

(2) In the name of elected President, Supreme Election Council arranges a presidential minute.

Presenting minute to President and ceremony of taking oath

ARTICLE 21 – (1) Minute prepared in the name of elected President, is delivered by the Speaker of Turkish Grand National assembly in the general council of National Assembly and oath taking ceremony is exercised in the same session. This session is organized on the day of end of mission of previous President or in case the office is emptied for another reason, within three days following the finalization of electoral results.

Amended Legislation

ARTICLE 22 – (1) related with 298 numbered Law and issued on its place.

PROVISIONAL ARTICLE 1 – (1) The term of mission of 11th President is 7 years.

Cancel: Due to 15/6/2012 dated and E.: 2012/30, K.: 2012/96 numbered decision of Constitutional Court

Enforcement

ARTICLE 23 – (1) This Law becomes valid on the day of publishing.

Execution

ARTICLE 24 – (1) provisions of this Law are executed by Speaker of Turkish Grand National Assembly and Council of Ministers.

Amended Law nr	Date of entry of amended Law	Date of official Gazette of amended law	Decision date/nr of Constitutional Court	Changed articles of 6271 numbered Law
	1/1/2013	1/1/2013	15/6/2012 dated and E.: 2012/30, K.: 2012/96 numbered decision	Provisional Article 1