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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

TURKEY

LAW ON PRESIDENTIAL ELECTIONS

**(WITH TRACK CHANGES INDICATING THE AMENDMENTS
MADE BY LAWS 7062 ON 30 NOVEMBER 2017,
7102 ON 13 MARCH 2018
AND 7140 ON 25 APRIL 2018)**

LAW ON PRESIDENTIAL ELECTIONS

Law No : 6271 **Date of Enactment** : 19.01.2012
Official Gazette Publication Number : 28185 **Official Gazette Publication Date** : 26.01.2012

FIRST SECTION

General Provisions

Purpose and Scope

ARTICLE 1 – (1) The purpose of this law is to regulate the principles and procedures with regards to the Presidential elections, the eligibility of Presidential candidates, and the procedures that are required to be performed prior to, on the day of, and after the election.

General principles to be implemented in the elections

ARTICLE 2 – (1) The President is elected by the people.

(2) The election is performed with general ballot, equal, and secret ballots across the country on the same day under the administration and supervision of the judiciary. Voting by Turkish citizens living abroad is executed within the framework of the provisions of the Law No. 298 of 26/4/1961 on the Basic Provisions of Elections and Electoral Registry.

(3) The voters shall cast their votes with full liberty.

(4) The votes are counted, tallied, and reported in an open manner.

(5) For circumstances that do not have specific provisions in this law, the provisions of the Law No. 298, The Political Parties Law No. 2820 of 22/4/1983, The Parliamentary Elections Law No. 2839 of 10/6/1983, The Law No. 2972 of 18/1/1984 on the Election of Local Governments, Neighborhood Masters and Neighborhood Executive Committees, The Referenda on Constitutional Amendments Law No. 3376 of 23/5/1987 and their annexes and amendments that do not conflict with this Law shall be implemented.

(6) From the beginning to the end of the Presidential elections, the Supreme Election Council is authorized to make resolutions for the purpose of performing all procedures regarding the orderly administration and fairness of the election and having these procedures performed by other parties and to shorten the periods specified in the laws specified in the fifth clause and this law with regards to the election and to determine and make announcements.

-The election period, commencement of the election period, and completion of the elections

ARTICLE 3 – [\(amended on 25/4/2018 in accordance with the article 3 of Law 7140\)](#)

[\(1\) Elections for the Grand National Assembly of Turkey and elections for the presidency shall be held every five years on the same day.](#)

[\(2\) One person may be elected as President no more than twice. However, if the Parliament decides to renew the elections in the second term of the President, the President may once again be a candidate.](#)

[\(3\) The last Sunday before the term of the Grand National Assembly of Turkey and the President expire is the voting day. The duration of the term is determined based on the](#)

previous election date. Starting date of the election shall be the first day of a 60-day period ahead of elections.

(4) If the election is decided to be renewed, this decision shall be announced by publishing in the Official Gazette within forty-eight hours. Presidential elections and elections of the Grand National Assembly of Turkey are held together on the first Sunday following the sixtieth day after this decision is made.

(5) If the office of the Presidency is discharged for any reason and if one year or less than a year left for the election of the Grand National Assembly of Turkey, Presidential election will be held together with the election of the Grand National Assembly of Turkey on the first Sunday following sixtieth days after the day on which the office is discharged.

(6) If the office of the Presidency is discharged for any reason and if more than one year left for the election of the Grand National Assembly of Turkey, presidential election, will be held on the last Sunday within 45 days after the day on which the office is discharged. The president elected under this situation remains in the office until the date of the election of the Grand National Assembly of Turkey. For the president who has completed the remaining period, this period is not counted for the term of presidency.

(7) In order to complete the elections within the periods prescribed in the above paragraphs, the election calendar shall be determined and announced ex officio by the Supreme Board of Elections.

~~(1) The Presidential elections are held once in five years. An individual can be elected President twice at the most.~~

~~(2) The Presidential elections are completed within sixty days prior to the end of the term of office of the President. In case the office is vacated due to any reason, the election is completed within sixty days following the date of vacation. The presidential election period starts on the sixtieth day prior to the end of the President's term of office and on the day after the office is vacated due to any reasons.~~

~~(3) The election calendar can directly be determined and announced by the Supreme Election Council for the purpose of completing the elections within the periods specified in the second clause.~~

Election system and its implementation

ARTICLE 4 – (amended on 25/4/2018 in accordance with the article 4 of Law 7140)

(1) A candidate that has received majority of the valid votes in the first round will be elected as president. If none of the candidates can reach this percentage, then a second round of elections will be held on the second Sunday following the election day. The two candidates that have received the most votes will participate to the second round and the candidate who received most of the valid votes will be elected as president.

(2) If one of the candidates who are entitled to participate in the second round does not participate to the election for any reason, in the second round, vacant seat is substituted according to the result of the first round. However, substitution may be made until 5 pm on the day following the announcement of the temporary results.

(3) In case of only one candidate, voting is done in the form of a referendum. The candidate who receives the majority of the valid votes is elected president. In this case, if the candidate fails to receive the majority of the valid votes, the election is renewed and the Presidential

election, alone, is held on the first Sunday following of the forty-fifth day after the announcement of the final results.

(4) If the term of office of the President is expired or decision is taken to renew the elections, or the elections cannot be completed, the current President shall continue until the new one starts his/her duty.

(5) When a person is elected as President, the membership of the Grand National Assembly of Turkey will end, if there is any.

~~(1) In the election to be conducted with general ballots, the candidate receiving the absolute majority of valid votes shall be elected as President. If this majority is not achieved in the first vote, second voting is performed on the second Sunday following the first voting. The two candidates receiving the most votes in the first voting shall run in the second voting and the candidate receiving the majority of valid votes shall be elected as President.~~

~~(2) In case one of the candidates entitled to run in the second voting dies or loses his/her capacity to be elected, the second voting is performed with the substitution of the vacated candidacy according to the order in the first voting. In case of a vacation due to a reason other than these, substitution shall not be resorted to.~~

~~(3) In case the voting is conducted with a single candidate, the voting is conducted in the form of a referendum. In case the candidate receives the majority of valid votes, s/he shall be elected President. In case the candidate fails to receive the majority of valid votes in the voting, the election is renewed.~~

~~(4) The service of the President, whose term has ended, continues until the elected President takes office. In case the office of the President is vacated due to death, resignation or another reason, the President of the Grand National Assembly of Turkey shall act as the President until the new President is elected and shall exercise powers of the President.~~

~~(5) If any, the President-elect shall terminate bonds with his/her party and terminate his/her service as a member of the Grand National Assembly of Turkey.~~

Postponement of the election

ARTICLE 5 – (1) In case a resolution is made by the Grand National Assembly of Turkey on the inability to hold new elections due to a war, the Presidential election is postponed for a year.

(2) If the reason for postponement no longer exists, this procedure can be repeated according to the procedure in the resolution of postponement.

Eligibility

ARTICLE 6 – (1) Members of the Grand National Assembly of Turkey over the age of forty with a degree of higher education or any Turkish citizen with these qualifications and the eligibility to be elected a member of parliament can be elected as President.

SECOND SECTION

Pre-election Activities

Nomination

ARTICLE 7 –(amended on 25/4/2018 in accordance with the article 5 of Law 7140)

(1) President can be nominated by:

a) Political party groups,

b) Political parties alone or together received at least 5 % of the total votes in the last election

c) At least by 100.000 voters

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

(3) No new candidate can be nominated after the date of the end of the nomination period.

~~(1) Nomination for Presidency within and out of the Grand National Assembly of Turkey is possible with the written proposal of at least twenty Members of Parliament. Each Member of Parliament can make a proposal for nomination for one candidate.~~

~~(2) Political parties, whose valid votes exceed ten percent when calculated together with the total in the most recent parliamentary elections, can nominate a common candidate. Each political party can nominate only one candidate.~~

~~(3) Nomination depends on the written consent of the individual.~~

~~(4) When an application is filed to the Presidency of the Grand National Assembly of Turkey or the Supreme Election Council, within the period announced by the Supreme Election Council, together with the names, consent documents, and other required documents of the candidate, s/he shall be nominated. When the application is filed to the Grand National Assembly of Turkey, all information and documents are forwarded to the Supreme Election Council within twenty four hours after the finalization of the application period.~~

~~(5) Definitely, no nomination can be made after the finalization of the nomination period.~~

Nomination by political parties (amended on 25/4/2018 in accordance with the article 6 of Law 7140)

Lack of Information and Documents Regarding the Candidates

ARTICLE 8 – (1) The Political Parties that have groups in the Grand National Assembly of Turkey can nominate candidate for the presidency with the decision of the Group and the other political parties can nominate with the decision of the competent authorities indicated in their status.

(2) During the period announced by the Supreme Board of Elections, candidates are nominated by applying to the Supreme Board of Elections together with their names, consent letters and other necessary documents. Each political party or party group can only apply for one candidate. One person can be nominated by more than one political party group or political party.

(3) If deficiencies are detected in the information and documents related to the candidates, the Supreme Election Board shall give a five-day to the relevant political parties to remedy deficiencies.

(4) Political parties that do not remedy the deficiencies within the given period are considered to have abandoned their nomination.

ARTICLE 8/A (Annexed on 25/4/2018 in accordance with the article 7 of Law 7140)

(1) Candidates may be nominated for the Presidency with a written proposal of at least one hundred thousand voters.

(2) The person who wants to be nominated by the voters apply personally to the Supreme Board of Election with the following documents:

a) Application letter, including ID and clear address information, and documents of eligibility.

b) A receipt showing that ten times the gross amount of all payments made to the highest-ranking civil servant under financial rights has been deposited to the relevant treasury office

(3) The Supreme Board of Elections shall examine the application and its annexes within two days. At the end of the review:

a) If the applicant is found not to be eligible, the application is rejected. The applicant may request re-examination within two days of notification of such decision. The Supreme Board of Elections shall decide on this request within three days.

b) In case of deficiencies in the information and documents, two days will be given for the completion of the deficiencies. If the deficiencies are not completed within this period, the application is rejected.

(4) The Supreme Board of Elections shall announce the list of the applicants whose applications are accepted. Voters may only make a bid for only one of the persons specified in this announcement.

(5) Voters shall personally apply for the nomination to the district election board to which they are registered. After it is determined that the applicant has the qualifications as a voter and that he has not made a candidate bid before, the voter make a choice among the applicants and a form containing the information of the candidate is signed by the voter and it is recorded in electronic environment. The voter is given a document indicating the bid made for an applicant. Candidate nomination forms are transmitted electronically to the Supreme Election Board and physically stored in the district election boards. In the case of request of the applicant, who wishes to be nominated, forms and other information about those who made bid for applicant is provided to the applicant. The matters concerning the appeal shall be decided by the Supreme Board of Elections.

(6) The persons who are nominated by a hundred thousand voters within the specified time period are included in the temporary candidate list.

(7) In case person is nominated by a hundred thousand voters or in case of death the money deposited to the treasury office shall be returned after the election on demand. In other cases, this amount is recorded as income to the Treasury.

(8) For the procedures related to the candidate nomination, sufficient number of personnel are assigned to the district election boards, and necessary measures are taken.

(9) Other procedures and principles related to the application of this article including the applications and forms regarding the nominations by the voters and nomination by the voters registered abroad are determined by the Supreme Board of Elections.

~~_(1) In case a lack of information or documents is determined regarding the candidates, a period of five days is granted by the Supreme Election Council for the purpose of providing lacking information and documents.~~

~~(2) In case the lacking information or documents are not provided within the provided period, the candidate shall be deemed to have waived his/her candidacy.~~

Review of the candidacy and temporary candidate list

ARTICLE 9 – (1) As a result of the review conducted by the Supreme Election Council, it shall determine a temporary candidate list indicating the individuals that are eligible for election and nomination. The temporary candidate list and objection period are published in the Official Gazette.

Objection and final candidate list

ARTICLE 10 – (1) Objections to the temporary candidate list or the decision for not being included in the list can be filed to the Supreme Election Council within two days after the announcement in the Official Gazette.

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

Resignation of Candidates from Office and their Return

ARTICLE 11 – (1) Having been nominated for the Presidency; judges and prosecutors, members of higher judicial bodies, faculty members at institutions of higher education, Members of the Council of Higher Education, and the Radio and Television Supreme Council, employees at public institutions and organizations with the status of a civil servant and other public employees that do not have the status of a worker, mayors, military officers and non-commissioned officers, presidents and members of the district and provincial boards of directors of political parties, municipal council members, members of provincial assemblies, and individuals working in the board of directors and supervisory boards of professional organizations with the capacity of a public organization, unions, state banks and supreme associations and supreme organizations of all these, and enterprises and partnerships all these organizations have joined shall be considered to have resigned from office on the date the candidate list has been finalized. This condition shall immediately be notified by the Supreme Election Council to the ministry or institution of the nominated individual.

(2) In case civil servants or other public employees nominated for Presidency other than members of higher judicial bodies, judges, prosecutors, those considered to be a part of these professions, military officers and non-commissioned officers lose their nomination or the election, they are entitled to return to their previous office or another office at a degree they are entitled to, provided they file an application within one month following the date when the Supreme Election Council announces that the President has been elected.

Decrease in the number of candidates

ARTICLE 12 – (1) Decreases in the number of candidates in the first vote to occur in the period from the publication of the final candidate list in the Official Gazette till 05:00 pm on the day of voting shall not require amendments.

Propaganda

ARTICLE 13 – (1) The propaganda period commences on the day the candidate list is finalized and finishes at 06:00 pm on the day before the voting.

(2) The Supreme Election Council and the Turkish Radio and Television Corporation shall ensure that the propaganda broadcasts on Turkish Radio and Television in the propaganda period is performed in an impartial and equal manner.

(3) Other than restrictions on period, for propaganda speeches of candidates on private televisions and radios, the concerned provisions of the Law No. 298 shall apply.

(4) During the propaganda period, for the other issues regarding propaganda including provisions related to bans in relation to the Prime Minister, ministers, and members of parliament, the provisions of the Law No. 298 shall be implemented comparatively.

Assistance to candidates

ARTICLE 14 – (1) The candidates cannot receive donations and aid from foreign countries, international organizations, legal persons, and real persons that are not Turkish nationals.

(2) The candidates are obliged to make a declaration of property within the candidacy application period to be determined by the Supreme Election Council. The declaration of property of the elected candidate is published in the Official Gazette after the finalization of the election results.

(3) The amount of financial aid each individual can make to the candidates for each round cannot exceed the monthly gross total of all sorts of actual payments made to the highest level civil servant, under the scope of financial rights. Aid and grants that have been received are exempt from inheritance and transfer tax. Candidates cannot borrow money.

(4) For the purpose of maintaining transparency in the elections, financial aid over the amount determined by the Supreme Election Council shall be deposited to a bank account opened in the name of the candidate also known as the "Election Account". Financial aid under the amount determined by the Supreme Election Council are collected in exchange for receipts and deposited in the election account. The donations and aid received are only used for election expenditures and cannot be allocated for any other purposes.

(5) Expenditures made with donations and aid in the period from the finalization of candidacy to the finalization of the election results are recorded onto the lists approved by the Supreme Election Council.

(6) Information and documents on election accounts and donation, aid, and expenditures are submitted to the Supreme Election Council within ten days following the finalization of the election results. The Supreme Election Council shall inspect election accounts within one month and shall determine irregularities, if any, and whether or not the stipulated limits have been exceeded. For the purpose of correcting deficiencies determined in this stage, a suitable period shall be granted to the candidates by the Supreme Election Council. Amounts of received donations and aids exceeding specified limits and the unexpended proportions shall be transferred to the Treasury. While fulfilling this duty, the Council shall be able to receive assistance from the Turkish Court of Accounts and other concerned public institutions.

(7) The results of inspections of the Supreme Election Council are final and announced within one month following the completion of the inspection.

(8) On condition the Supreme Election Council is notified in advance, the candidate can authorize one or more of the members of the profession vested with powers according to the Law No. 3568 of 1/6/1989 on Certified Public Accountancy and Sworn-in Certified Public Accountancy or lawyers for the recording and submission of information and documents pertaining to election accounts and income and expenditure. In such a case, the authorized member of the profession shall be held responsible for the failure to fulfill or the deficient fulfillment of the aforementioned matters according to concerned legislation.

(9) The principles and procedures for the declaration of property to be made by the candidate; the form, content, and approval of lists to be used by candidates; form and content of the receipts, and having them printed; receiving, recording, and expending donations and aids; the transfer of the unexpended proportion or the proportion exceeding the donation limit to the Treasury; and other procedures and principles pertaining to the implementation of this article shall be determined by the Supreme Election Council.

THIRD SECTION

Activities on the Election Day

Form of ballots to be used

ARTICLE 15 – (1) The watermarked split ticket to be used in the voting shall bear the expression of “Presidential Candidates” and the names and surnames of candidates sequenced in an order to be determined by the Supreme Election Council by drawing lots.

(2) In case the voting is performed in the form of a referendum, a split ticket consisting of two different colors with the expression “Yes” on white background and the expression “No” on brown background shall be used.

(3) Other matters regarding the split tickets to be used shall be determined by the Supreme Election Council. The Supreme Election Council can print the split tickets itself or it is authorized to have them printed through the provincial election council it considers to be suitable. The necessary allocation is provided by the Ministry of Finance.

Form of casting votes

ARTICLE 16 – (1) The voter takes the split ticket and the “Evet (Yes)” or “Tercih (Preference)” stamps handed by the balloting committee and enters the closed voting site in order to cast his/her vote.

(2) The voter casts his/her vote by affixing the stamp inside the circle belonging to the candidate of preference, placing the split ticket inside the envelope, and casting the envelope inside the ballot box.

(3) The voter that has cast his/her vote returns the stamp back to the chairman of the balloting committee.

Casting votes in case voting is conducted in the form of a referendum

ARTICLE 17 – (1) The voter takes the split ticket consisting of two colors with the expression of “Evet (Yes)” on white background and the expression “Hayır (No)” on brown background and the “Evet (Yes)” or “Tercih (Preference)” stamps handed by the balloting committee and enters the closed voting site in order to cast his/her vote.

(2) The voter casts his/her vote by affixing the stamp on the section of preference, placing the split ticket inside the envelope, and putting the envelope into the ballot box.

(3) The voter that has cast his/her vote returns the stamp back to the chairman of the balloting committee.

FOURTH SECTION

Activities to be Performed after the Election and Final Provisions

Election reports and combination of results

ARTICLE 18 – (1) The principles and procedures with regards to the content of reports that need to be drawn up by balloting committees, district and provincial election councils and the combination of election results shall be determined by the Supreme Election Council.

(2) The Supreme Election Council combines results coming from provincial election councils and announces them.

Cancelation of the election or combination report

ARTICLE 19 – (1) In case a decision is made for the cancellation of the election conducted or the combination report issued in one or more electoral districts due to election procedures, the Supreme Election Council makes a decision on whether or not the elections will be repeated in the electoral districts in question by taking into consideration whether or not the cancelled proportion will have an impact on the election result across the country.

Finalization of the Presidential Election

ARTICLE 20 – (1) The final results of the Presidential election is notified the Presidency of the Grand National Assembly of Turkey and the Office of the Presidency, announced to the public, and published in the Official Gazette by the Supreme Election Council.

(2) The Supreme Election Council issues a report on the election of the President on behalf of the elected President.

Submission of the Report to the President and the Swearing-In Ceremony

ARTICLE 21 – (1) The report issued on behalf of the elected President is submitted at the General Assembly of the Grand National Assembly of Turkey by the President of the Grand National Assembly of Turkey, and the swearing-in ceremony is conducted in the same session. This session is held on the date the term of office of the former President ends and in case the office is vacated due to any other reasons, it is held within three days after the election results are finalized.

Amended legislation

ARTICLE 22 – (1) It is related to the Law No. 298 and concerned sections shall be substituted.

PROVISIONAL ARTICLE 1 – (1) The term of office of the eleventh President is seven years.

(2) **(Annulment decision: Constitution Court 15/6/2012 dated and 2012/30E, 2012/96K decision)**

Enforcement

ARTICLE 23 – (1) This Law takes effect on the date it is promulgated.

Execution

ARTICLE 24 – (1) The provisions of this law are executed by the President of the Grand National Assembly of Turkey and the Council of Ministers.