



Strasbourg, 22 August 2018

CDL-REF(2018)033

Opinion No. 926/2018

Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

TURKEY

LAW ON PARLIAMENTARY 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 No : 2839
10.06.1983
Issue# of the Gazette : 18076
13.06.1983

Adoption Date :
Publication in the Gazette :

FIRST CHAPTER **General Provisions**

Objects and the Scope:

Article 1 – This law determines the system and method of parliamentary elections, the number of constituencies and their deputy allocations, the period and time of elections, bye-elections, renewal of elections, the principles of eligibility and candidacy, as well as the principles and practices on the parliamentary elections.

The System and Method of Elections:

Article 2 – Parliamentary Elections is a one stage election process. The elections are conducted nationwide on the same day under the supervision and management of judicial authorities, according to the proportional representation system with general, equal and secret suffrage. The voter votes for his/her own in an ultimate freedom. The counting, documentation and recording of the votes are conducted publicly.

The Number and allocation of the Deputies ⁽²⁾

Article 3 – (8th Article of Law 4125, amended on 27 October 1995., amended on 25/4/2018 in accordance with article 8 of Law 7140) The total number of deputies is 600550. (The last two sentences are abolished according to the decree E.1995/54, K.1995/59 of Constitutional Court on 18 November 1995).

Constituencies and their Deputy Allocations:

Article 4 – (9th Article of Law 4125, amended on 27 October 1995.) One deputy is spared for each province beforehand to the determination of the number of deputies allocated for that province (...) ⁽³⁾

(1st Article of Law 4138, amended on 23 November 1995.) Turkish population defined in the last census is divided into the remaining number of deputies, after excluding the number of deputies spared for each province according to the first paragraph. The result of this division is used for determining the extra number of deputies for each province, by dividing the population of provinces into that number.

The surplus population of The populations of The provinces that are not enough to have a deputy and The populations of The provinces having a surplus population are sorted in The order of magnitude. The deputies who are not distributed in The first calculation are distributed accordingly. (Additional sentence 22/10/2009 – 5922/1; repealed; Constitutional Court 10/02/2011 dated, 2009/88 – 2011/39 decision number)

In The case two or more provinces have The same population or The same surplus number in their population when defining The last deputy, one of The names of these provinces is drawn By lot.

(1) For the implementation of 12, 14, 26, 28, 34, 35, 63 and 93rd of this law in the XIX. Period Parliamentary Elections, see Law 3557 on 24 August 1991 (Gazette Issue # 20972, on 26 August 1991) which was published on 7247th page of Corpus of Laws.

(2) The title of this article is amended with the 8th article of Law 4125 on 27 October 1995, and applied to the text accordingly.

After this determination, the provinces whose number of deputies are up to 18 are considered as one constituency. Those whose number of deputies are between 19 and 35 are considered as two constituencies and whose number of deputies are 36 and more than 36 are divided into three constituencies. These constituencies are numbered respectively.

When determining The constituencies of these provinces The following rules are taken into account :

- A) when forming constituencies, it is tried to allocate The same number of deputies for each constituency or as close as possible
- B) the population, the geographical distouces and the transportation opportunities are taken into account when allocating districts into the same constituency

During the distribution of the number of deputy of these provinces, the number of deputy of the constituencies is determined according to the principles concerning the determination of the number of deputies in line with the population

The Announcement of the Constituencies and their number of deputies :

Article 5 – The Supreme Board of Elections determines the constituencies and the number of deputies for each constituency according to the 4th article, in the following six months after the results of the last census is announced; and announces this through the Gazette, radio and television.

Election period, the beginning of election and the Voting Day:

Article 6 – (amended on 25/4/2018 in accordance with article 8 of Law 7140) The elections of Turkish Grand National Assembly are held every- five years at the same day with the election of the presidency~~four years~~.

(Amended 22/10/2009 – 5922/1)

(Amended 22/10/2009 – 5922/2) ~~the~~ voting is done in the last Sunday before period of ~~five~~four years after the date of previous election is completed. The ~~sixty~~sixty-ninetieth day calculated before the voting day is starting day of the election.

If it is decided that holding the new elections is impossible due to warfare, Turkish Grand National Assembly may take a resolution to postpone the election for a year.

Unless the reason of postponement disappeared, this procedure may be repeated according to the process in the resolution of postponement.

Bye-Election:

Article 7 – In case Turkish Grand National Assembly is somehow deprived of its members, a bye-election is conducted.

Bye-elections are conducted once in every election period and they can not be held unless thirty months passed after the general elections. However, Turkish Grand National Assembly may decide to hold bye-elections in three months, in cases the number of empty member seats have reached to five percent of the total seats.

Bye-elections can not be held within the year prior to the general elections.

(Annex: 17th Article of Law 4778, on 2 January 2003.) In case a province or a constituency loses all of its members in the parliament, a bye-election is conducted in that constituency on the first Sunday that follows the ninety day period after the deprivation of memberships, however the situations stated above are excluded from this provision.

Renewal of the Elections:

Article 8 – In case TGNA or President takes a decision for the renewal of the elections before the end of the election period, the cabinet announces the situation in forty eight hours.

(4th article of Law 3403, amended on 10 September 1987.) If Turkish Grand National Assembly took the decision for the renewal of the elections, it also determines the date of the election. In case renewal decision is taken by the President, the first Sunday that follows the ninetieth day after the day of this decision was taken, is the voting day.

Determination of the Periods:

Article 9 – In case a decision on renewal or bye-election is taken, the Supreme Board of Elections may shorten and apply the periods determined according to the Law 298 on Basic Provisions on Elections and Voter Registers and Law 2820 on Political Parties.

Eligibility:

Article 10 – (amended on 25/4/2018 in accordance with article 8 of Law 7140) Every Turkish citizen over ~~eighteen~~twenty five is eligible for Parliamentary Elections. ⁽¹⁾

Ineligibility:

Article 11 – Following persons are ineligible for the Parliamentary Elections:

- a) Those who have not graduated from primary school,
- b) Those legally incapacitated,
- c) (amended on 13/3/2018 in accordance with article 23 of Law 7102) Those who have ~~hindrances arising from~~not fulfilled their military service,
- d) Those who are prohibited from public services,
- e) Those who are sentenced for committing a felony for a year or more, regardless of the duration of their sentence, excluding the crimes of imprudence.
- f) The following people even though they are pardoned;
 1. **(15th Article of Law 4778, amended on 2 January 2003.)** Those who are convicted for committing disgraceful crimes such as debits of any kind, malversation, bribery, theft, fraud, deception, misuse of the belief, bankruptcy including fraud, smuggling excluding the smuggling for personal purposes, creating treachery in official tenders and sales, or revealing the secrets of the State,
 2. Those who are convicted for committing or obviously provoking others for crimes stated in the first chapter of the Second Book of the Turkish Penal Code.
 3. **(15th Article of Law 4778, amended on 2 January 2003.)** Those who are convicted for terrorism,
 4. Those who are convicted for committing the acts stated in the first, second and third paragraphs of the 536th article of the Turkish Penal Code, and those in the first, second, third, fourth and fifth paragraphs of 537th article of the same law, for political and ideological purposes.

CHAPTER TWO Procedures Before the Elections

Candidature:

Article 12 – Every eligible Turkish citizen either a political party member or not, may claim candidature according to the provisions of this law.

(28th Article of Law 3270, amended on 28 March 1986.) Political Parties determined and announced by the Supreme Board of Elections according to the 11th paragraph of 14th Article of Law 298 on Basic Provisions on Elections and Voter Registers, may present candidates in all constituencies according to the provisions of Law 2820 on Political Parties. **(The last sentence is abolished: 21st Article of Law 4125 on 27 October 1995.)**

The status of the Political Parties which fail to present a full candidate list in at least half of the total provinces:

Electoral Alliances

Article 12/A- (Annexed on 13/3/2018 in accordance with the article 15 of Law 7102)

Political parties that have the eligibility to participate in the elections are be able to join the election by forming an alliance. Allied political parties give their own candidate lists.

Political parties that decide to join the election by making an alliance should deliver the alliance protocol containing the signatures of the presidents of the political parties to the Supreme Board of Elections at the latest within 7 days ahead of the start date of the election. The protocol of the alliance can be changed by the same procedure until two days before the deadline for the delivery of the candidate lists.

The Alliance protocol; if decided by political parties, will include the title of the alliance and other matters not contrary to the law.

Political parties can abandon the alliance until 3 days before the deadline for submitting the candidate list by notifying the Supreme Board of Elections. This situation should be immediately reported to the other political parties in the same alliance by Supreme Board of Elections. In case of abandonment, the alliance will continue among the other allied parties. Until 17:00 on the following day of the abandonment notification, other political parties in the alliance are able to change the alliance protocol or abandon the alliance altogether.

The procedures and principles regarding the enforcement of this provision and other matters related to the electoral alliance shall be determined by Supreme Board of Elections.

Article 13 – (2nd Article of Law 3757 amended on 24 August 1991) In case a political party fails to present a full number of candidates in at least half of the total number of provinces, or fails to present the necessary number for any of the affiliated constituency in accordance with Article 12, the Supreme Board of Elections notifies the relevant central organs of the political party in question concerning this deficiency.

The relevant political party organization fills the empty candidatures within two days following this notification. Otherwise the party loses its right to run for elections in every constituency.

(1) The phrase that says “the age of thirty” in this article has been amended as “the age of twenty-five” according to the 1st article of Law 5552, on 19 October 2006, and subsequently applied to the text.

The Status of Political Parties Which Have Presented Candidates in More than Half of the Total Provinces

ARTICLE 14 - (3rd Article of Law 3757 amended on 24 August 1991) In case a political party presents candidates in more than half of the total provinces in accordance with Article 12 but fails to present the required number of candidates in one or more constituencies, the Supreme Board of Elections notifies the relevant central organizations of that party concerning the deficiency.

The relevant political party organization fills the empty candidatures within two days following this notification. Otherwise, that political party loses its right to stand for elections in those constituencies where it has failed to present the necessary number of candidates, reserving the provision of the above article.

Deficiencies due to the Objections:

Article 15 – In case there are deficiencies due to the objections in the candidate lists of the political parties, these deficiencies are corrected within two days after the notification of the Supreme Board of Elections. Otherwise the provisions of above articles are applied for these situations as well.

The Political Party Candidates and Independent Candidates:

Article 16 – Political parties can not present joint candidate lists.

Persons who are not registered in a party can be presented by a political party as a candidate if such person has given written consent.

(Annex paragraph annexed on 13/3/2018 in accordance with the article 16 of Law 7102) If the political party that has the eligibility to participate in the election but does not participate in the election, the member of this party may be nominated by another political party by taking written consent of this person and the political party to which s/he belongs.

It is not allowed to stand for elections as the candidate of more than one political party or at more than one constituency for the same elections.

Independent candidates can not stand for elections in more than one constituency.

(Annex paragraph annexed on 25/4/2018 in accordance with the article 2 of Law 7140) A person cannot be candidate and cannot be nominated for the Presidential and Parliamentary elections at the same time.”

The Status of Judges who are Assigned for the Boards:

Article 17 – Chairmen and members of the Supreme Board of Elections and Provincial Electoral Boards and chairmen of District Electoral Boards resign from their respective board only if they want to stand for elections. Those who chose to stand for elections must exercise their right to resign no later than one month prior to the beginning of the general or bye-elections or within 7 days from the announcement of a decision for the renewal of an election.

Persons who prefer candidanship are subject to the provisions stated in 18th and 19th Articles.

In case spouses, first or second degree relatives of the judges assigned in the Provincial or District Electoral Board for a certain constituency, stand for candidacy and are presented as candidates, these judges have to resign from their missions and inform the authorities accordingly.

Chairman and members of the Supreme Board of Elections can not attend board sessions on matters concerning their spouse and first and second degree relatives by blood or by marriage.

Candidature Of Civil Servants, Political Party Leaders And Members Of The Turkish Army ⁽¹⁾

Article 18 – (Amended by Article 29 of Law 5980 on 8 April 2010)

Judges and prosecutors, members of high judicial bodies, lecturers in tertiary education institutions, the members of the Supreme Council for Higher Education and the Supreme Council for Radio and Television, civil servants employed in public agencies and institutions, and other government officials who are not defined as workers due to the nature of the function they perform, mayors, officers and non-commissioned officers who wish to run as candidates, the chairmen and members of the district and provincial boards of political parties who wish to run as candidates, members of the municipal council, members of the general provincial

assembly, those persons who are members of the executive and audit boards of professional organizations, which have the nature of public agencies, labour unions, public banks and umbrella organizations of such organizations, as well as the enterprises or corporations founded by these, shall not be entitled to list their names as candidates nor can they be shown as candidates if they fail to submit their resignation within one month before the start of the general and intermediate election period and within seven days as of the declaration of re-elections if applicable .

Provisions concerning the resignation:

Article 19 – The resignation of people who are subject to the 18th article is made through a petition to his/her superior. His/her superior officer approves the signature on the petition and the petition is immediately forwarded to the relevant ministry or institution. The petitioner receives a receipt for the petition and his/her superior authorities are also notified in accordance with the hierarchy. Application by cable is also possible according to the same provisions.

Within ten days after the receipt of the petition by the responsible ministry or institution, the petitioner and his/her superiors are notified concerning the acceptance of the resignation.

The resignation application of an eligible person is never declined, except of those which came from army officers and non-commissioned officers in war and mobilisation situations. 7th paragraph of Article 2 in the statute 1402 on Martial Law is reserved. Army officers or non-commissioned officers who have resigned but not elected afterwards, can not withdraw their revoke or resume at their office.

Those whose application for resignation has been rejected on the grounds of ineligibility can not be included in any candidate list or stand for elections.

People whose application for resignation has been accepted are not allowed to conduct electioneering activities as long as they remain at their office. Officers, non-commissioned officers and other official uniformed people can not conduct electioneering with their uniforms and can not conduct any relevant activities.

The Candidate list Submission of the Political Parties:

Article 20 – (first paragraph of 11th Article of Law 4125, amended on 27 October 1995.) Headquarters of political parties submit their candidate lists (...) to the Supreme Board of Elections (...) for each constituency in which they will stand for elections in return for a receipt not later than 1700 hours on the tenth day after the primary election day. ⁽²⁾

The Supreme Board of Elections immediately informs the Provincial Electoral Boards concerning these lists. The Supreme Board of Elections announces the candidate lists of all political parties through the Official Gazette and radio, whereas the Provincial Electoral Boards makes the announcements of temporary candidate lists through usual ways within their territory.

The Application of the Independent Candidates:

Article 21 – (First paragraph of 12th Article of Law 4125, amended on 27 October 1995.)

Applications for independent candidature are made to the relevant Provincial Electoral Board along with a letter certifying that the applicant is eligible for candidature according to the present Statute (...) ⁽¹⁾. The Provincial Electoral Board issues a certificate for the reception of the application and immediately notifies the Supreme Board of Elections. The Supreme Board of Elections announces the applications of all independent candidates whereas the Provincial Electoral Boards announce the candidatures within their territory through usual ways as temporary lists. ⁽²⁾

Those who applied for independent candidature deposit an amount equivalent to the monthly gross sum of all payments made to such civil servants within the scope of financial rights to the responsible subdivision of the treasury, and add the receipt to the documents of their application for candidature.

(1) The title of this article is amended with the 10th article of Law 4125 on 27 October 1995, and applied to the text accordingly.

(2) With Article 30 of Law 5980 adopted on 8 April 2010, the phrase 'equal to the gross salary of a civil servant of the highest rank' was changed to 'an amount equivalent to the monthly gross sum of all payments made to such civil servants within the scope of financial rights'.

Objections Against the Candidates:

Article 22 – It is possible to apply for objection to the Provincial Electoral Board within two days after the announcement of temporary candidate lists. Provincial Electoral Boards take decision on the objections in two days.

The concerned persons may apply for objection against the decisions to the Supreme Board of Elections within 2 days.

The Supreme Board of Elections takes a resolution concerning the objections within three days but not later than the day the definite lists of candidates are announced.

Examination of the Candidates:

Article 23 – Even though a province is allocated into several constituencies, if the examination of a certain candidate by the Provincial Electoral Board resulted with a deficiency or disqualification in terms of the candidature conditions stated in this law, the Board informs the concerning candidate, the provincial leaders of the political parties and the Supreme Board of Elections within two days after the announcement of temporary lists.

The Announcement of the Candidates:

Article 24 – The Supreme Board of Elections announces all candidates and their constituencies on the fifty fifth day prior to the voting day, through the Gazette and radio after the candidatures have become definite.

Provincial Electoral Boards announce the candidates of their constituency on the date determined by the Supreme Board of Elections through usual means.

Withdrawal or Death of a Candidate:

Article 25 – In case a candidate withdraws from candidature or dies after the definite lists are announced until 1700 hours on the voting day, their places are not filled by others, but the lists of candidates are regulated by lifting the remaining candidates upwards to fill the vacancy.

CHAPTER THREE Procedures of the Voting Day

The form of Ballots:

Article 26 – (13th Article of Law 4125, amended on 27 October 1995.)

The joint ballots of the political parties and the ballots of the independent candidates which will be used for the Parliamentary elections are prepared according to the following principles:

a) The Supreme Board of Elections provides the production of ballots with watermark of “The Republic of Turkey, Supreme Board of Elections” according to the first paragraph of the 14th article of Law 298 on Basic Provisions on Elections and Voter Registers.

(1) The sentence “until 1700 hours on the day before the pre-elections” is abolished by the decree E.1995/54, K.1995/59 of Constitutional Court on 18 November 1995. (Gazette issue # 22470, on 21 November 1995)

b) "Political Parties" phrase is written at the top of each joint ballot. Then comes the row of the political party boxes, order of which is determined by drawing lots conducted by the Supreme Board of Elections in the presence of the representatives of the political parties. The logo of the concerned political party is put at the top of each box in the middle, abbreviation of the political party's name, its full name, its leader's name in bold characters, a space or a line, a blank circle with a diameter of 2 cm, a line, and the list of the candidates follow the logo. The list includes the names and the surnames of the definite candidates of the political party in accordance with their respective row numbers. **(The last sentence is abolished with decree E. 1995/54, K. 1995/59 of Constitutional Court on 18 November 1995.)**

(Annexed on 13/3/2018 in accordance with the article 17 of Law 7102) contains provisions regarding the placement of the alliances to the ballot papers. Political parties that are forming alliances should be added as alliance in the lots and they will be placed next to each other in the ballot paper. The order of political parties in the alliances shall be determined by drawing lots.

Above the columns of the allied political parties, there should be a rectangular shaped common part which includes the title of the alliance at the top of it. The shortest side of it should be two centimeters and the longest side should be covering all the width of the these parties' columns and gaps between their columns. If no title is determined for the alliance, it should be only written "ALLIANCE". If there is more than one alliance without title, they will be numbered according to the order of application. The entire column of the allied political parties, including the space between them, determined as the alliance area.

c) (Amended by Article 31 of Law 5980 on 8 April 2010) : A 0.75 cm space which is defined with two lines is left between the columns of the political parties.

d) (Amended by Article 31 of Law 5980 on 8 April 2010) The independent candidates shall be placed on the joint ballot directly following the column for political parties on the right hand side of the ballot on the same line, leaving a space of 0.75cm between the independent candidates and political parties and by separating these with a vertical thick line. If there is more than one independent candidate in an election district their place on the list is determined by drawing a lot amongst themselves. The name and the surname of the independent candidate is written at the beginning and in the middle of that line. A circle that has a diameter of two centimetres is printed after leaving a certain space or line, and all of them are underlined. A 0.75 centimetre space defined with two lines is left between the columns of independent candidates when they are more than one.

Article 27 – The joint ballots are packed in packs of 400, stamped, numbered and sent to each constituency by the Supreme Board of Elections along with the sufficient number of envelopes.

After receiving the packages District Electoral Boards take notes on the minutes in order to record which package has been dispatched to which polling station committee with their respective identification numbers.

The Polling Station Committee opens the packages on the voting day before voting procedure is ignited, and seals all of the ballots with the seal of Polling Station Committee. These ballots are shown to the members of the board, to the observers and to the voter in order to clarify that there is not any kind of mark on them, before they are given to the voter who is present for voting.

The Provincial Electoral Boards post up the names and the surnames of the definite candidates of the political parties, in the form of visible lists according to their order in the voting area and in the polling station area. **(The last sentence is abolished: 21st Article of Law 4125, on 27 October 1995.)**

The Way of Voting:

Article 28 – (32nd Article of Law 3270, amended on 28 March 1986.)

The voter goes into the voting booth after receiving the joint ballot and the seal that says “yes”, in order to vote. The Supreme Board of Elections have the joint ballots and the seals prepared before dispatching them to the Polling Station Committees, the chairman of the Polling Station Committee has to keep this seal until the end of the voting process.

(the second paragraph of the 3rd Article of Law 5550, amended 12 October 2006.) The voter stamps “yes” seal in the special circle of his/her desired political party or of the independent candidate he/she desires to vote, folds the ballot and inserts it into the envelope in order to vote.

(14th Article of Law 4125, emended on 27 October 1995.) The voter folds the ballot after stamping the seal on the proper area, then inserts the ballot in the envelope before gluing the envelope, returns the seal that says “yes” to the chairman of the Polling Station Committee and inserts his/her vote in the ballot box.

(fourth paragraph of the 3rd Article of Law 5550, amended on 12 October 2006.) As such the voter is assumed to have voted to the political party or independent candidate that he/she has stamped the “yes” seal.

(Fifth and sixth paragraphs of the 14th Article of Law 4125 are abolished on 27 October 1995.)

(1) The phrase that says “the Political Parties” in this article has been amended as “the Political Parties and the independent candidates” according to the 2nd article of Law 5550, on 12 October 2006, and subsequently applied to the text.

The Calculation of Valid Votes:

Article 29 – (15th Article of Law 4125, amended on 27 October 1995.) The total number of valid votes obtained by a political party that runs for the elections in a certain constituency, shows the valid votes obtained by that party in that constituency according to the second paragraph of the 28th Article.

(15th Article of Law 4125, amended on 27 October 1995.) The total number of valid votes obtained by an independent candidate means the total valid votes obtained by the independent candidate according to the second paragraph of the 28th Article. **(Annexed on 13/3/2018 in accordance with the article 18 of Law 7102)** Nevertheless, the valid votes of the political parties in the alliance should be calculated by adding the share comes from the alliance to the number of votes the political party received alone from that electoral constituency. It adds that votes received by the alliance will be counted separately for each party. The share for each party in the alliance should be calculated as: The number of votes received by each political party is divided to the total number of the parties in the alliance received so as to find out ratio and the ratio is multiplied with the number of the other joint votes of the alliance

The total number of valid votes obtained by the political parties and by the independent candidates according to the first and second paragraphs, shows the valid votes of that constituency.

The number of valid votes nationwide is the total number of valid votes those came from all of the constituencies.

Recording the Results of the Counting on the Minutes:

Article 30 – (21st Article of Law 4125, abolished on 27 October 1995.)

CHAPTER FOUR The Procedures After the Elections

Combining the Results in the Districts:

Article 31 – (amended on 13/3/2018 in accordance with article 23 of Law 7102) District Electoral Boards define and record the number of votes obtained by the political parties and by independent candidates and total joint votes and the total shares obtained by alliances, in terms of combining the results on the minutes. **(The second sentence of the 21st Article of Law 4125 is abolished on 27 October 1995.)**

Combining the Results in the Provincial Electoral Boards:

Article 32 – Provincial Electoral Board combines the minutes those came from the District Electoral Boards according to the above article and subsequently defines and records the following issues for each constituency on separate minutes:

- a) The number of voters,
- b) The number of voters those have voted,
- c) The number of ballots those are considered to be valid although objections or disputations,
- d) The number of ballots which are considered invalid and therefore not counted,
- e) The general total number of ballots those are considered to be valid and therefore counted,
- f) **(Ammended on 13/3/2018 in accordance with the article 19 of Law 7102)** The numbers of valid votes obtained by each political party, ~~and~~ by independent candidates and alliances.
- g) **(21st Article of Law 4125 is abolished on 27 October 1995.)**
- h) **(21st Article of Law 4125 is abolished on 27 October 1995.)**

General Treshold and its Calculation:

Article 33 – (The first paragraph of 9th Article of Law 3377 is amended on 23 May 1987.) Political party which has not obtained at least 10% of the valid votes throughout Turkey or in all of the bye-election constituencies in case it is a bye-election, can not be represented in the

Parliament. (Annexed on 13/3/2018 in accordance with the article 20 of Law 7102) In the case of election alliance is formed, the calculation of the ten percent threshold should be based on the sum of the valid votes that the alliance received, and no separate calculation for the threshold should be made for the political parties in the alliance. The election of an independent candidate who stands for elections on a political party candidate list, is possible in case that political party obtains at least 10% of the total votes as well.

Provincial Electoral Boards send the results by cable to the Supreme Board of Elections and also inform the Supreme Board of Elections by phone and radio, after drawing up the combination minutes as specified above.

(Ammended on 13/3/2018 in accordance with the article 20 of Law 7102) The Supreme Board of Elections calculates the total valid votes obtained from all provinces throughout Turkey, and by dividing total valid votes of the political parties and alliances to the total valid votes cast throughout Turkey, SBE calculates the percentage of the votes obtained by the political parties and alliances, before informing the Provincial Electoral Boards and announcing the names of the political parties and the alliances which have passed the ten percent threshold.

In case it is decided to cancel the election in a certain constituency or in some constituencies after this announcement, it is not necessary to determine a new percentage for the votes throughout Turkey.

The calculation of the deputy allocation for the Political Parties, Alliances and for the Independent Candidates in a Certain Constituency:

Article 34 – The number of deputies for the independent candidates and for political parties those have passed the treshold is calculated as follows:

(16th Article of Law 4125, amended on 27 October 1995; Abolished by the decree E. 1995/54, K. 1995/59 of Constitutional Court on 18 November 1995.)

(10th Article of Law 3377, amended on 23 May 1987.) (The first sentence of the 2nd Article of Law 4138 is amended on 23 November 1995.) (Ammended on 13/3/2018 in accordance with the article 21 of Law 7102) Political parties, alliances and independent candidates who have stood for the elections are written in a column with their number of votes respectively. The number of votes obtained by each party and alliances areis divided by one, then by two, then by three... up to the number of deputies those will be elected for the constituency in question. The shares obtained as such and the votes obtained by the independent candidates are listed beginning from the largest to the smallest, without discarding any of them. And the deputyships of the constituency in question is allocated to those political parties, alliances and independent candidates according to the figures calculated as such. **(Additional Sentence: 1st Article of Law 3404 on 17 October 1987. 21st Article of Law 4125 abolished on 27 October 1995.)**

In case there is equality in the figures for the last deputyship, the allocation is drawn by lot from the equals.

(2nd Article of Law 4138 amended on 23 November 1995.) In case no party has passed the percentage stated in the above article, the deputyships are allocated according to the provisions in the third and fourth paragraphs.

(Annex: 33rd Article of Law 3270 on 28 March 1986.; 2nd Article of Law 4138 abolished on 23 November 1995.)

(Annexed on 13/3/2018 in accordance with the article 21 of Law 7102)

In the calculation of the number of acquired deputies by the alliance, the total votes of the allied political parties should be taken as a basic. The total number of the deputies should be distributed between the allied political parties in accordance with the valid votes of each of political party.

Calculation of the number of deputies of the political parties throughout the country

Article 34/A- (Annex: 17th Article of Law 4125 on 27 October 1995.; Abolished by the decree E.1995/54, K.1995/59 of Constitutional Court on 18 November 1995.)

Determination of the Elected Candidates from the Political Parties:

Article 35 – (18th Article of Law 4125 amended on 27 October 1995.)

The chairman of the Provincial Electoral Board determines the elected candidates from the list of political parties and from the independent candidates (if there is any) according to the results obtained, and makes an announcement concerning the records on the minute for that constituency. A copy of the minute is posted up on the door of the Provincial electoral Board for one week.

Notifying the Supreme Board of Elections Concerning the elected deputies and submission of the relevant minutes:

Article 36 – Once the elected deputies are determined, Provincial Electoral Boards send names and surnames of them, and the names of their parties to the Supreme Board of elections by the fastest means using cable, telephone and radio along with the information of the constituencies they have been elected for.

(19th Article of Law 4125 amended on 27 October 1995.) Provincial Electoral Boards give a minute to the elected deputies stating that they have been elected. Two copies of these minutes are sent to the Supreme Board of Elections by the fastest means. **(The second sentence is abolished by the decree E.1995/54 K.1995/59 of Constitutional Court on 18 November 1995.)** The chairmanship of the Supreme Board of Elections sends one of the minutes to the the Chairmanship of TGNA.

Publication of the Election Results:

Article 37 – The Supreme Board of Elections announces the results to the public through radio and TV, as soon as the information on the election results are received from the Provincial Electoral Boards as specified in the first paragraph of the above article.

As soon as the information concerning all provinces is received, the number of deputyships obtained by each political party and the names of the elected deputies are announced to the public by the Supreme Board of Elections through radio and TV, without waiting for the delivery of the copies of election minutes or the result of any eventual objections.

As soon as the minutes of the results are sent from all of the provinces, the Supreme Board of Elections broadcasts a second announcement through radio and TV and in the Gazette in order to announce the names of the elected deputies, the number of voters, the number of voters who have voted, the rate of voter participation, the number of valid ballots and the votes obtained by each political party and by independent candidates for each province and constituency.

All kinds of transportation and communication means those are available for the government are allocated priorly to the communication of the news, correspondence, information and materials between election committees.

Publication of the Election Results by the State Institute of Statistics

Article 38 – The chairmanship of the State Institute of Statistics publish the information contained in the minutes of the Polling Station Committees for each province, districts and

constituencies, election areas and polling station areas, based on the documents provided by the Supreme Board of Elections within one year following the election day.

The Cancellation of the Election or the Minute:

Article 39 – In case it is decided to cancel an election minute after a second counting and sorting out procedure which resulted from an objection against the counting or sorting out; the elected deputies after this second counting and sorting out procedure receive their minutes from the Supreme Board of Elections.

In case it is decided to cancel an election in a certain constituency because of the election procedures, the election of that constituency is renewed and the Supreme Board of Elections announces that the election is renewed in that constituency, stating the decision for the cancellation as well through the Gazette and other means.

The first Sunday that follows the ninetieth day after this announcement is the voting day.⁽¹⁾

If it is decided to cancel the minutes of one or more deputies for reasons other than those specified in the above paragraphs, the candidates following the deputies whose minutes have been cancelled are given minutes according to the Article 34 and 35.

In case the number of following candidates is not sufficient, the provisions for bye-elections are applied.

Preservation of the Election Documents:

Article 40 – The chairman of the relevant District Electoral Board in the district and the chairman of the Provincial Electoral Board in the province preserves ballots which have been subject to objection regardless of their eventual validity, counting and sorting lists and election records, and all other documents relating to the elections for two years; these documents are not sent anywhere unless it is required by the Supreme Board of Elections.

(1) The phrase that says “the sixtieth day” in this article has been amended as “the ninetieth day” according to the 16th article of Law 4778, on 2 January 2003, and subsequently applied to the text.

CHAPTER FIVE

Miscellaneous Provisions

Procedures for the Money Deposited by Independent Candidates:

Article 41 – (first paragraph of 20th Article of Law 4125 amended on 27 October 1995.) In case the votes obtained by an independent candidate in an election is not enough for the election of the independent candidate, the money deposited beforehand is registered as an income for the Treasury.

The deposit money of the candidates who died or withdrew from their candidacy before the deadline or whose candidacy is declined or who have received insufficient votes for being elected as specified above or whose legal successors are present, may be received back in case they apply for the reimbursement of their money after the elections.

Applications in situations for which there are no special provisions:

Article 42 – The situations for which there are no special provisions, are subject to the provisions of Law 298 on The Law On Basic Provisions On Elections And Voter Registers, provided that these provisions do not contradict the provisions of this law.

The Supreme Board of Elections is authorized to take necessary provisional decisions in order to conduct a fair and decent Parliamentary Election.

CHAPTER SIX The Amended Provisions Of The Law

Article 43 – The "Provisions on the Senate of the Republic" in the Law 298 on The Law On Basic Provisions On Elections And Voter Registers on 26 April 1961 have been excluded from the text.

Article 44 – 61 – (These articles are related to the amended 7, 14, 52, 103, 149, 151, 152, 153, 157, 159, 160, 161, 162, 164, 168, 169, 170 and 180th articles of the Law 298 On Basic Provisions On Elections and Voter Registers on 26 April 1961, and they have been applied to the mentioned law accordingly.)

Article 62 – (It is related to the amendment of the provisional 6th Article of Law 2820 on Political Parties on 22 April 1983, and it has been applied to the text of the mentioned law.)

CHAPTER SEVEN Provisional Articles

Provisional Article 1 – The voting day for the next Parliamentary Election that will be conducted after this law takes effect, is the 6th of November 1983.

The beginning date of the election period is determined and announced by the Supreme Board of Elections on the basis of the election day specified above.

The Supreme Board of Elections may shorten the specified election periods in this law or in the Law 298 on the Law on Basic Provisions on Elections and Voter Registers and Law 2820 on Political Parties.

In the calculation of five year period predetermined by the 6th article of this law, the date of the second Sunday of the October 1983 is respected as the voting day for the Parliamentary Election which will be conducted on 6 November 1983.

Provisional Article 2 – For the parliamentary elections which will be held after this law takes effect, the political parties are not required to have held their congress as a pre-condition of standing for the elections. However, each political party have to have their organisational bodies established in at least half of the provinces until the beginning date of the elections that is specified by the Supreme Board of Elections.

Provisional Article 3 – The investigation and declination authority of the National Security Council concerning the decisions about the founders of the political parties, according to the provisional article 4 of the Law 2820 on Political Parties, is applied as follows in the first Parliamentary Elections which will be conducted after this law takes effect, according to provisional article 6 of the same law:

a) The National Security Council examines the candidacies within twelve days after the Supreme Board of Elections announces the temporary lists of candidates.

b) The Supreme Board of Elections is informed about the names of the candidacies which have been declined according to the paragraph (a) above and they are removed from the

lists of candidates. The decisions relating to the declined candidacies taken by the National Security Council are definite.

c) **(Amended with the decision 155 of National Security Council, on 19 September 1983)** ⁽¹⁾ Political parties replace the candidates who have been declined by the National Security Council, in accordance with paragraph (a) with new candidates including the names of alternate candidates for each candidate, and inform the National Security Council within two days, concerning this new candidacies through the chairmanship of the Supreme Board of Elections.

The National Security Council examines these new candidatures within 7 days. The National Security Council informs the Supreme Board of Elections concerning the names of the accepted candidates.

d) In case a candidate list of a political party remains incomplete because of the declined candidatures, such deficiencies do not prevent the political party in question from standing for elections, reserving the provisions regarding the eligibility of the political parties which allow the party to run in the elections.

Provisional Article 4 – In the first parliamentary election that will be conducted after this law takes effect, the National Security Council examines the situation of the independent candidates within twelve days after the Supreme Board of Elections announces the temporary candidate lists. The Supreme Board of Elections is informed concerning the declined independent candidates and they are removed from the candidate lists subsequently. The decisions of the National Security Council concerning the independent candidates are definite.

Provisional Article 5 – The voter votes using the seal for stamping the "yes" in the circle only for the name of the political party or the independent candidate, in the first election which will be conducted after this law takes effect. No other sign of preference is used.

If the seal has been stamped on the circle for a political party, any signs for preference which is put on the list of candidates is not a reason to consider the ballot as invalid.

The counting procedures are recorded on the minutes in the districts, regarding the principles of the paragraphs specified above, according to the combination procedures in the Provincial Electoral Boards.

As soon as the number of deputyships obtained by each political party has been determined according to the Article 34, the candidates elected for the parliament are determined according to their order in the candidate list of that political party presented on the joint ballot.

Provisional Article 6 – The Supreme Board of Elections determines the constituencies and the number of deputies allocated for each constituency based on the results of the last census according to the Article 4, and announces them through the Gazette, radio and TV within 30 days from this law takes effect.

Provisional Article 7 – After this law takes effect, each District Electoral Board is constituted by one chairman and six regular and six substitute members for the next parliamentary elections. Two regular and two substitute members are appointed from amongst civil servants, whereas four regular and four substitute members are appointed from amongst the members of political parties which have stood in elections for the constituency in question. If there are more than 4 political parties which have stood for elections in that constituency, the chairman of the District Electoral Board determines on the political party members whose names are drawn by lot. In such an event, substitute members from the parties are determined by lots, giving priority to the members of those political parties which have no members in the District Electoral Boards.

(1) The relevant decision of National Security Council is published in the Gazette 18168, on 21 October 1983.

In case there are less than four political parties which have stood for elections in a constituency, the vacant seats in a District Electoral Board are filled by selecting people from non party members who have the capacity to carry out this function.

Provisional Article 8 – For the next parliamentary elections which will be conducted after this law takes effect, the Polling Station Committee is constituted by one chairman, six regular and six substitute members.

The chairman of the District Electoral Board appoints;

a) a chairman, two regular and two substitute members amongst civil servants to the Polling Station Committee,

b) four regular and four substitute members from amongst the members of political parties those have stood for elections in that constituency.

In case more than four political parties have stood for the elections in that constituency, the chairman of the District Electoral Board determines the party that will have the regular membership for the polling stations, by drawing lots separately. In this case, substitute members of the parties are determined by lots as well, giving priority to the members of the political parties which have no members in the District Electoral Boards.

In case there is no civil servant for appointing in the Polling Station Committee, or in case less than four parties stood for the elections in that constituency the vacant seats of the committee are filled by selecting non party people who are considered potentially suitable for this function.

Provisional Article 9 – In the first parliamentary elections which will be conducted;

a) Those who are subject to the care of a guardian, or banned from civil service, or in jail for a conviction, or under custody on the voting day can not vote even if they are present on the voter registers.

b) Those who are not present in voter registers due to their convictions or custody at the time of voter registration or update procedures of the Voter Registers, may apply to the District Electoral Board after they are released. They should make their application to the relevant District Electoral Board with the document of their release, not later than 1700 hours on the 15th day prior to the voting day. Even though the legal time-limits have been exceeded or Voter Registers have become definite, the District Electoral Board may decide to include them in their relevant voter registers list, provided that they are considered to be eligible for voting.

Provisional Article 10 – For the first parliamentary elections, those who are not present in the voter registers because they were abroad during the registration or update procedures of the Voter Registers, may apply to the relevant District Electoral Boards with their passports, not later than 17.00 on the 15th day prior to the voting day. Even though the legal time-limits have been exceeded or Voter Registers have become definite, the District Electoral Board may decide to include them in their relevant voter registers list, provided that they are considered to be eligible for voting. Their situation is noted on their passports with the number of their ballot box.

Provisional Article 11 – Those whose names are not present in any voter registers because they were drafted for the army as a soldier or a sergeant, or they were students in the military school at the registration or update of Voter Registers, may apply to their relevant District Electoral Board after being discharged or dismissed from the mentioned armed forces or after becoming officers and non-commissioned officers, providing the documents those state their situations, not later than 1700 on the 15th day prior to the voting day. Even though the legal time-limits have been exceeded or Voter Registers have become definite, the District Electoral

Board may include them in their relevant ballot box lists, provided that they are considered to be eligible for voting.

Provisional Article 12 – (14th Article of Law 3377 abolished on 23 May 1987.)

Provisional Article 13 – (Annex: 1st Article of Law 4135 on 21 November 1995.)

The ten day time-limit in the first paragraph of the 20th Article of Law 2839 on Parliamentary Elections on 10 June 1983, amended with the Law 4125 dated 27th of October 1995, is applied as fifteen day time-limit for the 20th Parliamentary Elections and this fifteen day period can not be shortened. The Supreme Board of Elections prepares the schedule for the elections accordingly.

Provisional Article 14 – (Annex: 3rd Article of Law 4138 on 23 November 1995.; abolished with the decree E. 1995/56, K.1995/60 of the Constitutional Court on 1st December 1995.)

THE LAST PROVISIONS

People who abstain from voting in the elections:

Article 63 – (35th Article of Law 3270 amended on 28 March 1986.)

Those who abstain from voting in the general parliamentary elections or bye-elections without justified excuse although they are registered as eligible voters, are fined ten thousand Turkish liras. This provision is definite. ⁽¹⁾

Abolished Laws:

Article 64 – Law 304 on Elections for the Senate of the Republic dated 24 May 1961 and Law 306 on Parliamentary Elections dated 25 May 1961 and all supplements and amendments made on them have been abolished.

Effectivity:

Article 65 – This law takes effect on the day it is published.

Implementation:

Article 66 – The cabinet implements the provisions of this law.

*

* *

PROVISIONAL ARTICLES THOSE CAN NOT BE APPLIED ON THE LAW 2839 ON 10 JUNE 1983

1 – The Provisional Article of Law 3377 on 23 May 1987:

Provisional Article – The Supreme Board of Elections determines the constituencies within the month after this law takes effect.

(1) The amount of the fine in this article is defined as 250000 (twohundredandfiftythousand) lira for the XX General Parliamentary Elections, by the 22nd Article of Law 4125 dated 27 October 1995.