

**STATUTE NO: 2839**

**PARLIAMENTARY ELECTIONS LAW**

**Enacted on 10 June 1983**

**Published in the Official Gazette No.: 18076 on 13 June 1983**

**5.t. Code, c.22 - s.**

**SECTION ONE**

**GENERAL PROVISIONS**

**PURPOSE AND SCOPE**

ARTICLE 1 – The present statute determines the principles and practices concerning the method and procedures of the parliamentary elections, the determination of election districts and the numbers of deputies to be allocated to each election district, the election period and the elections day, mid-term elections, renewal of elections, eligibility for election and conditions of candidature and the election of deputies.

**METHOD AND PROCEDURES OF ELECTIONS**

ARTICLE 2 – Parliamentary elections shall be held in one stage. The method of proportional representation with general, equal and secret ballot shall be used. The casting of votes shall take place on the same day all over Turkey under the administration and supervision of judicial authorities.

Each voter shall cast their vote in person and with absolute freedom

The counting, sorting out and recording of the votes shall be executed publicly.

**NUMBER AND DISTRIBUTION OF DEPUTYSHIPS**

ARTICLE 3 - (Amended: 4125 - 27.10.1995) The number of deputies shall be 550 (The rest of the present article (following the first sentence) has been deleted by Decision no. E.1995/54 K. 1995/59 of the Constitutional Court dated 18.11.1995 published in Official Gazette no. 22470 Mük. dated 21 November 1995.)

**ELECTION DISTRICTS AND NUMBERS OF DEPUTIES TO BE ELECTED BY EACH ELECTION DISTRICT**

ARTICLE 4 - (Amended: 4125 - 27.10.1995) First of all, out of the total number of deputies (...) one deputyship shall be allocated to each province. (\*)

(Amended 2. Paragraph: 4138 - 23.11.95) The number of inhabitants of Turkey, as determined at the last census, shall be divided by the remaining number of deputyships. The number of inhabitants of each province shall be divided by the number so calculated to find the number of deputies to be elected by that province on top the one deputyship allocated at the beginning.

(...) The numbers of inhabitants of those provinces which do not have a sufficient number of inhabitants to have a deputyship on top of the one deputyship allocated at the beginning according to that method and the residual numbers of inhabitants of the other provinces shall be ranked according to their magnitudes and the deputyships which have not been distributed among provinces at the first calculation shall be distributed on the basis of that ranking. (\*)

For the allocation of the last deputyship, in the event two or more provinces present the same number of inhabitants or residual number of inhabitants, lots shall be drawn. Those provinces which shall elect up to 18 deputies according to this calculation shall be considered as one election district. Those provinces which shall elect 19 to 35 deputies shall be divided into two election districts and those which shall elect 36 or more deputies into three election districts. Each election district shall be given an identification number.

(\*) By Decision no. E.1995/54 K. 1995/59 of the Constitutional Court dated 18.11.1995 published in Official Gazette no. 22470 Mük. dated 21 November 1995, the text in paragraphs 1. and 3. (in (...)) which reads "out of the total number of deputies minus 100" and "if the number of deputies so calculated is less than 450" have been deleted.

The following rules shall be observed for the determination of the election districts of these provinces;

- a) Election districts shall be formed so that every election district elects an equal number of deputies or a number of deputies as close as possible.
- b) The scope of each election district shall be the same as the administrative scope of the concerned county to the extent possible.
- c) The numbers of inhabitants and means of transportation shall be taken into account when several counties are gathered into one election district.

For the distribution of the deputies of each province among the province's election districts, the number of deputies to be elected from each election district shall be determined using the principles applicable to the allocation of deputyships to provinces on the basis of the numbers of inhabitants.

#### ANNOUNCEMENT OF THE ELECTION DISTRICTS AND THE NUMBER OF DEPUTYSHIPS OF EACH ELECTION DISTRICT

ARTICLE 5 – The election districts and the number of deputies to be elected by each election district shall be determined in accordance with Article 4 above and announced through the Official Gazette, radio and TV by the Supreme Board of Elections within 6 months from the announcement of the results of the census.

#### ELECTIONS PERIOD, BEGINNING OF ELECTIONS AND THE ELECTION DAY

ARTICLE 6 – Elections for the Grand National Assembly of Turkey shall be held once every five years.

The beginning date of the elections shall be July 3<sup>rd</sup> of the last meeting year of each elections period and votes shall be cast on the second Sunday of October.

In the event it is not possible to hold elections due to war, the Grand National Assembly of Turkey shall be entitled to postpone the elections for one year.

If the reason for the postponement persists, this procedure may be repeated in accordance with the procedure determined in the initial decision of postponement.

#### MID-TERM ELECTIONS

ARTICLE 7 – Mid-term elections shall be held if seats become vacant in the Grand National Assembly of Turkey.

One mid-term election can be held in one elections period. No mid-term elections can be held before thirty months from the general elections. However, if the number of vacant seats reaches five percent of the regular total number of deputies, the Grand National Assembly of Turkey shall decide to hold mid-term elections within three months.

No mid-term elections can be held later than one year prior to the general elections.

## RENEWAL OF ELECTIONS

ARTICLE 8 – If the Grand National Assembly of Turkey or the President of the Republic decides that elections should be renewed before the expiration of the elections period, the Cabinet shall announce such decision within 48 hours.

(Amended: paragraph 2: 3403 - 10.9.1987) If the renewal decision has been taken by the Grand National Assembly of Turkey, then the Assembly shall also determine the date of the elections. If the renewal decision has been taken by the President of the Republic, then votes shall be cast on the first Sunday following the ninetieth day after the decision.

## PERIODS

ARTICLE 9 – In event of a renewal of elections or mid-term elections, the Supreme Board of Elections may shorten the periods determined by the present Statute or by Statute no. 298 on the Basic Provisions Governing Elections and the Voters' Registers and Statute no. 2820 on Political Parties.

## ELIGIBILITY FOR CANDIDATURE

ARTICLE 10 – Every Turkish citizen who has completed the age of thirty shall be eligible for candidature.

## INELIGIBILITY FOR ELECTIONS

ARTICLE 11 – The following shall be ineligible for candidature:

- a) Those who do not have a primary school graduation,
- b) Those placed under the care of a guardian,
- c) Those who have not completed their military service (if they have such an obligation),
- d) Those who are banned from civil service,
- e) Those who have been sentenced to prison terms the total of which is equal to or longer than one year or those who have been convicted for an indictable offence regardless of the term of the prison sentence, except for crimes of imprudence;
- f) Those who have been convicted for the following offences, even if pardoned;
  1. Disgraceful offences such as embezzlement, misappropriation, bribery by a government official, bribery, theft, swindling, forgery, abuse of confidence, fraudulent bankruptcy and smuggling other than smuggling for personal use and consumption, inappropriate practices in governmental tenders, procurements or sales, or disclosure of state's secrets.
  2. Committing one of the offences mentioned in the Turkish Penal Code, Second Book, First Chapter or publicly provoking such offences;
  3. Expressly provoking hatred and enmity among the people on the basis of social class, racial, religious, denominational or regional differences, as described in Article 312 of the Turkish Penal Code.
  4. Committing one of the offences described in Article 536 paragraph 1, 2 and 3 of the Turkish Penal Code and Article 537 paragraphs 1, 2, 3, 4 and 5 of the Turkish Penal Code for political and ideological purposes.

## SECTION TWO

### BEFORE THE ELECTIONS

#### CANDIDATURE

ARTICLE 12 – Every Turkish citizen eligible for candidature can stand for elections. There is no obligation of being a political party member for candidature.

(Amended 2. Paragraph: 3270 - 28.3.1986) The political parties which are eligible for elections as determined and announced by the Supreme Board of Elections according to Statute no. 298 on the Basic Principles Governing Elections and the Voters' Registers Article 14 paragraph 11 may present candidates in all election districts in accordance with Statute no. 2820 on Political Parties (Amended: Last sentence deleted: 3757 – 24.8.1991) (by Statute no. 4125 Article 21/a dated 27 October 1995.)

#### THE STATUS OF POLITICAL PARTIES WHICH FAIL TO PRESENT A FULL NUMBER OF CANDIDATES IN AT LEAST HALF OF ALL OF THE PROVINCES

ARTICLE 13 - (Amended 1. paragraph: 3757 - 24.8.1991) If a political party has failed to present a full number of candidates in at least half of the total number of provinces in accordance with Article 12 or to present candidates in any one of the election districts of these provinces in accordance with Article 12, then the Supreme Board of Elections shall notify the relevant central organs of the concerned political party of the deficiency.

The concerned political party must correct the deficiency within two days from the date of the notification. Otherwise, the concerned political party shall forfeit its eligibility for elections for all of the election districts.

#### THE STATUS OF POLITICAL PARTIES WHICH HAVE PRESENTED CANDIDATES IN MORE THAN HALF OF ALL OF THE PROVINCES

ARTICLE 14 - (Amended 1. Paragraph: 3757 - 24.8.1991) If a political party has presented candidates in more than half of the provinces in accordance with Article 12 but failed to present the required number of candidates in one or more election districts, then the Supreme Board of Elections shall notify the relevant central organs of that party of the deficiency.

The concerned political party must correct the deficiency within two days from the date of such notification. Otherwise, that political party shall not be entitled to stand for elections in those election districts where it has failed to present the necessary number of candidates, the provision of the article above being reserved.

#### DEFICIENCY DUE TO OBJECTION

ARTICLE 15 – If a deficiency in the number of candidates presented by a political party occurs due to objections, then the concerned political party shall have to correct the deficiency within two days from the date of the notification of the Supreme Board of Elections. Otherwise, the provisions of the article above shall be applicable.

#### CANDIDATES OF POLITICAL PARTIES AND INDEPENDENT CANDIDATES

ARTICLE 16 – No agreement between political parties to stand for elections with joint lists of candidates shall be allowed.

Non party members can be presented by a political party as a candidate only if such non party member has given written consent.

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

Independent candidates cannot stand for elections in more than one election district.

#### JUDGES IN CHARGE

ARTICLE 17 – Chairmen and members of the Supreme Board of Elections and provincial boards of elections and chairmen of county boards of elections can resign from their

respective board only if they are to stand for elections. Those who chose to stand for elections must exercise their right to resign no later than one month to the beginning of the general or mid-term elections or within 7 days from the announcement of a decision for a renewal of elections.

Those who chose to stand for elections shall be subject to the provisions of Articles 18 and 19 concerning the candidature of civil servants.

If the spouse or a first or second degree relative by blood or by marriage of a judge who is a member of a provincial or county board of elections stands for elections or is presented as a candidate in an election district where the judge is in charge, the concerned judge must resign from the board of elections and promptly notify the relevant authorities.

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

## CIVIL SERVANTS, POLITICAL PARTY LEADERS AND MEMBERS OF THE TURKISH ARMED FORCES

ARTICLE 18 - (Amended: 4125 - 27.10.1995) The following must apply for resignation from their office one month prior to the beginning of the general or mid-term elections or within seven days from the date of the announcement of a renewal of elections, if they are to stand for elections or to be presented as candidate: judges and prosecutors, members of supreme courts, university lecturers, members of the Higher Education Council, members of the Higher Board of Radio and Television, civil servants and other employees of the government other than those who are considered as workers for the nature of their service, mayors, armed forces officers and non-commissioned officers, chairmen and members of provincial and county boards of administration of political parties and members of municipality councils and members of general provincial council.

## PROVISIONS CONCERNING RESIGNATION

ARTICLE 19 – If a person holding an office mentioned in Article 18 wants to resign in order to stand for elections, such person shall submit a petition to his/her first chief. The chief shall authenticate the signature on the petition and send the petition direct to the responsible ministry or entity. The petitioner shall receive a receipt for the petition. Other concerned chiefs shall also be notified in accordance with the hierarchy. Application by cable is also possible subject to the same provisions.

Within ten days from the date of the reception of the petition by the responsible ministry or entity, the petitioner and the responsible chiefs shall be notified of the acceptance of the resignation.

No such application for resignation by an eligible person shall be declined, except for war and mobilisation situations in the case of armed forces officers and non-commissioned officers. Statute no. 1402 on Martial Law Article 2 paragraph 7 is reserved. Armed forces officers or non-commissioned officers who have so resigned shall not be entitled to withdraw their revoke or, if they are not elected, to resume their office.

Those people whose application for resignation has been declined on the grounds of ineligibility shall not be included in any list of candidates list or stand for elections.

Those people whose application for resignation has been accepted shall not be allowed to conduct propaganda activities as long as they remain at their office. Officers and non-commissioned officers and other people who wear official uniforms shall not conduct propaganda wearing their uniforms and shall not conduct any activities of that nature.

## SUBMISSION BY POLITICAL PARTIES OF THEIR LISTS OF CANDIDATES

ARTICLE 20 - (Amended 1. paragraph: 4125 - 27.10.1995) Headquarters of political parties shall submit (...) to the Supreme Board of Elections their lists of candidates (...) for each

election district in which they will stand for elections in return for a receipt not later than 17.00 on the tenth day after the primary election day. (\*)

The Supreme Board of Elections shall promptly notify these lists to the provincial board of elections. The Supreme Board of Elections shall announce the lists of candidates of all of the parties through the Official Gazette and radio. Provincial boards of elections shall announce the lists relating to their area through customary means as provisional lists.

#### APPLICATION FOR INDEPENDENT CANDIDATURE

ARTICLE 21 - (Amended 1. paragraph: 4125 - 27.10.1995) Applications for independent candidature shall be made to the relevant provincial board of elections together with a letter certifying that the applicant is eligible for candidature according to the present Statute (...). The provincial board of elections shall issue a certificate for the reception of the application and promptly notify the Supreme Board of Elections. The Supreme Board of Elections shall announce all of the independent candidature applications and the provincial boards of elections shall announce the candidatures for their respective areas through customary means in the form of provisional lists. (\*\*)

Applicants for independent candidature shall deposit an amount equal to the gross salary of a civil servant of the highest rank to the responsible sub-division of the treasury and add the receipt thereof to the documents of their application for candidature.

#### OBJECTIONS AGAINST CANDIDATURES

ARTICLE 22 - Objections may be lodged against candidatures to the responsible provincial board of elections within two days from the announcement of the provisional lists of candidates. Provincial boards of elections must resolve the objections in two days' time.

The concerned may raise objections against the resolutions before the Supreme Board of Elections within 2 days.

The Supreme Board of Elections shall resolve the objections within three days but not later than the day the definitive lists of candidates are announced.

#### EXAMINATION OF CANDIDATURES

ARTICLE 23 – If provincial boards of elections find in a candidature in their election district a shortcoming or a non compliance (even if a province has been divided into several election districts), then they shall notify the concerned candidate, the provincial leaders of the political parties and the Supreme Board of Elections within two days from the provisional announcement.

(\*) The words “and the lists of candidates for the national election district” and “separately” in Article 20 amended paragraph 1 have been deleted by Decision no. E.1995/54 K. 1995/59 of the Constitutional Court dated 18.11.1995 published in Official Gazette no. 22470 Mük. dated 21 November 1995.)

(\*\*) The words “not later than 17.00 on the eve of the primary election day” in Article 21 amended paragraph 1 have been deleted by Decision no. E.1995/54 K. 1995/59 of the Constitutional Court dated 18.11.1995 published in Official Gazette no. 22470 Mük. dated 21 November 1995.

#### ANNOUNCEMENT OF CANDIDATES

ARTICLE 24 – Once candidatures have become definitive, the Supreme Board of Elections shall announce all candidates and their respective election districts on the fifty fifth day prior to the day of casting votes through the Official Gazette and radio.

Provincial boards of elections shall announce the candidates of their respective election districts on a date to be determined by the Supreme Board of Elections through customary means.

#### WITHDRAWAL OF CANDIDATURE AND DEATH OF A CANDIDATE

ARTICLE 25 – In the event a withdrawal of candidature or death of a candidate occurs during the period from the date the lists became definitive to 17.00 on the day of casting votes, the vacancies so created shall not be filled and the lists of candidates shall be shifted upwards to fill the vacancy.

### **SECTION THREE**

#### **ELECTION DAY**

##### **BALLOT PAPERS**

ARTICLE 26 - (Amended: 4125 - 27.10.1995) The combined ballot papers for the political parties and the ballot papers for independent candidates shall be prepared in accordance with the following rules:

a) The Supreme Board of Elections shall have the ballot papers printed on papers with the watermark “Türkiye Cumhuriyeti Yüksek Seçim Kurulu” (Republic of Turkey - The Supreme Board of Elections) in accordance with Statute no. 298 on the Basic Principles Governing Elections and the Voters' Registers Article 14 paragraph (1).

b) At the top of each combined ballot paper shall be the inscription “Siyasi Partiler” (Political Parties). Below that inscription shall be the row of the political party boxes. The order of the political party boxes shall be determined by a drawing of lots to be conducted by the Supreme Board of Elections in the presence of the representatives of the political parties. On the top of each box in the middle shall be the logo of the concerned political party. Below the logo shall be the following from the top to the bottom: abbreviation of the name of the political party, full name of the political party, the name of the leader of the political party 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 (those who figure in the definitive list of candidates) in accordance with their respective row numbers.

(Last sentence deleted by Decision no. E.1995/54 K. 1995/59 of the Constitutional Court dated 18.11.1995 published in Official Gazette no. 22470 Mük. dated 21 November 1995.)

c) There shall be a 0,5 cm space defined by two vertical lines between two boxes.

d) Independent candidates shall have their own ballot papers printed complying with the rules determined by the Supreme Board of Elections concerning size, form and amount and deliver their ballot papers to the responsible provincial board of elections within a time-limit to be announced.

#### SENDING THE COMBINED BALLOT PAPERS TO THE POLLING PLACE AND STAMPING THEM WITH THE SEAL OF THE BALLOT BOX COMMITTEE

ARTICLE 27 – The combined ballot papers shall be grouped in packages of 400 and stamped and numbered and sent to the election districts by the Supreme Board of Elections together with a sufficient number of envelopes.

County boards of elections shall receive the packages and determine in an official written record which package has been assigned to which ballot box committee with identification numbers.

The ballot box committee shall receive the package and open it on the day of the casting of votes, just before the beginning of the casting of votes, and stamp each and every combined ballot paper with the seal of the ballot box committee. When a voter approaches the ballot box committee, the voter shall be given a combined ballot paper. At that moment the combined ballot paper shall be shown to the ballot box committee members, witnesses and

the voter to make sure that the combined ballot paper bears the seal of the ballot box committee and no other sign whatsoever.

The definitive lists of candidates of the political parties shall be posted at conspicuous places in the vote casting and ballot box area by the provincial boards of elections. Independent candidates shall be announced on that list in a separate column in accordance with the order in the combined ballot paper. (\*)

## CASTING OF VOTES

ARTICLE 28 - (Amended: 3270 - 28.3.1986) The Supreme Board of Elections shall have a seal with the inscription "evet" (yes) manufactured for each ballot box and send one to the chairman of each ballot box committee. The chairman must keep this seal as long as people continue to cast their votes. At the moment of casting their votes, each voter shall be given that seal and a ballot paper and go the vote casting booth, which shall be a closed place where a voter shall cast his/her vote without being seen.

(Amended, paragraphs 2, 3 and 4: 4125 - 27.10.1995) Each voter shall stamp the "evet" seal only on the circle under the name of the political party he/she prefers or place the ballot paper of the independent candidate he/she prefers in the envelope.

After stamping the "evet" seal the voter shall fold the ballot paper and place it in the envelope and close and seal it and then return the "evet" seal to the chairman of the ballot box committee and cast the envelope into the ballot box.

The political party under whose name a voter has stamped the "evet" seal in the circle shall be the political party for which that voter has voted. If a voter has only placed an independent candidate's ballot paper in the envelope, than he/she will have voted for that independent candidate.

(The 5th and 6th paragraphs have been abolished by Article 14 of Statute no. 4125 dated 27 October 1995).

## CALCULATION OF VALID VOTES

ARTICLE 29 - (Amended, paragraphs 1 and 2: 4125 - 27.10.1995) The total number of valid votes received by a political party in an election district shall be the votes received by that political party at that election district under Article 238 paragraph 2.

The number of valid votes received by an independent candidate shall be the number of the votes he/she has received under article 28 paragraph 2.

The total number of valid votes in an election district shall be total number of the valid notes received by the political parties and the independent candidates in that election district.

The number of the valid votes on a national basis shall be the total number of the valid votes of all of the election districts.

## RECORDING THE RESULTS OF THE VOTE COUNTING

ARTICLE 30 - (Abolished by Statute no. 4125 Article 21/a dated 27 October 1995.)

(\*) Last sentence abolished by Statute no. 4125 Article 21/a dated 27 October 1995. Subsequently, the decision for abolishment being cancelled by Decision no. E.1995/54 K. 1995/59 of the Constitutional Court dated 18.11.1995 published in Official Gazette no. 22470 Mük. dated 21 November 1995, the last sentence was inserted back in its place in the text.)

## SECTION FOUR

### AFTER THE CASTING OF VOTES

#### COMBINING THE RESULTS AT COUNTIES

ARTICLE 31 - Each county board of elections shall combine the results of the ballot boxes and record the number of votes received by the political parties and by independent candidates

(Second sentence was abolished by Statute 4125 Article 21/a dated 27 October 1995.)

#### COMBINING RESULTS AT PROVINCIAL BOARDS OF ELECTIONS

ARTICLE 32 - Each provincial board of elections shall combine the results from counties as recorded by county boards of elections as specified above and separately record the following items for each election district:

- a) Number of eligible voters,
- b) Number of voters who cast a vote,
- c) Number of ballot papers found valid despite objection or dispute,
- d) Number ballot papers found invalid,
- e) Total number of valid ballot papers,
- f) The numbers of valid votes received by each political party and by independent candidates.
- g) (abolished by Statute 4125 Article 21/a dated 27 October 1995.)
- h) (abolished by Statute 4125 Article 21/a dated 27 October 1995.)

#### GENERAL BARRIER

ARTICLE 33 - (Amended 1. Paragraph: 3377 - 23.5.1987) No candidates of a political party which has not obtained more than 10% of all of the valid votes in Turkey as a whole or, in the case of mid-term elections, in all of the mid-term election districts shall enter the parliament. The election of an independent candidate who has stood for elections in the list of candidates of a political party shall also depend on that political party's surpassing this 10% barrier.

Provincial boards of elections shall draw up the votes counting combination report as specified above and promptly send the results by cable to the Supreme Board of Elections and also inform the Supreme Board of Elections by phone and radio.

The Supreme Board of Elections shall sum up all of the valid votes from all over Turkey and calculate the percentage of the valid votes of each political party in the total number of valid votes and notify those parties which have surpassed the barrier to the provincial boards of elections and announce these parties to the public.

Once that announcement has been made, the eventual cancellation of elections in one or several election districts shall not necessitate a re-calculation of the percentages on a national basis.

#### CALCULATION OF THE DEPUTYSHIPS TO BE OBTAINED BY POLITICAL PARTIES AND BY INDEPENDENT CANDIDATES IN EACH ELECTION DISTRICT

ARTICLE 34 – The number of deputyships to be obtained in each election district by independent candidates and by those political parties which have surpassed the barrier shall be calculated as follows:

(Amended, paragraph 2: 4125 - 27.10.1995)

(Abolished by Decision no. E.1995/54 K. 1995/59 of the Constitutional Court dated 18.11.1995 published in Official Gazette no. 22470 Mük. dated 21 November 1995.)

(Amended, paragraph 3: 3377 - 23.5.1987)

(Amended, first sentence: 4138 - 23.11.1995) Those political parties and independent candidates who have stood for the elections shall be written in rows with their respective number of votes opposite their name. The number of votes obtained by each party shall be divided first by one, then by two, then by three .. up to the number of the deputies to be elected in the election district in question. The shares so obtained and the votes obtained by the independent candidates shall be ordered from the largest to the smallest, without leaving

out any one of them. And the deputyships of the election district in question shall be allocated to those political parties and independent candidates in the order of the magnitude of the figures (Added sentence: 3403 – 10.9.1987).

In election districts with six deputyships, the division operation shall be carried out with one less (Added sentence: 3404 - 17.10.1987) (Abolished by Article 21/a Statute no. 4125 dated 27 October 1995.)

In the event there are equal figures for the last deputyship, lots shall be drawn.

(Amended 5. paragraph: 4138 - 23.11.95) If none of the political parties have surpassed the barrier, then the deputyships shall be distributed according to the paragraph 3 and 4.

(Added paragraph: 3270 - 28.3.1986)

Wherever there are quota candidates, the quota candidate of the party which has obtained the largest number of valid votes shall enter the parliament regardless of whether that political party has surpassed the barrier in that election district or not.

#### CALCULATION OF THE NUMBER OF POLITICAL PARTIES' DEPUTIES

ARTICLE 34/A - (Addition: 4125 - 27.10.1995) (Abolished by Decision no. E.1995/54 K. 1995/59 of the Constitutional Court dated 18.11.1995 published in Official Gazette no. 22470 Mük. dated 21 November 1995.)

#### DETERMINATION OF THE ELECTED

ARTICLE 35 - (Amended: 4125 - 27.10.1995) The chairman of the provincial board of elections shall determine and record the elected among the candidates of the political parties and among independent candidates (if any) and publish a copy of the record in the concerned election district. The chairman shall have another copy posted on the door of the county board of elections for one week.

#### NOTIFICATION OF THE ELECTED TO THE SUPREME BOARD OF ELECTIONS AND DELIVERY OF THE RECORDS TO THE SUPREME BOARD OF ELECTIONS

ARTICLE 36 – The elected shall be promptly notified to the Supreme Board of Elections by cable with their names and political parties and election district. The Supreme Board of Elections shall also be informed by phone or radio.

(Amended, paragraph 2: 4125 - 27.10.1995) Each elected candidate shall promptly receive an election return from the provincial board of elections certifying their election. Two copies of the same return shall be sent to the Supreme Board of Elections using the fastest means of delivery. (...) The Supreme Board of Elections shall give one copy to the office of the Speaker of the Grand National Assembly of Turkey.

#### PUBLICATION OF THE ELECTION RESULTS

ARTICLE 37 – As information on the elections results are received from the provincial boards of elections as specified in the first paragraph of the article above, the Supreme Board of Elections shall promptly announce this information to the public through radio and TV.

Once all of the results have been received from all of the provinces, the number of deputyships obtained by each political party and the names of the elected shall be promptly announced to the public by the Supreme Board of Elections through radio and TV without waiting for the reception of the copies of the election returns or the result of eventual objections.

Once all of the records of the results have been received from the provinces, the Supreme Board of Elections shall promptly broadcast a second announcement through radio and TV and in the Official Gazette to announce to the public the names of the elected, the number of voters, the number of voters which have cast their vote, rate of participation, number of valid votes and the votes obtained by each political party and by independent candidates for each province and election district.

All of the means of transportation and communication of the government shall be allocated to the communication of the news, correspondence, information and materials between elections committees, to the extent possible.

#### PUBLICATION OF THE ELECTION RESULTS BY THE STATE STATISTICS INSTITUTE

ARTICLE 38 – The State Statistics Institute shall publish the information contained in the ballot box committee records for each province, election district and county, election areas and ballot box areas on the basis of the documents provided by the Supreme Board of Elections within one year following the election day.

#### CANCELLATION OF ELECTIONS AND OF AN ELECTION RETURN

ARTICLE 39 – If it is decided, following a second counting and sorting out, that an election return should be cancelled upon an objection against the counting or sorting out of the votes, then those elected as a result of the second counting and sorting out shall receive their returns from the Supreme Board of Elections.

If it is decided that elections in an election district should be cancelled, then the elections shall be repeated in that election district. The Supreme Board of Elections shall announce through the Official Gazette and other means that the elections shall be repeated in that election district together with the decision for the cancellation.

The first Sunday following the sixtieth day after that announcement shall be day of casting votes.

If it is decided that the returns of one or more deputies should be cancelled for reasons other than specified in the paragraphs above, then the candidates following those people whose returns have been cancelled shall receive returns in accordance with Article 34 and 35.

If there are not sufficient candidates following those people whose returns have been cancelled, then the provisions for mid-term elections shall apply.

(\*) The sentence in (...) which reads “the returns of those elected in the national election district shall be drawn up and given to the concerned by the Supreme Board of Elections” has been deleted by Decision no. E.1995/54 K. 1995/59 of the Constitutional Court dated 18.11.1995 published in Official Gazette no. 22470 Mük. dated 21 November 1995.)

#### KEEPING THE ELECTION DOCUMENTS

ARTICLE 40 – The ballot papers which have been subject to objection (whether eventually considered as valid or not), tables of counting and sorting out and election records and all other documents relating to the elections shall be kept by the chairman of each concerned county board of elections or provincial board of elections, as appropriate, for two years and shall not be sent anywhere except required by the Supreme Board of Elections.

### **SECTION FIVE**

#### **MISCELLANEOUS**

##### **MONEY DEPOSITED BY INDEPENDENT CANDIDATES**

ARTICLE 41 - (Amended paragraph 1: 4125 - 27.10.1995) If an independent candidate does not obtain a sufficient number of votes to be elected, then the deposit he/she had paid shall be forfeited.

The deposit money of those candidates who die or withdraw candidature within the legal time-limit or whose candidature is declined or who has received a sufficient number of votes as specified above or the legal successors of such candidate shall receive the deposit money back provided they apply for the reimbursement of their money after the elections.

**SITUATIONS FOR WHICH THERE ARE NO SPECIFIC PROVISIONS**

ARTICLE 42 – Situations for which there are no specific provisions shall be subject to the provisions of Statute no. 298 on The Basic Principles Governing Elections and Voters' Registers, provided that these provisions do not contradict the provisions of the present.

The Supreme Board of Elections shall have the power to take decisions of principle in order to ensure that the elections are held in an orderly and proper manner.

**SECTION SIX****AMENDMENTS**

ARTICLE 43 – The “Provisions on the Senate of the Republic” in the Statute no. 298 on the Basic Provisions Governing Elections and the Voters' Registers dated 26.04.1961 have been deleted.

ARTICLE 44 - 61 - (These articles are related to amendments to Statute no. 298 on the Basic Provisions Governing Elections and the Voters' Registers dated 26.04.1961 Articles 7, 14, 52, 103, 149, 151, 152, 153, 157, 159, 160, 161, 162, 164, 168, 169, 170 and 180 and have been added to the text of the mentioned statute).

ARTICLE 62 - (It is related to the amendment to Statute no. 2820 on Political Parties dated 22 April 1983 provisional article 6 and has been added to the text of the mentioned statute.)

**SECTION SEVEN****PROVISIONAL ARTICLES**

PROVISIONAL ARTICLE 1 – For the parliamentary elections to be held after the promulgation of the present statute, the election day shall be 6 November 1983.

The beginning date of the elections period shall be 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 periods specified in relation to the elections in the present statute or in Statute no. 298 on Principal Provisions Governing the Elections and Voters' Registers and Statute no. 2820 on Political Parties.

For the calculation, as specified in Article 6 of the present Statute, of the 5-year elections period relating to the parliamentary elections to be held on 6 November 1983, the second Sunday of October 1983 shall be accepted as the election day.

PROVISIONAL ARTICLE 2 – For the parliamentary elections to be held after the promulgation of the present statute, the political parties shall not be required to have held their great congress as a pre-condition of standing for the elections. However, to be eligible for the elections, each political party must have set up their organisation in at least half of all of the provinces by the beginning date of the elections to be specified by the Supreme Board of Elections.

PROVISIONAL ARTICLE 3 – For the power of the National Security Council to examine and decline candidatures as determined in provisional article 4 of the Statute no. 2820 on Political Parties and for the candidates to be determined by the council of founders of each political party for the parliamentary elections to be held after the promulgation of the present statute, according to provisional article 6 of the above-mentioned statute, the following shall be applicable.

a) The National Security Council shall examine the candidatures within twelve days after the announcement of the provisional lists of candidates by the Supreme Board of Elections.

b) The candidatures which have been declined in accordance with paragraph (a) above shall be notified to the Supreme Board of Elections and shall be removed from the lists of candidates. The decisions relating to candidatures declined by the National Security Council shall be definitive.

c) (Amended: National Security Council Decision No: 155 - 19.9.1983) Political parties shall replace the candidates who have been declined by the National Security Council in accordance with paragraph (a) with new candidates (with an alternate candidate for each candidate) and notify the new candidates with their row numbers to the National Security Council via the Supreme Board of Elections within two days.

The National Security Council shall examine the newly submitted candidatures within 7 days. The National Security Council shall notify the accepted candidatures to the Supreme Board of Elections.

d) If a list of candidates of a political party remains incomplete due to declined candidatures, such incompleteness shall not prevent the political party in question from standing for elections, the provisions regarding the eligibility for elections of the political parties being reserved.

PROVISIONAL ARTICLE 4 – For the first parliamentary elections to be held following the promulgation of the present statute, the National Security Council shall examine the candidatures within twelve days from the announcement of the provisional lists of candidates by the Supreme Board of Elections. Declined candidates shall be notified to the Supreme Board of Elections and removed from the lists of candidates. The decisions of the National Security Council in that respect shall be definitive.

PROVISIONAL ARTICLE 5 - For the first parliamentary elections to be held after the promulgation of the present statute, voters shall express their vote by stamping the “evet” (yes) seal in the circle only under the name of the political party or independent candidate they vote for. No signs of preference shall be used.

If the seal has been stamped on the circle for a political party, signs on the list of candidates shall not invalidate the ballot paper.

The official recording of the vote counting shall be carried out at counties subject to the provisions relating to the vote counting by provincial boards of elections specified above.

Once the number of deputyships obtained by each political party has been determined in accordance with Article 34, the candidates to enter the parliament shall be determined according to the list of candidates of that political party on the ballot paper.

PROVISIONAL ARTICLE 6 – Within 30 days from the promulgation of the present statute, the Supreme Board of Elections shall determine the election districts and the number of deputies to be elected by each election district on the basis of the results of the last census in accordance with Article 4 and announce them through the Official Gazette, radio and TV.

PROVISIONAL ARTICLE 7 - For the first parliamentary elections to be held after the promulgation of the present statute; each county board of elections shall consist of one chairman and six members and six alternate members. Two members and two alternate members shall be recruited from among civil servants and four members and four alternate members from among the members of political parties which have stood for elections in the election district in question. If there are more than 4 political parties which have stood for elections in that election district, then lots shall be drawn by the chairman of the county board of elections to determine from which political parties members should be recruited. In such an event, party member alternate members shall be determined by lots giving priority to the members of those political parties which have no members in the county board of elections.

In the event there are more than 4 political parties which have stood for elections in an election district, the vacant seats in a county board of elections shall be filled with non party members who have the capacity to carry out this function.

PROVISIONAL ARTICLE 8 - For the first parliamentary elections to be held after the promulgation of the present statute; each ballot box committee shall consist of one chairman, six members and six alternate members.

The chairman of the county board of elections shall appoint;

- a) a chairman and two members and two alternate members to the ballot box committee from among civil servants,
- b) and the four party member members and four party member alternate members from among the members of political parties which have stood for elections in that election district.

If there are more than 4 political parties which have stood for elections in that election district, then lots shall be drawn by the chairman of the county board of elections separately for each ballot box committee to determine from which political parties members should be recruited. In such an event, party member alternate members shall be determined by lots giving priority to the members of those political parties which have no members in the county board of elections.

In the event no civil servants are available to recruit as ballot box committee members or if there are less than 4 political parties which have stood for elections, then the vacant seats in the committee shall be filled with non party members who have the capacity to carry out this function.

PROVISIONAL ARTICLE 9 – For the first parliamentary elections;

- a) Those people who are under the care of a guardian or banned from civil service or in jail for a conviction or under custody on the day of casting votes shall not vote even if they are on a voters' register.
- b) Those people who have not been entered in a voters' register due to their being in jail for conviction or under custody at the time of the forming or updating of Voters' Registers but were later released may apply to the county board of elections of their quarter of residence with the document of their release not later than 17.00 on the 15<sup>th</sup> day prior to the day of casting votes, even if the legal time-limits have been exceeded or Voters' Registers have become definitive, to be entered in ballot box lists provided that they are eligible for voting and that the county board of elections finds it appropriate.

PROVISIONAL ARTICLE 10 - For the first parliamentary elections, those people who have not been entered in a voters' register due to their being abroad at the time of the forming or updating of Voters' Registers may apply to the county board of elections of their residence quarter with their passports not later than 17.00 on the 15<sup>th</sup> day prior to the day of casting votes, even if the legal time-limits have been exceeded or Voters' Registers have become definitive, to be entered in ballot box lists provided that they are eligible for voting and that the county board of elections finds it appropriate. That situation shall be noted on their passports with the number of their ballot box.

PROVISIONAL ARTICLE 11 - For the first parliamentary elections, those people who have not been entered in a voters' register due to their being a soldier or military school student at the time of the forming or updating of Voters' Registers but were later discharged or dismissed from the armed forces or became officers and non-commissioned officers may apply to the county board of elections of their residence quarter with supporting documents not later than 17.00 on the 15<sup>th</sup> day prior to the day of casting votes, even if the legal time-limits have been exceeded or Voters' Registers have become definitive, to be entered in ballot box lists provided that they are eligible for voting and that the county board of elections finds it appropriate.

PROVISIONAL ARTICLE 12 - (Abolished by Statute no. 3377 dated 23 May 1987 Article 14.)

PROVISIONAL ARTICLE 13 - (Addition: 4135 - 21.11.1995) The ten-day time-limit in the first paragraph of Article 20 of Statute no. 4125 dated 27.10.1995 shall be a 15-day time-limit for the 20th Parliamentary Elections and this 15-day period shall not be shortened. The Supreme Board of Elections shall prepare the elections schedule accordingly.

PROVISIONAL ARTICLE 14 - (Added: 4138 - 23.11.1995) (Abolished by Decision no. E.1995/56 K. 1995/60 of the Constitutional Court dated 1.12.1995 published in Official Gazette no. 22486 Mük. dated 7 December 1995.)

PROVISIONAL ARTICLE 1 - (4125 - 27.10.1995) The relevant central organs of political parties shall have the power to make amendments for the arrangement or modification of their political party's regulations concerning elections from the date of the promulgation of the present statute to the election day.

PROVISIONAL ARTICLE 2 - (4125 - 27.10.1995) For the first parliamentary elections after the present statute, the casting of votes by voters abroad (...) in the country where they live shall be held under the supervision of the Supreme Board of Elections in accordance with the rules of free elections with equal rights of vote, secret ballot, single stage voting and public counting and sorting out of votes.(\*)

The Supreme Board of Elections shall appoint Foreign Ministry personnel abroad whenever necessary.

The Foreign Ministry shall implement the arrangements of the Supreme Board of Elections.

In the event there are actual or legal barriers to casting votes abroad or other unfavourable circumstances, Article 94 of Statute no. 298 dated 26.4.1961 concerning the casting of votes at border gates shall be applicable.

(\*) The words "who live abroad" have been deleted by Decision no. E.1995/54 K. 1995/59 of the Constitutional Court dated 18.11.1995 published in Official Gazette no. 22470 Mük. dated 21 November 1995.

PROVISIONAL ARTICLE 3 - (4125 - 27.10.1995) The Supreme Board of Elections shall have the power to:

- accept the resignation of civil servants for standing for elections;
- notify the procedures and rules of determination of candidates by political parties;
- determine the rules of the casting of votes by people in jail for conviction or under custody
- determine the rules of the casting of votes at border gates;
- shorten the periods related to the matters above and other periods determined by law when necessary, on the basis of the election day, and to announce such periods;
- determine the counties which shall conduct elections operations for those new counties which have not formed their judiciary organisation as of the date of the promulgation of the present statute;
- have ballot papers printed through provincial election boards; and
- decide about the packaging of the ballot papers to be sent to ballot boxes.

PROVISIONAL ARTICLE 4 - (4125 - 27.10.1995) Abolished by Decision no. E.1995/54 K. 1995/59 of the Constitutional Court dated 18.11.1995 published in Official Gazette no. 22470 Mük. dated 21 November 1995

PROVISIONAL ARTICLE 5 - (4125 - 27.10.1995) For the 20th parliamentary elections, no flags and similar materials shall be used in streets for electioneering purposes. (...) Political rally places are outside the scope of this provision for the duration of the rally. Breaches of that provision shall be subject to the provisions of Statute no. 298 on the Basic Principles Governing Elections and Voters' Registers and the provision of the first paragraph of Statute no. 151 on Voters' Registers. (\*)

PROVISIONAL ARTICLE 6 - (4125 - 27.10.1995) No public legal action against election offences shall be commenced after three months from the date the elections are finished.

PROVISIONAL ARTICLE 7 - (4125 - 27.10.1995) The day of casting votes for parliamentary elections after the present statute shall be 24 December 1995.

The beginning date of the elections shall be determined and announced by the Supreme Board of Elections on the basis of the election day specified in the paragraph above.

## **SECTION EIGHT**

### **FINAL PROVISIONS**

## PEOPLE WHO ABSTAIN FROM CASTING THEIR VOTES

ARTICLE 63 - (Amended: 3270 - 28.3.1986) Those people who abstain from casting their votes, although they are registered as voters and eligible for casting their vote, without justified excuse in parliamentary general or mid-term elections shall be punished with a fine of ten thousand Turkish liras. This provision is definitive. (\*\*).

## ABOLISHED STATUTES

ARTICLE 64 - Statute no. 304 on Elections for the Senate of the Republic dated 24.05.1961 and Statute no. 306 on Parliamentary Elections dated 25.05.1961 and all supplements and amendments thereto have been abolished.

## EFFECTIVE DATE

ARTICLE 65 - The present statute shall become effective on the day it is published.

## EXECUTION

ARTICLE 66 - The present statute shall be executed by the Cabinet.

(\*) The words in (...) "the area in front of the organisational buildings of political parties and" have been deleted to become effective after two months following the publication of the statute by Decision no. E.1995/54 K. 1995/59 of the Constitutional Court dated 18.11.1995 published in Official Gazette no. 22470 Mük. dated 21 November 1995

(\*\*) Those people who abstain from casting their vote, although they are registered as voters and eligible for casting their vote, without justified excuse in parliamentary general or mid-term elections shall be punished pursuant to Statute no. 4125 dated 27 October 1995 Article 22 with a fine of two hundred and fifty thousand Turkish liras (instead of ten thousand Turkish liras as specified in Article 63 of Statute no. 2839).