

LAW ON POLITICAL PARTIES

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For articles of this Law that were repealed, refer to

“Corpus of Repealed Provisions of Some Current Laws ”

Volume: 2 Page: 1217

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CHAPTER ONE

General Principles

Purpose:

Article 1 – The purpose of this Law is to set forth the principles regarding political parties.

Scope:

Article 2 – (Amended by Article 1 of Law 4445 dated 12 August 1999)

This law sets forth provisions on political parties regarding their establishment, organization, activities, duties, authorities and responsibilities, their acquiring of property, their revenues and expenditures, auditing, their voluntary closure and dissolution.

Definition:

Article 3 – Political parties are organizations with the status of legal entities, founded in accordance with the Constitution and laws, working by means of parliamentary and local elections to conduct activities throughout the country with the purpose of elevating the country to the level of modern civilizations within a democratic social regime by means of creating a national will through the activities they carry out and the propaganda they undertake in line with the views expressed in their by-law and party programme

The indispensable nature and qualities of political parties:

Article 4 – Political parties are indispensable elements of democratic political life. They work with commitment to the principles and revolutions of Atatürk.

The establishment of political parties, the selection of party organs, their functioning, activities and decisions shall not be contrary to the principles of democracy, as specified in the Constitution.

The right to found a political party:

Article 5 – Citizens shall be entitled to found political parties.

Political parties shall be freely founded in accordance with the Constitution and laws with no requirement for prior permission.

(Third paragraph repealed by Article 2 of Law 4445, dated 12 August 1999.)

The right to become a member and withdraw one's membership:

Article 6 – Every Turkish citizen shall be entitled to become a member of a political party in line with the conditions and procedures set forth in the law and the political party by-law, and shall be entitled to withdraw his membership at any time he so wishes.

No one shall be member to more than one political party at any given time, if this is the case, such membership shall be deemed void in all political parties.

No one shall become a member to more than one organizational unit of a political party, if this is the case, the membership registrations made prior to the date of the last registration shall be void.

Organization of political parties:

Article 7 – (Amended by Article 1 of Law 3370, dated 21 May, 1987)

The organization of political parties comprises their central organs, provincial, district and county organizations; their groups in the Grand National Assembly of Turkey, in the general provincial assembly and in the municipal council. (Annex sentence by Article 3 of Law 4445, dated 12 August 1999.) The by-laws of political parties may also include provisions on the establishment of women's branches, youth branches, similar side organizations and foreign offices in other countries.

County organizations shall be established in places that have a municipal organization other than provincial and district centres.

The county organizations shall be connected to the district headquarters. The method of selection and the conditions for establishment and activities, the number of members and their relations with the provincial and district organizations shall be governed by the political party's by-law.

The number of members in a county organization shall not be less than three.

(Fifth paragraph repealed by Article 3 of Law 4445, dated 12 August, 1999)

Organization of Political Parties

PART ONE

Establishment

Establishment of political parties:

Article 8 – (First paragraph amended by Article 6 of Law 4778, dated 2 January 2003)
Political parties can be established by at least thirty Turkish citizens who are eligible to become members of a political party.

The headquarters of political parties shall be located in Ankara.

Political parties shall become a legal entity once they submit the Notification of Establishment and documents specified below to the Ministry of Interior.

The Notification of Establishment shall comprise the title of the political party to be established, the address of the headquarters, the founders' names, surnames, dates and places of birth, their education, their profession or trade and their address and shall be signed by each of the founders; for each founder this notification shall be supported by five copies of the identification registry certificate, criminal record certificate, a signed declaration from each of the founders stating that they meet the conditions required to be a founder of a political party, the party by-law and programme signed by the founders.

The Ministry of Interior shall issue a certificate of receipt confirming that the aforementioned information and documents were submitted.

The Ministry of Interior shall send an approved copy of the notification of establishment and the certificate of receipt as well as a set of the supporting documents to the notification to the Office of the Public Prosecutor and the constitutional Court within three days as of the receipt.

Oversight of the establishment of political parties by the Office of the Chief Public Prosecutor:

Article 9 – (Repealed by Article 25 of Law 4445, dated 12 August, 1999)

Records of political parties:

Article 10 – The Office of the Chief Public Prosecutor shall keep a record file for each political party.

This record file shall consist of the following:

- a) The notification of establishment and annexes;
- b) (Amended by Article 2 of Law 3370, dated 21 May, 1987) Approved lists of the central organs, the provinces, districts and counties where the party has set up organizations, and the names, surnames, birth places, birth dates, professions or trades and addresses of persons working in these organs,
- c) All regulations and other publications regulating the activities of the party,

d) Lists comprising the information listed in paragraph (b) of the members registered to the party according to districts.

Any other information and documents relevant to the record and required by the Office of the Chief Public Prosecutor shall also be placed in this file.

Political parties shall send, to the Office of the Chief Public Prosecutor, the information and documents listed in paragraphs (b) and (c) as well as any changes made thereto or in the party by-law or programme within fifteen days as of the date of publication or change; whereas they shall send the lists mentioned in paragraph (d) and the changes pertaining thereto once every six months.

Closure and voluntary dissolution of political parties shall be written in their records.

These records shall be open to everyone. Provisions on the confidentiality of information that is the subject of an investigation are reserved.

(Annex by Article 2 of Law 3420, dated 31 March, 1988) The lists of members notified by the political party to the Office of the Chief Public Prosecutor and in accordance with paragraphs (b) and (d) shall be taken as a basis in the congress delegate elections and primary elections.

(Annex by Article 2 of Law 3420, dated 31 March, 1988) The Office of the Chief Public Prosecutor may assign staff in line with the principles in the third paragraph of article 31 of Law 298 on the Basic Provisions on Elections and Voter Registers for the preparation and writing of the lists of members and the dispatch of these lists to the district electoral boards as well as other relevant work and may also employ the technical tools belonging to public agencies and institutions in the performance of such work. Persons who are assigned in this manner shall be remunerated in accordance with article 182 of Law 298 on the Basic Provisions on Elections and Voter Registers. Such remuneration and the allocation necessary for the performance of the work shall be paid from the State Budget

PART TWO

Membership

Membership to political parties:

Article 11 – (first paragraph amended by Article 4 of Law 4445, dated 12 August 1999) Every Turkish citizen who has completed the age of eighteen and is eligible to exercise civil and political rights may become a member to a political party.

However the following shall not be eligible to become a member of political parties or be listed as a member by others:

a) (Amended by Article 4 of Law 4445, dated 12 August 1999) Judges and prosecutors, members of the supreme judicial bodies including the Court of Accounts, officials employed in public agencies and institutions who have the status of civil servants, other public officials who are not defined as workers due to the nature of the function they

perform, members of the Military and students attending education institutions before higher education,

b) 1 – Persons banned from public service,

2 – (Amended by Article 7 of Law 4778, dated 2 January 2003) Persons who have been convicted of committing any one of the infamous crimes of petty and major embezzlement, extortion, bribery, theft, theft by deception, fraud, abuse of faith, bankruptcy by deception, crimes of illicit trade other than employment and excise tax, bid rigging in official tenders and procurements or disclosing government secrets,

3 – (Amended by Article 7 of Law 4778, dated 2 January 2003) Persons who have been sentenced to five years heavy imprisonment or imprisonment for five or more years for offenses other than negligence.

4 – Those who have been convicted of the crimes listed under the first section of the Second Chapter of the Turkish Penal Code or of having explicitly provoked the commission of such crimes,

5 – (Amended by Article 7 of Law 4778, dated 2 January 2003) Persons who have been convicted of terrorist activity,

6 – (Repealed by Article 4 of Law 4445, dated 12 August 1999)

(Annex by Article 4 of Law 4445, dated 12 August 1999) Academics in tertiary education institutions shall be outside the scope of the prohibition. The Tertiary Education Law shall apply in their case.

Membership requirements:

Article 12 – The membership requirements for those who are eligible for membership according to the law shall be specified in the political party by-law. The by-law shall not have discriminatory provisions for membership on the basis of language, race, gender, religion, sect, class and profession.

Political parties may reject a membership application without showing reason. However, the person whose application for membership has been rejected shall be entitled to appeal to the organization higher in rank than the organization who has filed the rejection in that political party, as set forth in the party by-law. The decision passed upon appeal shall be final.

PART THREE

Central Organization

Organization of the main headquarters of political parties:

Article 13 – (Amended by Article 3 of Law 3370, dated 21 May 1987)

The central organs of political parties consist of the grand congress, the chairman of the political party and other decision-making, managerial, executive and disciplinary organs. The names and number of members in each of these organs are shown in the by-law of political parties.

Party by-laws may have provisions establishing optional committees for purposes of consultation and research in line with the purpose of the political party.

The mandate of the optional committees and the number and selection method of members shall be specified in the by-law.

Grand congress:

Article 14 – The highest organ of a political party is the grand congress.

The grand congress shall be comprised of elected members and natural members.

Elected members shall be those delegates elected by the provincial congresses in the numbers and method specified in the party by-law with the condition that their numbers do not exceed twice the total number of members of the Grand National Assembly of Turkey. The natural members shall be the chairman of the political party, the members of the central decision-making and managerial committees, the members of the disciplinary committee and ministers and deputies who are members to the party.

Persons who are a member of the grand congress by way of the title they bear shall not be chosen as delegates in the provincial congresses.

The grand congress shall have the authority: to elect, by means of secret voting, the political party chairman and the members of the central decision-making and managerial committee as well as the members of the central disciplinary committee; to make changes in the by-law and programme of the political party; to adopt the final revenue-expenditure accounts of the party to absolve the central decision-making and managerial committee or to reject the final account; to adopt decisions expressing will or decisions that are binding, provided that they are of a general nature, in accordance with the laws, the party by-law and party programme on issues concerning the society and the government about public functions and the party policies; to decide on the other issues specified by the law or party by-law; to decide on the voluntary dissolution of the party or its merger with another political party as well as on how the assets of the party will be liquidated or reverted in the case of a party whose legal existence shall cease.

(Amended by Article 3 of Law 3270, dated 28 March 1986) The grand congress shall convene as frequently as specified in the party by-law. The time between conventions shall

be no less than two and no more than three years. Extraordinary meetings can be held if deemed necessary by the chairman of the party or the central decision-making and administrative committee or upon the written request of at least one fifth of the members of the grand congress.

(Amended by Article 4 of Law 3370, dated 21 May 1987) Provided that they are no more in number than 15% of the elected delegates, the founders of the party shall be natural members of the grand congress including the first grand congress so long as they maintain their status as members. If the founders of the party are more in number than 15% of the elected delegates, the by-law of the political party shall specify how the natural members are to be chosen from amongst the founding members. The founders of the party shall be obliged to convene the first grand congress within two years as of the date the political party is granted the status of a legal entity.

The authority vested in the grand congress shall be exercised by the founding assembly until the grand congress convenes its first meeting. The natural members of this assembly shall be the chairman of the political party, the members of the central decision-making and administrative committee and the central disciplinary committee who meet the conditions for founding membership with no prerequisite of age, and deputies.

The absolute majority of the total number of members of the grand congress shall constitute the quorum for the grand congress to convene. In the absence of a quorum in the first call, the grand congress shall convene upon the second call with no quorum requirement. The absolute majority of attending members shall be the quorum for the adoption of decisions in the grand congress, provided that the law or the party by-law does not specify a higher number.

In order for decisions to be reached on propositions regarding changes in the party by-law and programme or decisions regarding the party policy, such propositions must be submitted by the chairman, the central decision-making and administrative committee or at least one twentieth of the members of the grand congress. In order for decisions to be reached on propositions regarding the society and the state as well as public activities, in line with the laws, the party by-law and the party programme, such propositions must be submitted by one third of the members attending the grand congress. Such propositions shall be deliberated in a commission chosen by the grand congress, examined together with the report issued by this commission and decided.

Chairman:

Article 15 – The chairman of a political party shall be elected by the grand congress by means of secret vote with the absolute majority of the total number of members. If no result can be obtained in the first two rounds of voting, the candidate with the highest number of votes shall be deemed elected in the third round.

(Amended by Article 4 of Law 3270, dated 28 March 1986) The chairman shall be chosen for a term of three years at the most. (Repealed by Article 1 of 3648 dated 17 May 1990)

The chairman shall have the authority to represent the party. Reserving the special provisions in laws, the authority to file cases in courts of law and the authority to represent

the party as the addressee of the case shall rest with the chairman or the party bodies who shall be entitled to exercise such authority on behalf of the chairman as specified in the party by-law.

The chairman of the party shall be the natural chairman of the central decision-making and administrative committee.

The party by-law may envisage the assignment of a sufficient number of officials, under the titles of deputy chairman and secretary general, to assist the chairman in the performance of his duties and in exercising his authority. The method of election, the duties and authorities of such officials shall be set forth in the party by-law.

If the post of the chairman should be vacated for any reason, the central decision-making and administrative committee shall appoint one of its members to represent the party until the grand congress convenes, and the committee shall call the grand congress to convene, within forty-five days.

(Amended by Article 2 of Law 6529, dated 13 March 2014) Political parties can implement a co-chairperson system on condition that it is permitted by their statute and that the total number of chairpersons does not exceed two. Co-Chairpersons are subject to the same provisions of this Law as those applicable for political party chairpersons.

Central decision-making, administrative and executive organs:

Article 16 – (Amended by Article 5 of Law 3370, dated 21 May 1987)

The central decision-making, administrative and executive organs of a political party shall be established in the names, methods and numbers specified in the party bylaw. The number of members in each of the central organs to be elected by the Grand Congress shall not be less than 15.

In the period between two grand congresses, these organs shall have the authority to adopt and implement decisions on matters that are of concern to the political party provided that they are in accordance with the party bylaw, programme and the decisions of the grand congress.

In cases where the grand congress cannot convene due to unavoidable reasons, the central decision-making organ shall be entitled to make all decisions other than those decisions involving the termination of the legal existence of the party and the changing of its bylaw and programme

The party rules of association regulating the internal functioning of the party shall be prepared by the central decision-making organ.

The members of the central decision-making and administrative organs shall be elected by the grand congress. The procedures and principles pertaining to the election of other central organs shall be set forth in the party bylaw. The chairman of the party shall also chair each of the central decision-making, administrative and executive organs. The members of each of the central organs elected by the grand congress shall be the natural members of the grand congress and the founding assembly exercising the authorities of the grand congress.

The convening and working procedures of the organs, their duties and authorities and their relations with one another shall be set forth in the party bylaw.

Central disciplinary committee:

Article 17 – The central disciplinary committee of a political party shall be established in accordance with this Law and the party bylaw. The number of members in this committee shall not be less than seven.

Smaller congresses:

Article 18 – (Repealed by Article 9 of Law 3370 on 21 May 1987)

PART FOUR

Provincial and District Organizations

Provincial Organization:

Article 19 – The provincial organizations of political parties shall be comprised of the provincial congress, the provincial chairman, the provincial administrative committee and the provincial disciplinary committee.

The provincial congress shall be comprised of delegates elected by the district congresses in accordance with the party bylaw with not more than six hundred members. The deputies of the province who are members of that political party, the chairman and members of the administrative and disciplinary committees shall be the natural members of the provincial congress. Temporary chairman and members of administrative committees shall also be entitled to attend the congress. However, the temporary chairman and members of the provincial administrative committee who are not delegates shall not be entitled to vote in the congress.

(Amended by Article 11 of Law 3377, dated 23 May 1987) The provincial congress shall convene in the timeframe specified in the party bylaw so as not to prevent the convention of the grand congress.

(Amended by Article 6 of Law 3370, dated 21 May 1987) The provincial administrative committee shall be comprised of the number of members specified in the party bylaw. This number shall not be less than 7.

The provincial chairman and the provincial administrative committee shall be elected by the provincial congress. The method of election of the provincial chairman and the provincial administrative committee and the rules governing in which cases and how these shall be suspended by the central decision-making and administrative committee as well as rules on how the temporary administrative committee is to be established shall be specified in the party bylaw. Other than in cases specified in paragraph (d-1) of article 101, the decision to suspend shall be passed by means of secret vote based on a two thirds majority of the total number of members in the authorized committees. The provincial congress shall convene to elect the new provincial administrative committee within forty-five days as of the notification of the decision of suspension to the provincial administrative committee.

During this time, if new members have not been elected to the provincial congress, the congress shall convene with former members.

(Amended by Article 5 of Law 3270, dated 28 March 1986) The provincial chairman shall be elected for three years at the most. (Repealed by Article 1 of Law 3648, dated 17 May 1990)

The provincial organizations shall have a provincial disciplinary committee. The number of members of the provincial disciplinary committee and the qualifications of these members shall be specified in the party bylaw.

The duties and authorities of the committees described in this article, the number of their alternate members, and their method of election and how they are to be called to duty shall be specified in the party bylaw.

District organization:

Article 20 –

(Amended by Article 3 of Law 6529, dated 13 March 2014) The district organization of political parties comprised of district congress, a district chairperson, a district committee and, if applicable, a town organizations. Political party statutes can also propose the formation of a district disciplinary committee. The establishment of town organizations is not mandatory.”

(Amended by Article 3 of Law 3420, dated 31 March 1988) The district congress shall be comprised of delegates, the number of which shall not exceed 400, elected by the relevant party members registered in the political party records described in article 10 of this Law, according to the number of votes received by that party in the district, the villages and neighbourhoods in the vicinity in the last general elections, and in the case of political parties that have not run in the elections, according to the total number of members. The chairman and members of the district administrative committee and the district disciplinary committee (if there is one) shall be natural members of the district congress. The temporary chairmen and members of the district administrative committee and the district disciplinary committee shall also be entitled to attend the congress. However the temporary chairmen and members of the district administrative committee shall not be entitled to vote in the congress if they are not delegates.

(Amended by Article 6 of Law 3270, dated 28 March 1986) The delegates shall be elected based on the number of votes the party has received in the last general elections in these villages and neighbourhoods, in the case of parties that have not run in the last elections, they shall be elected based on the number of members according to the quotes given to these places. If the number of members in the villages and neighbourhoods are below the ratio allowing a quota to be given for the election of delegates, it shall be possible for villages and neighbourhoods to merge with other villages and neighbourhoods to elect delegates.

The delegate elections shall be noted down in a protocol and sent to the party's district chair.

The party bylaw may envisage the assignment of one of the members in the villages or neighbourhoods to exclusively carry out the procedures related to the election of delegates.

Other matters concerning the election of delegates shall be set forth in the party bylaw.

(Amended by Article 12 of Law 3377, dated 23 May 1987) The district congress shall convene at the intervals specified in the party bylaw without obstructing the gathering of the provincial congress.

(Amended by Article 7 of Law 3370, dated 21 May 1987) The district administrative committee shall be comprised of the number of members set forth in the party bylaw. This number shall be no less than 5.

The district chairman and the district administrative committee shall be elected by the district congress. The method of election of the district chairman and the district administrative committee and the rules governing in which cases and how these shall be suspended by the provincial administrative committee or the central decision-making and administrative committee as well as rules on how the temporary administrative committee is to be established shall be specified in the party bylaw. Other than in cases specified in paragraph (d-1) of article 101, the decision to suspend shall be passed by means of secret vote based on a two thirds majority of the total number of members in the authorized committees. The district congress shall convene to elect the new district administrative committee within thirty days as of the notification of the decision of suspension to the provincial administrative committee. During this time, if new members have not been elected to the district congress, the congress shall convene with former members.

(Amended by Article 6 of Law 3270, dated 28 March 1986) The chairman of the district branch shall be elected for a term of three years at the most. (Repealed by Article 1 of Law 3648, dated 17 May 1990)

The duties and authorities of the committees described in this article, the number of their alternate members and their method of assignment shall be specified in the party bylaw.

In cases where political parties are to establish an organization in the central districts of provinces, the provisions pertaining to the district organization shall apply.

Election of Delegates:

Article 21 – The election of the organs of political parties at the level of the headquarters, the province and district as well as the election of delegates for the provincial and district congresses and the grand congress shall be carried out by secret vote and public counting under the oversight of the judiciary as described below.

At least fifteen days before the gathering of the grand congress or the provincial/district congresses where elections are to take place, the lists comprising the party members that will take part in the congress shall be submitted in two copies to the chairman of the electoral board to be determined in advance by the Supreme Board of

Elections in the case of the grand congress and provincial congresses, and to the chairman of the district electoral board in the case of district congresses, and to the chairman of the first district electoral board in cases where there is more than one district electoral board in the district. In addition, information shall be given on the agenda, venue, date and time of the meeting as well as how a second meeting would take place if a majority cannot be reached.

Once the chairman of the electoral board brings in the relevant records and documents for examination, if necessary, and has all shortcomings eliminated, he shall approve the list determining those who will take part in the elections and other matters set forth in the above paragraph. The approved list and other matters relevant to the meeting shall be made public by means of displaying in the building where the relevant organization of the political party is located seven days before the date of the congress. The display period shall be three days.

Any objections made to the list during the display period shall be examined by a judge and a final decision shall be passed within two days at the latest. The lists and the other matters related to the meeting that are thus finalized shall be approved by the judge and sent to the relevant organization of the political party.

(Amended by Article 7 of Law 3270 on 28 March 1986) The elections taking place in the congresses shall be carried out under the oversight and supervision of the relevant electoral board. The political party bylaw and congress regulations shall set forth the procedures and methods of these elections and how the ballots and lists are to be arranged.

(Amended by Article 7 of Law 3270, dated 28 March 1986) The chairman of the electoral board shall set up a sufficient number of polling station committees consisting of one chairman and two members. The chairman and one member of the polling station committee shall be chosen from among civil servants whereas the second member shall be chosen from among the party members who are not candidates. In addition, three alternate members shall be determined for each polling station. In the absence of the chairman of the polling station committee, the civil servant member shall chair the committee.

The polling station committee shall be responsible for conducting and managing the elections and the counting of votes in accordance with the principles in the law and party bylaw, and shall perform this duty without interruption until all election and counting work are completed.

(Amended by Article 1 of Law 3673, dated 31 October 1990) Those whose names are not on the list shall not be entitled to vote. A voter shall cast his vote once he proves his identity with his identification card or his membership card with a photo or an official document arranged as proof of identity, and after having signed across his name on the list. Votes shall be cast by means of placing the lists of candidates given out by the chairman of the polling station committee at the time of voting, and sealed by the chairman of the electoral board in the ballot box, in line with the procedures set forth in the bylaw and congress regulations. The methods and conditions that will apply in voting and in determining the validity of votes shall be regulated in the political party bylaw and congress regulations.

At the end of the election period, the election results shall be noted in a protocol which shall be signed by the chairman and members of the polling station committee. A

copy of the protocols shall be displayed by means of being hung up in the location where the elections were held. The votes cast and other documents along with a copy of the protocol shall be submitted to the chairman of the electoral board to be safeguarded for three months.

Any objections to the procedures during the elections and the election results shall be filed within two days as of the arrangement of the protocols and examined by a judge on the same day, upon which a final decision shall be given.

If the judge should decide on the annulment of the elections due to an irregularity at a scale that would affect the election results or due to any unlawful practices, the judge shall determine a re-election date no sooner than one month and no later than two months and notify the political party of this date. On the date determined, only the elections shall be held, and the election procedures shall be carried out in line with this article and the other provisions set forth in the law.

The chairman of the district electoral board and the chairman and members of the polling station committee shall be remunerated from the state budget according to the principles set forth in the 'Law on the Basic Provisions of Elections and Voter Registries'.

Any offenses against the chairman and members of the polling station committee committed during the elections shall be deemed to have been committed against civil servants and penalized accordingly.

PART FIVE

Political Party Groups in the Grand National Assembly of Turkey

Founding a group:

Article 22 – Political parties who have at least twenty deputies shall be entitled to set up groups in the Grand National Assembly of Turkey.

The chairmanship of the political party shall notify the Speaker of the Grand National Assembly of Turkey in writing that the party has founded a group.

Group rules of association:

Article 23 – The group rules of association shall be prepared by the deputies founding group within fifteen days as of the date of notification that the group was founded. The rules of association must be accepted by the absolute majority of the deputies. The rules of association, thus prepared, shall be sent to the Speaker of the Grand National Assembly of Turkey.

The group rules of association shall not include provisions that are contrary to the party bylaw and programme.

General assembly of the group:

Article 24 – The group general assembly of a political party shall consist of the deputies of that political party.

The Speaker and Deputy Speakers of the Grand National Assembly of Turkey shall not take part in the activities of the political party or party group, to which they are members, in or outside the parliament. However, this provisions shall not apply to their re-election activities.

Administrative and disciplinary committees of groups:

Article 25 – Each political party group shall have an administrative and disciplinary committee, the establishment, duties and authorities of which shall be specified in the group rules of association.

The party bylaw shall set forth in which cases the group disciplinary committee shall work together with the central disciplinary committee.

Group chairman:

Article 26 – If the chairman of the political party is a deputy, he shall also chair the party group, if not the group chairman shall be chosen from among the group members by the method prescribed in the rules of association.

Secret votes in the group:

Article 27 – In the general assembly of the group, secret voting shall apply in cases where there is voting on matters related to elections and voting for decisions that are binding on the deputies.

Relations between the group and government:

Article 28 – The general assembly of the group shall have the authority to decide whether a vote of confidence or no confidence shall be given to the Council of Ministers, or a minister in the Grand National Assembly of Turkey or in the group. This authority shall not be delegated to another organ or body.

Members who will join the Council of Ministers shall not be determined in the party groups and other party organs.

PART SIX

Miscellaneous Provisions on the Organization

General provision about congresses:

Article 29 – The provisions of Law 1630 on Associations dated November 22, 1972, which are not in conflict with this law, shall apply to congresses of all levels in political parties.

However, the party bylaws and regulations may abandon the condition to announce the meeting of party congresses in newspapers, lower the quorum and shorten the period between the first and second meetings in cases where a quorum is not present. The special provisions in this Law shall be reserved.

Persons who are not entitled to cast a vote for absolution:

Article 30 – The central decision-making and administrative committee and administrative committee members, who are natural members of the congresses at different levels, shall not be entitled to vote in the voting for the absolution of the committee in which they are members.

Centres of organization:

Article 31 – (amended by Article 5 of Law 4445, dated 12 August 1999)

The headquarters of political parties shall be in the provincial centre of Ankara; the provincial and district organizations shall be in the relevant provincial and district centres; the county organizations shall be located in places that have a municipal organization other than the provincial and district centres; the side branches and foreign liaison offices shall be located at the places specified in their bylaws.

Conflicting duties:

Article 32 – Members of the central decision-making and administrative committee and administrative committees of the political party shall not be entitled to assume a position in the administrative committee of that political party group in Grand National Assembly of Turkey.

Those who are members to the disciplinary committees of a political party shall not be entitled to assume a position in the other organs, committees and functions of the political party other than the congresses and membership to the party group in the Grand National Assembly of Turkey, they shall not assume positions where they would be rendering services to the political party and shall not provide an income from that political party in any way whatsoever.

A person who has a position in a disciplinary committee shall not be entitled to assume a position in another disciplinary committee.

Spouses and those who have a first and second degree kinship by blood or marriage shall not be assigned in the same disciplinary committee. They shall not take part in decisions to be made about such committees.

A person who is a member to one of the provincial and district administrative committees of a political party shall not be entitled to become a member of another provincial or district administrative committee. The same provision shall apply in the case of provincial and district chairmen.

Notification of the names of persons assigned in the organs to the relevant official bodies:

Article 33 – The names, surnames, birth places and birth dates, professions or trades, addresses and identification document copies of persons who have been assigned to a position in the party organs at any level, other than the party congresses, shall be notified in writing, to the most senior civilian authority of that place within fifteen days as of the date of election or appointment. Such information and documents, which will be put together by the governorships, shall be sent to the Ministry of Interior and the Office of the Chief Public Prosecutor.

Information and comments regarding those persons who are assigned in the central organs shall be directly sent to the Ministry of Interior and the Office of the Chief Public Prosecutor within the same time frame.

Not having the status of an association working for public interest:

Article 34 – The provisions of the Law on Associations, Law 1630 dated 22 November 1972, concerning the conditions in which an organization shall be regarded as an association working for public interest, shall not be applied in the case of political parties.

Main opposition party and its chairman:

Article 35 – The party with the highest number of deputies among the parties that are not a member of the Council of Ministers and who have a group in parliament shall be the main opposition party and its chairman shall be the chairman of the main opposition party. If the number of deputies in those political parties is equal, the number of valid votes they received in the last parliamentary elections shall be taken as a basis.

PART SEVEN

Running in the Elections and Determination of Candidates

Running in the Elections:

Article 36 – (Annulled by the Decision of the Constitutional Court No. E. 1986/17. K. 1987/11 and dated 22/5/1987) (1) (Rearrangement by Article 4 of Law 3420, dated 31/3/1988) In order for a political party to run in the elections, it must have set up its organization in at least half of the provinces at least six months prior to election day and must have held its grand congress or must have a group in the Grand National Assembly of Turkey.

(1) This decision of annulment was published in the Official Gazette dated 18/9/1987, and the Constitutional Court has specified that it shall be made effective six months after its publication date.

In order for a political party to be deemed to have an organization in a province, it must have set up its organization in at least one third of the districts of that province including the central district.

Determination of the party candidates:

Article 37 – (Amended by Article 9 of Law 3270, dated 28/March 1986)

Political parties may determine their candidates to run in the parliamentary general or by-elections from amongst persons who have applied and have been found suitable for candidacy, on the basis of the principles of free, equal and secret vote and public count, in accordance with one or more of the procedures and principles they will determine in their bylaw.

(Annex by Article 7 of Law 4381, dated 31 July 1998) In electoral districts where primary elections are to be held, the political party may determine candidates from the central level, the total number of which shall not exceed 5% of the total number of deputies in the Grand National Assembly of Turkey, provided that the political party notifies the Supreme Board of Elections of the candidate's province, electoral district and order in the candidate list, at least ten days prior to the date of the primary elections. In places where primary elections are not to be held, political parties shall reserve the authority to determine candidates through a central level survey or through one or more other means.

(...)⁽¹⁾, The selection of political party candidates through means other than the central level survey methods set forth in their bylaws, shall be carried out under the management and oversight of electoral boards.

The provisions of this Law regarding primary elections shall be applicable in primary elections political parties will hold in any electoral district as per their bylaw with the participation of all members.

The day when the candidates are to be determined, shall be set and announced by the Supreme Board of Elections as a date at least seventy-five days before the general elections. All candidates in the provinces and districts shall be determined on the same day throughout the country by all political parties running in the elections according to the procedures specified in their bylaws.

The electoral district recognized in the general elections shall also be taken as a basis in the determination of candidates.

Quotas for candidacy:

Article 38 – (Repealed by Article 21 of Law 4125, dated 27 October 1995)

Provisions applicable in the determination of candidates:

Article 39 – The provisions of Law 298 dated 26 April 1961 on the Basic Provisions of Elections and Voter Registries that do not contradict this law shall also be applicable in the primary elections and the party voter registries to be used.

Pre-candidacy and central level candidacy in political parties:

Article 40 – (First paragraph amended by Article 11 of Law 3270, dated 28 March 1986) Political parties may specify further conditions for candidacy provided that these conditions are not contrary to the conditions set forth in the Constitution and laws.

A person shall not be entitled to run in the primary elections and be listed as a central level candidate under different political parties, or in more than one electoral district in the same elections under the same political party.

A person shall not be listed as a central level candidate from a political party other than the party under whose name he has taken part in the primary elections or the central candidate survey and shall not become an independent candidate unless he resigns from his party.

(1) The former phrase in this article 'the candidacy quota set forth in article 38 of this Law' was repealed and lifted from the text by Article 21 of Law 4125, dated 27 October 1995.

(Amended by Article 1 of Law 3945, dated 25 December 1993) The political party bylaws shall set forth the procedures and principles applicable to the resignation of chairmen or members of the administrative committee of the local organization for which they work in cases where such persons wish to be pre-candidates in the place where they are assigned.

The candidacy of persons who act contrary to these provisions shall be annulled by the Supreme Board of Elections.

The chairmanship of political parties shall notify the Supreme Board of Elections and the relevant provincial and district electoral boards of the pre-candidacy lists and the electoral districts of their party by 17.00 hours twenty days prior to the date of the primaries at the latest. The boards shall issue a certificate of receipt upon the delivery of this notification.

Once such notification has been made, withdrawal of candidacy shall not be taken into account until the primary elections. However, if such persons are elected as candidates their withdrawal shall be recognized. The same provision shall apply in the case of decease.

Constitution of the boards:

Article 41 – In the primary elections:

a) The district electoral board shall be constituted of the chairman of the board and four members.

(Amended by article 12 of Law 3270, dated 28 March 1986) Two of the members shall be chosen among the civil servants employed in that district. These persons shall be the standing members of the board. Two of the members shall be determined from amongst the party members who are not pre-candidates. These persons shall take part in the board to carry out the procedures needed for the primaries for the party candidates on behalf of the political party to which they are members.

Two alternate members for each shall be chosen by the same method.

In districts where there is more than one district electoral board, the duties assigned to the chairman of the district electoral board or the board itself as per this Law, shall be performed by the chairman of the first district electoral board or the board itself.

b) Polling station committee; shall be comprised of one chairman and four principal and four alternate members. The chairman of the polling station committee and two principal and two alternate members shall be chosen from amongst civil servants whereas the other two principal and two alternate members shall be determined by the political party according to the principles set forth in the foregoing paragraph.

In cases where the members of the boards fail to arrive, the alternate members shall take their place; if the number of alternate members is not enough to substitute the absentees, this situation shall be recorded in a protocol and the substitutes shall be chosen by the chairman of the committee from among persons, the characteristics of whom have been described above.

Information on which political party will be running and in which electoral district in the primaries and the lists of the pre-candidates shall be announced within three days as of notification of this information to the Supreme Board of Elections. The district electoral board shall provide one ballot box and closed polling booth for every thousand voters registered in the party voter registry for each political party and the locations of the ballot boxes shall be determined and announced by usual means. This information shall also be notified to the relevant political party.

Party voter list:

Article 42 – The district organization of political parties shall register the members in their own electoral district in a member registration book, which shall comprise the registry and order number of the member, his date of membership to and withdrawal from the party and other information about the member.

The member registration book shall be under the supervision of the chairman of the district electoral board. Member registration books shall be examined by the chairman of the district electoral board at least once every six months and a protocol shall be prepared to determine whether the records are kept in line with the procedures.

(Amended by Article 5 of Law 3420, dated 31 March 1988) Members who are registered in the Member Registration Book as a member to the political party and whose names are included in the list sent to the electoral boards by the Chief Public Prosecutor shall be entitled to vote in the primary elections.

(Amended by Article 5 of Law 3420, dated 31 March 1988) Members whose names are notified to the Office of the Chief Public Prosecutor as per article 10 of this Law until the last day of the year preceding the date on which the primary elections are to be held shall be entitled to vote in the primary elections.

(Amended by Article 5 of Law 3420, dated 31 March 1988) The District Electoral Boards shall obtain the list of members from the Office of the Chief Public Prosecutor at least thirty days prior to the date of the primaries.

(Amended by Article 5 of Law 3420, dated 31 March 1988) If political parties should choose to hold a candidacy survey through methods other than employing the entirety of the registered members, then they shall submit to the chairman of the district electoral board the list of voters who will be casting votes together with the member registration book thirty days prior to the date of the primaries, at latest.

(Amended by Article 5 of Law 3420, dated 31 March 1988) These lists shall be displayed in front of the party administrative committee buildings and district electoral board buildings 25 days prior to the date of the primary elections. Once the lists have been finalized after the objection period specified in article eight, the chairmanship of the district

electoral board shall distribute party voter cards to each member according to the finalized lists.

Party members may object in writing to the party voter lists within fifteen days as of its display. Objections shall be examined by the district electoral board and a final decision shall be passed within two days at latest. If the objection is sustained, the party voter list shall be corrected.

Provisions regarding electioneering in the primary elections:

Article 43 – In the case of pre-candidates taking part in the candidacy surveys, outdoor and indoor meetings other than those that are deemed traditional get together for conversation shall not be organized for purposes of electioneering and wall posters, leaflets and any other kinds of printed material, audio and visual recordings shall not be used for propaganda purposes. It is prohibited to make any defaming statements against other pre-candidates at such meetings.

Political parties may print and disseminate flyers bearing a passport photo of the pre-candidate with information about the degrees or achievements of the pre-candidate in his profession or art as well as his works and his service to his country, by taking as a basis the information given by the pre-candidate himself and provided that such procedures are specified in their bylaw. Printed materials comprising similar information can be arranged according to the alphabetical order of the surnames of pre-candidates may be displayed near the polling stations.

Pre-candidates shall not make any promises at the national, local or professional scale other than those indicated in the programme of the political party to which they are a member, in the decisions of the grand congress and authorized central organs, and the party's election declaration.¹ Pre-candidates shall not have the purpose of granting financial interest to the party members and acquaintances who will be casting votes in the primary elections; they shall not engage in illegitimate and unlawful behaviour to influence voters in the primary elections.

Failure of the party member in the board to fulfil his function:

Article 44 – If the political party member who is also a member of the district electoral board fails to perform his duties before the start of voting or during the casting of votes on the day of the primary elections, he shall be replaced by the next alternate member of that political party, reserving the punitive provisions that are applicable. If this is also not possible, the situation shall be noted in a protocol and the vacancy shall be filled by the chairman of the district electoral board by means of selection of a sufficient number of people from amongst persons in the polling station area who are eligible for party membership and are literate.

Observers:

¹ “and cannot use any language or writing other than Turkish” in the third clause of Article 43 is hereby repealed by Article 16 of of Law 6529, dated 13 March 2014

Article 45 – One observer from each political party may be present to follow the polling station procedures pertaining to their own party during the primaries. Persons who are candidates in the primaries shall not be entitled to be present as an observer in the polling station.

Ballots:

Article 46 – Political parties shall print the ballots comprising the list of the pre-candidates they have notified as per article 40, and deliver these to the provincial and district electoral boards together with a sufficient number of envelopes. The chairmanship of the district electoral boards shall stamp the ballots and envelopes with their seals and have them ready at the chair of the polling station committees on Election Day.

The chairman of the polling station committee or a member assigned by him shall hand the ballot over to the party voter arriving at the ballot box after he has stamped the ballot with the seal of the chairmanship of the polling station committee.

(Amended by Article 14 of Law 3270, dated 28 March 1986) The party voter shall cast his vote by marking the space across the name of the preferred pre-candidates. The voter shall not mark (...) ⁽¹⁾ a higher number of names than the number of deputies allowed for that electoral district nor shall he mark less than half the number. Failure to abide by the numbers and ratios determined for marking shall render the ballots void.

Identification:

Article 47 – It is mandatory to show one's party voter card in order to vote during the primary elections. If any person should fail to show this document, or if there should be any doubts as to the ownership of the document, the identification card issued by the political party shall be asked and in the absence of that, the person shall show his Republic of Turkey identification card.

Final procedures:

Article 48 – The Supreme Board of Elections shall immediately deliver to the chairmanship of the political party, an approved copy of each of the party candidate lists determined in the primaries and coming from the provincial electoral boards. The party chairmanships shall include the names of candidates chosen as central level candidates in these lists as per article 38 and the party legislation and shall deliver the party candidate sheets, arranged according to the electoral districts, to the Supreme Board of Elections as per the provisions of the law and in due time.

Safeguarding the documents of the primary elections:

Article 49 – Ballots that are taken into account, ballots that are not taken into account and ballots that have been objected to, tally sheets and protocols stating those elected for candidacy as well as all other documents shall be safeguarded by the provincial electoral board in the provinces and the district electoral board in the districts for a period of three months as of the date of announcement of the results of the parliamentary elections.

These documents shall not be sent anywhere unless otherwise demanded by the Supreme Board of Elections.

Right to appeal:

Article 50 – Unless the decisions are finalized, an appeal may be made against the decisions of the electoral boards or polling station committees or their chairmen, by the relevant political party, the pre-candidates who have run from that political party in the primaries or the chairmen of any of the tiers of that political party's organization or their deputies as well as by the party observers.

Primary Elections Protocol and the annulment of the protocol:

Article 51 – In the primary elections, the total number of votes received by each person who was a candidates in the primary elections for the purpose of becoming a candidate from that political party, shall be written in numbers and in writing in the printed protocol document to be arranged separately for each political party. This protocol shall be signed by the chairman and members of the district electoral board.

The order of persons who have received the same number of votes shall be determined by the central decision-making and administrative committee of the relevant party.

(1) The former phrase 'other than the candidates running under a quota' was repealed by Article 21 of Law 4125 dated 27 October 1995 and lifted from the text.

If the objections made to the candidacy protocol is related to the to the count or the listing of votes and if a decision is passed to annul the protocol as a result of the renewal of counts and listings, those persons who are understood to have been elected as a result of the new count and listing shall be delivered their protocols.

Should a decision be passed to annul the primary elections in an electoral district due to the primary election procedures, there shall be do re-elections for the primaries and all candidates in that electoral district shall be determined by the committee described in article 38.

Should a decision be passed to annul the protocols of only one or more candidates, a protocol of candidacy shall be issued for those candidates following the candidates whose protocols are annulled in the order of the votes they received in the primary elections. If those following in order are not sufficient in number, the foregoing paragraph of this article shall apply to the quota that is left vacant.

Once the party candidates for a specific election are notified to the Supreme Board of Elections, the objections and complaints raised about the primaries and the candidates shall not be taken into consideration. The procedures initiated regarding objections and complaints raised in advance shall be discontinued.

Polling for local elections:

Article 52 – In cases where political parties are to nominate candidates for local elections, the selection method of these candidates and how their polling will take place shall be determined according to the principles set forth in the relevant law.

PART EIGHT

Disciplinary Issues

Disciplinary offenses and penalties:

Article 53 – The penalties that can be imposed by the disciplinary committees of political parties are motions of injunction, motions of censure, and temporary or permanent discharge from the party or the group.

It is mandatory to set forth in the bylaw of the political party all the disciplinary penalties that can be imposed by the disciplinary committees as well as which penalties shall apply in which cases.

In the absence of provisions in the law, the party bylaw shall set forth which organs or bodies of the political party are eligible for filing application and to which disciplinary committees, about which persons an application can be made, and the higher level committee authorized to examine the appeals to the disciplinary penalties as well as the procedures and conditions for appeal.

The decisions passed by the disciplinary committees about party members shall be notified to the addressee together with their rationale no later than thirty days.

The permanent discharge of a deputy in a political party from the party group in the Grand National Assembly of Turkey shall require the discharge of that deputy from the political party, and his permanent discharge from the party shall require his discharge from the National Assembly party group.

The penalty imposed in case a member is temporarily suspended from the party group in the Grand National Assembly of Turkey shall require that the member does not take part in the work of the group during this period.

The party member who is temporarily suspended shall not be entitled to make any proposals to the party organs whose activities he cannot participate in. However, this provisions shall not relieve a member from the obligation to respect the party bylaw, programme, other legislation of the party and the binding decisions of the organs. Party members who have been temporarily suspended shall not be given any duties in the party.

Election of the members of the disciplinary committee:

Article 54 – The disciplinary committee members of political parties shall be elected by the congresses by secret vote. The disciplinary committee members of the party group in the Grand National Assembly of Turkey shall be elected for at least two years by the method specified in the party bylaw.

Functioning of the disciplinary committees:

Article 55 – Disciplinary committees shall convene with at least a two third majority of the total number of its members and shall pass a decision based on the majority of votes of those present. However, other than in cases described in paragraph (d-1) of article 101,

penalties of permanent discharge from the party shall require the decision of the majority of all the committee members.

The party member who is referred to the disciplinary committee shall be entitled to make a written or oral defence. The time given for his defence shall be within fifteen days as of the date of the notice made to the member for a call for defence. However, in the case of disciplinary offenses committed during elections or openly in public or through the media, this period shall be seven days. Those who fail to meet the deadline for the defence shall be deemed to have forfeited their right to make a defence. The chairman of the disciplinary committee shall issue the call for defence in writing. This letter shall explicitly state the disciplinary penalty demanded and the acts that have led to the demand for such sanctions.

Prohibitions regarding deliberation and decision on disciplinary issues:

Article 56 – No deliberation shall be made or any decisions passed at any level of congress in the political party regarding the decisions of the party organs and bodies authorized to make a referral to the disciplinary committees or disciplinary penalties imposed by the disciplinary committees.

The provisions of article 58 shall be reserved.

Appeals to disciplinary penalties:

Article 57 – (Amended by Article 15 of Law 3270, dated 28 March 1986)

A party member against whom a decision of temporary or permanent discharge from the party or group is passed shall be entitled to appeal to the civil court of first instance in the place where the body issuing the final decision is located within thirty days as of the date of the final decision after having exhausted all internal instruments of appeal in the party, based on allegations regarding the lack of competence or jurisdiction of the organ or body who has made the referral to the disciplinary committee, or the disciplinary committee itself, or with the allegation that the decisions passed are against the law, the party bylaw or internal regulations either by procedure or form.

The Court shall make it a priority to pass a decision regarding such appeals, within thirty days at the latest, by holding a summary procedure. The decision of the court shall be final.

Authority to pardon:

Article 58 – The political party bylaw shall specify how and by which party organs a pardon can be granted in the case of penalties imposed by the disciplinary committees.

Preliminary disciplinary injunctions of discipline:

Article 59 – In circumstances requiring temporary or permanent discharge of a member from the party, the party organs authorized to make a referral for a disciplinary penalty to be issued, shall be entitled to immediately dismiss the member who is referred to the disciplinary committee from his duties in the party as an injunction measure.

The addressee shall be entitled to request the lifting of that preliminary injunction from the disciplinary committee to which he has been referred. This request shall be decided on by the disciplinary committee within seven days.

PART NINE

Party Books

The books and records to be kept:

Article 60 – Party organs at all levels shall be obliged to keep a member registration book, a resolution book, a record book for incoming and outgoing documents, an income and expenditure book and an inventory book for fixtures.

The member registration book shall be kept on the basis of neighbourhoods and villages.

The resolution book shall comprise the resolutions passed by the relevant organ, in the order of its date and number. The resolutions shall be signed by those who have taken part in the vote. The congress summary protocols, which must also comprise the decisions passed by the congress, shall be signed by the members of the chairmanship board.

The incoming and outgoing documents shall be recorded in the record book for incoming and outgoing documents and the originals of incoming documents and the copies of outgoing documents shall be preserved in files according to their dates and numbers.

Receipts of income in the name of the party as well as information on where spending were made shall be recorded in the relevant books together in their order and with the relevant documentation.

Each page of all the books shall be sealed and marked with the total number of pages by the chairman of the electoral board located in the place of the organization.

A copy of each of the membership declarations showing the admission procedures to the party shall be kept in a separate file at the provincial and district level classified in alphabetical order.

Other books deemed useful by the party organs and committees shall be set forth in the party bylaw and internal regulations.

The party internal regulations shall specify how a summary of the member registration book shall be kept at the party headquarters and how the budget and final accounts are to be prepared and arranged.

CHAPTER THREE

Financial Provisions

PART ONE

Revenues of Parties

Revenues and resources ⁽¹⁾

Article 61 – (Annex first paragraph by Article 6 of Law 4445, dated 12 August 1999)
The revenues of political parties shall not be contradictory to their objectives.

Political parties may generate the following revenues:

- a) An admission fee and a membership to be collected from members,
- b) Deputy fees from each deputy of the party,
- c) (Amended by Article 6 of Law 3420, dated 31 March 1988) Special membership fees to be collected from pre-candidates running for deputyship, mayorship, municipal council membership, and general provincial council membership, (These membership fees shall be determined and collected by the authorized central decision-making organs of political parties in accordance with the principles listed in article 64.)
- d) Revenues generated from the sale of party flags, pins, badges and similar symbols,
- e) Revenues generated from the sale of party publications,
- f) Money to be collected in return for the provision of membership ID cards, party books, invoices and papers,
- g) Revenue generated from balls, entertainment activities and concerts organized by the party,
- h) Revenue generated from the party's assets,
- i) Donations
- j) (Annex by Article 1 of Law 3032, dated 27 June 1984) Benefits provided by the state.⁽²⁾

With the exception of revenue generated from the party's assets as written in paragraph (h), the revenue generated from the sources listed in the other paragraphs shall not be subject to any taxes, duties or charges whatsoever.⁽³⁾

Admission and membership fees:

Article 62 – the amount of the admission fee to be charged to party members and top and bottom limits of the membership fees shall be specified in the party bylaw.

(1) The former heading of this article "Sources of Revenue " was amended by Article 6 of Law 4445, dated 12 August 1999 as inscribed in the current text.

(2) Refer to annex article 1 for the implementation of this provision.

(3) All provisions of exemption from taxes, duties and charges on imports have been repealed by Article 1 of Law 3283 , dated 6 May 1986.

Every member shall accept to pay a monthly or annual membership fee at the time of admission in the political party.

The party member may increase the amount of the membership fee, which he has undertaken to pay, by notifying the chairmanship of the organization level where he is registered, provided that this is in compliance with the party bylaw.

The disciplinary penalties of temporary or permanent discharge from the party shall not be imposed upon any party member who fails to pay all or a part of the membership fee of the year in which he owes the political party. The procedures and bans applicable to the member who fails to make the membership payment in due time despite written notice made for him to pay his membership fee, shall be set forth in the party bylaw.

Deputy fees:

Article 63 – The amount of the membership fee to be paid by the deputies of a political party and the way in which this amount will be allocated to the group activities and party headquarters shall be determined by the decision of the party group in the Grand National Assembly of Turkey. However, the annual total of this amount shall not exceed the net monthly payment made to deputies.

The membership fees to be paid by deputies who do not have a group shall be determined by the central decision-making and administrative committee on condition that it does not exceed half the amount specified in the above paragraph.

Fees for Precandidates:

Article 64 – The special fees to be collected from the pre-candidates for deputyship shall be specified in the party's internal regulations with the condition that it does not exceed the net monthly payment made to deputies.

Sale prices:

Article 65 – The sale prices mentioned in paragraphs (d), (e) and (f) of article 61 of this Law shall be determined by decision of the central decision-making and administrative committee.

Donations:

Article 66 – (Amended by Article 7 of Law 4445, dated 12 August 1999)

Government departments funded through the general and annex budgets, local administrations and offices of the headmen, state economic enterprises, banks and other organizations established by special laws or by the authority granted by special laws, enterprises, which are not defined as state economic enterprises but the paid up capital of which is partially owned by either the state or the agencies, administrations, enterprises, banks or organizations mentioned in this paragraph, shall not, under any circumstances whatsoever, donate any movable or immovable assets or cash or any rights to political parties or allow usage of such assets or rights free of charge; they shall not make a disposition of the transfer of real rights to political parties other than in accordance with the provisions of the law by which they are bound. Professional organizations that have the nature of public agencies, labour unions and employers' associations and their umbrella organizations, associations, foundations and cooperatives may provide financial assistance

and make donations to political parties in compliance with the provisions of their special governing laws.

Any real persons or legal entities other than those mentioned in the foregoing article shall be prohibited from making an in kind or cash donation worth more than two billion liras each to a political party in the same year (Annex phrase by Article 8 of Law 4778, dated 2 January 2003) or allowing the political party to use its broadcast media. The receipt issued by a political party shall openly state that the donation or donations belong to the donor or his authorized representative or proxy. Political parties shall not accept donations in the absence of such a document. (Annex sentence by Article 181 of Law 6111, dated 13 February 2011) An income statement shall not be required for the donations deposited to the bank accounts opened in the name of a political party.

Political parties shall not be entitled to receive any aid either in cash or in kind or donations from foreign governments, international organizations and real persons or legal entities that are not of Turkish citizenship.

Prohibitions regarding commercial activity, withdrawing loans and credits ⁽¹⁾

Article 67 – (First sentence amended by Article 8 of Law 4445, dated 12 August 1999) Political parties shall not engage in any commercial activities or withdraw loans or credits. However, they may purchase assets with a mortgage or with credit, in order to meet their needs, from real persons and legal entities other than those specified under paragraphs 1 and 3 in article 66.

Procuring real estate:

Article 68 – Political parties may not procure any real estate other than for their own residence and such real estate required for their objectives and activities. Political parties may generate an income from their real estate provided that it is within the scope of their objectives and purpose.

(Second paragraph repealed by Article 25 of Law 4445, dated 12 August 1999)

Procedures pertaining to the generation of income:

Article 69 – All income of a political party shall be generated in the name of the legal entity of that political party.

The income generated by the headquarters and other levels of organization in political parties shall be received in return for the invoices printed by the party central decision-making and administrative committee. Records of the serial and order numbers of the invoices printed and sent to the party organization levels shall be kept at the party headquarters. The party organization levels shall bear a financial responsibility towards the party headquarters and administrative committee regarding the invoices that they have received and issued.

The type and amount of the income received, the name, surname and address of the person providing the income, the title, name, surname and signature of the person issuing the invoice, shall be included on the invoice and in the invoice stub.

The original invoice shall bear the same serial number as the invoice stubs. The period of retaining the invoice stubs shall be five years as of the date of notification of the first decision of examination by the Constitutional Court to the political party.

PART TWO

Party Expenditures

Procedures in expenditure:

Article 70 – (Annex by Article 9 of Law 4445, dated 12 August 1999.) The expenditure of political parties shall not contradict their objectives and purpose.

All expenditure of a political party shall be made in the name of the legal entity of that party.

Spending up to five million liras do not have to be certified with an invoice or a document. However, all spendings shall be based on the decision of the authorized organ or a body. However, spendings that do not exceed five million liras and expenditure that has a fixed tariff shall not require a separate decision provided that they have been included in the budget approved by the authorized organ.⁽²⁾

The period for keeping documents of expenditure shall be five years as of the date of notification of the first decision passed upon examination of the final account to the political party by the Constitutional Court. Reserving the provisions in special laws designating longer periods of time.

The party organization shall bear accountability to report to the next tier of the organization within the period of timeframe specified in the party bylaw about the incomes and expenditures. This timeframe shall be no longer than six months.

(1) The former heading of this article ‘prohibition on withdrawing loans and credits’ was amended by Article 9 of Law 4445, dated 12 August 1999 as seen in the current text.

(2) The phrase ‘five thousand’ in this paragraph has been replaced by the phrase ‘five million’ by Article 9 of Law 4445, dated 12 August 1999 and inscribed in the current text

Financial responsibility:

Article 71 – The spendings and contracts made by political parties as well as the liabilities they undertake shall be done by the person or committee acting in the name of the party’s legal entity in the headquarters, in the name of the provincial administrative committee in the provinces and in the name of the district administrative committee in the districts.

The central decision-making and administrative committee shall determine the principles applicable in cases where the provincial and district organizational levels of a political party are to conclude a contract or undertake a liability in the name of the political

party legal entity. The legal entity of the political party shall not be held responsible, in any way whatsoever, in cases where the organizational levels of the party conclude contracts or undertake liabilities that are in conflict with such principles or in the absence of a prior written authorization or a subsequent decision issued by the central decision-making and administrative committee approving such engagements as per the bylaws of the political party; nor shall any proceedings be undertaken against the central decision-making and administrative committee or the chairman or the party legal entity in such cases. In this case, the responsibility shall rest with the person or persons who have concluded the contract or undertaken liability.

Prohibition to issue loans:

Article 72 – Political parties shall not give out loans to their members and other real persons and legal entities under any circumstances whatsoever.

PART THREE

Financial Procedures within the Party

Political party budget and final account:

Article 73 –Each provincial organization of a political party shall prepare a separate annual budget showing their estimated revenue and expenditure and shall send this to headquarters by the end of October before the calendar year to which the budget is applicable. The budget of the headquarters, which shall be prepared in the same timeframe as these budgets, shall be examined and decided by the party’s central decision-making and administrative committee by the end of December in the year preceding the relevant calendar year of the budget.

The accounts of political parties shall be arranged in accordance with balance-sheet principles.

The party headquarters and the provincial organizations also including the districts under its administration shall prepare their final accounts showing the practical results of the previous year’s budget by the end of April following each budget year. The final accounts belonging to the provincial organizations and the headquarters shall be examined, approved and joined by the central decision-making and administrative committee.

The method by which the budgets, balance sheets, revenue and expenditure statements and final counts of political parties are to be prepared shall be shown in the internal regulations of the political party.

PART FOUR

Financial Audit conducted by the Constitutional Court

Submitting the final account:

Article 74 – (Amended by Article 10 of Law 4445, dated 12 August 1999)

The Constitutional Court shall conduct the financial audits of political parties. The Constitutional Court shall audit whether the procurement of assets and the revenues and

expenditures of political parties are in accordance with the Law. (Annex sentence by Article 180 of Law 6111, dated 13 February 2011) However, the auditing conducted for the purpose of checking compliance with the law shall not be conducted in such a manner so as to narrow the activities found useful for the political party to achieve its objectives and shall not include judgements on whether such activities were appropriate. The actual nature of the spendings shall be taken as a basis during the audit. Any shortcomings pertaining to form or procedure shall not require the rejection of the spendings.

The chairmen of political parties shall be obliged to submit, by the end of June, an approved copy of both the joint final account, about which a final decision has been passed, and the final accounts of the headquarters and the provincial organizations also covering the connected districts, to the Constitutional Court, as well as to the Office of the Chief Public Prosecutor of the Court of Cassation and for information purposes. These documents shall be supported with lists showing the values and procurement dates and methods of all movable property, real estate and all other rights worth more than one hundred million Liras, procured by the political party in the same accounting period.

(Annex paragraph by Article 180 of Law 6111, dated 13 February 2011) In cases where a decision for the closure of the political party is passed, the accounts relevant to the period up to such a decision shall also be audited and concluded by the Constitutional Court. In this case, the Constitutional Court shall determine the principles and procedures regarding the submission of the final account subject to audit and other matters concerning the audit.

(Annex paragraph by Article 180 of Law 6111, dated 13 February 2011) Political parties shall be entitled to make all kinds of spendings within the scope of the political activities they deem necessary to achieve their objectives.

Annex paragraph by Article 180 of Law 6111, dated 13 February 2011) In cases where they wish to procure goods and services or works, political parties may choose any one of the procurement procedures of open tenders, closed envelope bids, written or oral proposals either by means of direct purchase or bargaining.

(Annex paragraph by Article 180 of Law 6111, dated 13 February 2011) Political parties shall show proof of their spendings by means getting invoices, any other documents that serve the purpose of an invoice and d, in cases where it is not possible to obtain such documents, other documents proving that the commodity was purchased. However, in cases where the original documents cannot be produced due to force majeure conditions such as being lost, being torn or burned, approved copies of the invoices and other documents serving the purpose of an invoice can be obtained from those who had initially issued these documents.

(Annex paragraph by Article 180 of Law 6111, dated 13 February 2011) Political parties may record as expenditure the cash and in kind healthcare and social benefit payments they make to their temporary or permanent staff who work for wages, as well as any accommodation, travel and other obligatory spendings incurred during domestic and international trips by persons assigned by the political party to achieve their objectives.

(Annex paragraph by Article 180 of Law 6111, dated 13 February 2011) Political parties may record as expenditure, the amounts and costs they pay by a court order under procurement contracts for goods and services.

Audit:

Article 75 – The Constitutional Court shall be entitled to ask the political parties to document the information under the final accounts at any given time.

The Constitutional Court shall conduct the audit based on documentary evidence. (Amended second sentence by Article 11 of Law 4445, 12 August 1999) Such an audit may be conducted by the Constitutional Court either based on the reports the court shall have prepared with the help of the Court of Accounts or directly at the headquarters or local organizations of the political party or based on the examination and research to be conducted by a delegated judge of the Constitutional Court or the most senior judge from the judiciary or administrative court located in the place under examination. The Constitutional Court may also appoint a sworn expert witness for this purpose.

The Constitutional Court may ask for a written comment from the chairman or representative of the relevant political party; and if it deems necessary, shall hear the oral comments of relevant parties including the expert accountants who have responsibility.

At the end of the audit, the Constitutional Court shall decide whether the revenues and expenditures of the political party are accurate and lawful; in the case of unlawful revenues or expenditures the Court shall pass a decision for such amounts to be registered as revenue of the Treasury.

The decisions of the grand congresses of political parties regarding final accounts shall not affect the audit of the Constitutional Court (Annex sentence by Article 11 of Law 4445 on 12 August 1999) The decision passed by the Constitutional Court at the end of such audits shall be final.

PART FIVE

Sanctions Regarding Financial Provisions

Confiscation by the Treasury:

Article 76 – (Amended first paragraph by Article 12 of Law 4445, dated 12 August 1999) Should the Constitutional Court determine that a political party has accepted donations, procured property or generated income in violation of the provisions of this Law, it shall pass a decision for all such revenues to be the registered revenue of the Treasury; in cases where there is a revenue or immovable exceeding the limit specified in the Law, such exceeding amounts and the monetary amount corresponding to the portion of the immovables exceeding the lawful limit shall be registered as revenue by the Treasury and any real estate shall be transferred to the Treasury with a title deed.

Upon the decision of the Constitutional Court, the Treasury shall confiscate the loans or credits provided to political parties in violation of the provisions of article 67 of this Law; the Treasury shall not thus be deemed to have incurred any liabilities to those issuing the credit or loan.

If it is understood that a political party has generated revenue from sources not documented, in violation of the principles under article 69 of this Law, such revenue shall be registered as revenue with the Treasury on decision of the Constitutional Court.

The party's assets corresponding to the amount of undocumented party expenditures shall be registered as revenue of the Treasury upon the decision of the Constitutional Court.

Liquidation:

Article 77 – If it is understood that a political party has procured immovables in violation of the principles under article 68 of this Law, such assets shall be liquidated by the political party upon the decision of the Constitutional Court within the timeframe determined by the Court.

CHAPTER FOUR

Prohibitions regarding Political Parties

PART ONE

Prohibitions regarding Objectives and Activities

Prohibitions regarding the safeguarding of the democratic nature of the state:

Article 78 – Political parties shall not:

- a) Uphold the aim to change the form of the state, which is a republic; the principles set forth in the preamble and second article of the Constitution; the provisions under article 3 of the Constitution on the territorial and social integrity of the Turkish State, its language, its flag, its national anthem and its capital; the principle that sovereignty is vested fully and unconditionally in the people of Turkey and that this sovereignty shall only be exercised through the authorised organs as prescribed by the principles laid down in the Constitution; the provision that the right to exercise sovereignty shall not be delegated to any individual, group or class and that no person or agency shall exercise any state authority which does not emanate from the Constitution; the principle that elections and referenda shall be held under the direction and supervision of the judiciary, in accordance with the principles of free, equal, secret, and direct, universal suffrage, and public counting of the votes; to endanger the existence of the Turkish State and the Republic, to eliminate fundamental rights and freedoms, to engage in discrimination based on language, race, colour, religion and sect or to establish a form of government based on these concepts and ideas;

or to engage in the foregoing activities to this end or to provoke and encourage others to engage in the same acts.

- b) Base their existence on a region, race, a family, class or community, religion, sect or cult or use such names.

- c) Uphold the aim to defend or establish the sovereignty of a particular social class or group over others or a dictatorship and shall not engage in activities to this end.

- d) Engage in education and training activities in preparation for the military, security or civil defence.

e) Uphold aims against general morals and ethics and shall not engage in activities to this end.

f) Interpret any provision of the Constitution to derive the right to engage in activities undermining the rights and freedoms stated in the Constitution.

PART TWO

Protecting the Characteristics of the Nation State

Safeguarding Independence:

Article 79 – Political parties:

a) Shall not uphold the aim to eradicate the legal and political existence of the Republic of Turkey based on the principle of independence and equality as per international law or to allow other states, international organizations and foreign real persons and legal entities to interfere in matters exclusively concerning the Republic of Turkey as defined by international law and shall not engage in activities towards this end.

b) (Repealed by Article 25 of Law 4445, dated 12 August 1999)

c) (Amended by Article 13 of Law 4445, dated 12 August 1999) Shall not accept, under any conditions whatsoever, either directly or indirectly, any aid from foreign states, international organizations, and real persons and legal entities that are not of Turkish citizenship, shall not receive orders from these and shall not take part in their decisions or activities against the independence or territorial integrity of Turkey.

Safeguarding the principle of the unity of the state:

Article 80 – Political parties shall not uphold the aim of changing the principle of the unity of the State, on which the Republic of Turkey is established and shall not engage in activities to this end.

Preventing the creation of minorities:

Article 81 – Political parties:

a) Shall not uphold that there are minorities in the Republic of Turkey based on difference of national or religious culture or sect or race or language.

b) Shall not uphold aims and engage in activities to undermine the integrity of the nation by creating minorities within the country of the Republic of Turkey by means of preserving, developing or spreading languages and cultures other than the Turkish language and culture.

c) Shall not use a language other than Turkish in the writing and publication of their bylaws and programmes, in their congresses, indoor and outdoor meetings, meetings, and campaigning activities; shall not use and disseminate any signs, posts, records, audio and visual recordings brochures and statements; shall not be indifferent to others engaging in

such acts. However, their bylaws and programmes may be translated into a foreign language other than those languages that have been prohibited by law.

Prohibition on regionalism and racism:

Article 82 – Political parties shall not uphold the aim or engage in activities of regionalism and racism in the indivisible country.

Safeguarding of the principles of equality:

Article 83 – Political parties shall not uphold aims or engage in activities against the principle that every person is equal before the law with do discrimination based on language, race, colour, gender, political opinion, philosophical belief, religion, sect and similar.

PART THREE

Protecting the Principles and Revolutions of Atatürk and the Characteristics of a Secular State

Protecting the principles and revolutions of Atatürk:

Article 84 – Political parties shall not uphold aims and engage in activities contrary to the provisions of the following laws, which have the purpose of elevating the Turkish society to a level beyond modern civilizations and protecting its secular characteristics:

- a) Law 430 on the Unification of Education, dated 3 March 1340,
- b) Law 671 on the Wearing of Hats, dated 25 November 1341,
- c) Law 677 on the Dissolution of Dervish Lodges and Monasteries and the Abolition of Monastery Posts and Titles, dated 30 November 1341,
- d) Article 110 of the first Turkish Civil Code 743, dated 17 February 1926 on the civil marriage ceremony to be held before a government official authorized to hold a marriage ceremony,
- e) Law 1288 on the adoption of internationally used numbers, dated 20 May 1928,
- f) Law 1353 on the Adoption and Use of the Turkish Alphabet, dated 1 November 1928,
- g) Law 2590 on the Abolition of Titles and Epithets such as 'Efendi, Bey and Paşa', dated 26 November 1934,
- h) Law 2596 on the Prohibition of some Garments, dated 3 December 1934,

Respect to Atatürk:

Article 85 – Political parties shall not uphold the aim of or engage in behaviour or activities that would defame or denigrate the memory and activities of the Saviour of the

Turkish Nation and the founder of the Republic of Turkey. They shall not use the name or picture of Atatürk in their party names or emblems.

Safeguarding secularism and not demanding the caliphate regime:

Article 86 – Political parties shall not uphold the aim of changing the secular characteristics of the Republic of Turkey and the reestablishment of the caliphate, nor shall they engage in activities serving this purpose.

Prohibition on the exploitation of religion and things sanctified by religion:

Article 87 – Political parties shall not engage in propaganda, exploitation or abuse, in any way whatsoever, by taking advantage of religion or religious feelings or things considered to be sacred by religion, in order to even partially reconcile the social, economic, political or legal regime of the state with religious principles and beliefs, to achieve their political aims or to ensure political gain and interest.

Prohibition on holding religious demonstrations:

Article 88 – Political parties shall not organize religious ceremonies and services in any way or take part in such ceremonies or services in the name of the party.

Political parties shall not use religious holidays, services and funeral ceremonies as an opportunity for their party demonstrations and propaganda.

Representing the political party and sending a wreath in the name of the political party as an act of courtesy to a funeral organized according to State protocol, in funerals of a member of the political party, or at the funeral of a member of another political party or an independent person, on memorial days, for holiday greetings shall be outside the scope of the prohibition in the foregoing paragraph provided that these are not turned into political propaganda.

Protecting the status of the Presidency for Religious Affairs:

Article 89 – Political parties shall not uphold aims contrary to the provisions of Article 136 of the Constitution regarding the status of the Presidency for Religious Affairs within the general administration as a body that remains outside all political views and thoughts in line with the principle of secularism and is responsible for performing the duties set forth under the special law with the purpose of ensuring the solidarity and integrity of the nation.

PART FOUR

Miscellaneous Prohibitions

Restrictions concerning bylaws, programmes and party activities:

Article 90 – The bylaws, programmes and activities of political parties shall not be contrary to the provisions of the Constitution and this Law.

Political parties shall not engage in any activities other than those indicated in their bylaw and programme and shall not adopt a decisions to support another party in the elections.

Prohibition concerning side branches:

Article 91 – (Repealed by Article 25 of Law 4445, dated 12 August 1999)

Prohibition on establishing political relations and cooperation with associations, unions, foundations, cooperatives and professional organizations:

Article 92 – (Repealed by Article 25 of Law 4445, dated 12 August 1999)

Requirement for internal party activities to be in compliance with the principles of democracy:

Article 93 – The internal party activities of political parties, the party administration and auditing; the elections held for the party organs, and the decisions of the chairman of the party, the general central organs and the party groups and their acts and activities shall not be contrary to the party bylaw, the principle of equality between party members and the tenets of democracy.

Prohibition on wearing a uniform and assuming the roles of the military forces:

Article 94 – Political parties shall not impose the wearing of uniforms, any garments having the nature of uniforms or arm badges and similar signs and shall not allow their use. However, party members and staff assigned in the party congresses and meetings at all levels may use bands, ribbons and similar signs as a requirement of their duties.

Political parties shall not give any person or community the duty to assume the roles and authorities of the military forces and shall not allow for their members to act in this way in their party congresses and meetings.

The status of dissolved political parties and their members ⁽¹⁾

Article 95 – (Amended by Article 14 of Law 4445, dated 12 August 1999)

A political party that is dissolved shall not be re-established under a different name. The members of a political party, including the founding members, who have caused the dissolution of the political party as a result of their words or actions, shall not become the founder, member, manager or auditor of any other political party for a period of five years as of the date of publication of the final decision for dissolution passed by the Constitutional Court, in the Official Gazette together with its rationale. Political parties shall not nominate these persons as candidates in the elections by any means.

Party names and symbols that cannot be used:

Article 96 – (First paragraph amended by Article 8 of Law 3821, dated 19 June 1992)
In cases where a political party is permanently dissolved by the Constitutional Court, the names of the political party as listed in their record files, their emblems, signs, pins and similar symbols shall not be exactly the same or to allow ambiguity used by any other political party; flags, emblems and pennants belonging to the former Turkish states that are viewed as the property of the entire society shall not be used by political parties.²

² (Amended by Article 38 of Law 6545, dated 18 June 2014)

(Amended by Article 8 of Law 3821, dated 19 June 1992) Any political party that is established shall not proclaim or claim that they are the legacy of the a political party dissolved by the Constitutional Court.

It is prohibited to establish a political party under a name including the words communist, anarchist, fascist, theocratic, national socialist or any other words denoting a religion, language, race, sect or region or any other names having the same meaning, these words shall not be used in the title of the political party.

Prohibition on any statements or approaches against the September 12 1980 military operation:

Article 97 – (Repealed by Article 25 of Law 4445, dated 12 August 1999)

(1) The heading of this article ‘The status of the members of political parties permanently dissolved’ was amended by Article 14 of Law 4445, dated 12 August 1999) and inscribed as seen in the current text.

PART FIVE

Dissolution of Political Parties

The court and prosecutor with jurisdiction:

Article 98 – (Amended by Article 15 of Law 4445, dated 12 August 1999) Cases for the dissolution of political parties shall be filed by the Chief Public Prosecutor of the Court of Cassation at the Constitutional Court. (Annex sentence by Article 9 of Law 4778, date 2 January 2003) In such cases filed for the dissolution of a political party, a three fifth majority shall be required for a decision of dissolution to be passed.

Decisions rendered by the Constitutional Court shall be final.

The Chief Public Prosecutor shall have all the authorities vested in a Public Prosecutor and an investigative judge during the investigation and examination of the incidents constituting the basis for his indictment, and in the filing and prosecution of the case. However, the authorities specified by the Constitution and laws as those that can exclusively be exercised by judges shall fall outside the scope of this provision.

(Amended by Article 15 of Law 4445, dated 12 August 1999) The Chief Public Prosecutor of the Court of Cassation shall be entitled to ask political parties to submit any documents he may deem necessary for examination.

Political parties shall be obliged to respond to such demands of the Chief Public Prosecutor within fifteen days at the latest.

The Chief Public Prosecutor may conduct the investigation through his deputy or associates.

The appointment of the associates assigned by the Chief Public Prosecutor for the investigation to another post either temporarily or under an unlimited term shall require the written consent of the Chief Public Prosecutor other than in cases where such associates are appointed as members to the Court of Cassation.

Board for the examination of prohibitions regarding political parties:

Article 99 – The Board for the Examination of Prohibitions regarding Political Parties has been established for the purpose of examining the appeals against the decision of the Chief Public Prosecutor to reject the petitions requesting the dissolution of a political party.

This Board shall be comprised of the chief justices of the criminal chambers of the Court of Cassation. The most senior chief justice shall preside over the Board. In cases where the chief justices of the chambers have a valid excuse, the most senior member of the chamber shall take part in the Board. The total number of members in the Board shall constitute the quorum. The quorum for a decision shall be the absolute majority of the total number of members.

Filing a case when there is a violation regarding the prohibitions on political parties:

Article 100 – (First paragraph amended by Article 10 of Law 4778, date 2 January 2003) A case for the dissolution of a political party on grounds of the reasons stated in the Constitution shall be filed by the Chief Public Prosecutor under the following circumstances;

- a) Ex officio,
- b) Upon the request of the Ministry of Justice based on the decision of the Council of Ministers,
- c) Upon the request of a political party,

However, in order for a political party to request the Chief Public Prosecutor's Office to file a case, such a party must have run in the last parliamentary elections, must have a group in Parliament, must have held its first grand congress, must have passed a decision to petition the case with the absolute majority of the votes of all members of the party's central decision-making and administrative committee, and the petition must be submitted in writing to the Chief Public Prosecutor's Office on behalf of the political party by its Chairman.

Should the Chief Public Prosecutor contend that there is sufficient evidence in the written petition of the Ministry of Justice or the political party, he shall file suit. Should he decide that there is insufficient evidence, he shall notify the Minister of Justice or the chairman of the political party making the request that he shall not file suit.

The Minister of Justice or the political party shall be entitled to file a written appeal with the board for the examination of prohibitions regarding political parties, within thirty days as of the notification date of the Chief Public Prosecutor.

The board shall examine the appeal within thirty days at latest; should the board not find the appeal rightful, a case shall not be filed; should it find it rightful, the Chief Public Prosecutor shall be obliged to file a case with the Constitutional Court.

The provisions in paragraphs (b) and (c) of the first paragraphs in this article shall not apply in the period starting from the Official Gazette publication date of the decisions regarding the parliamentary elections, re-elections or the parliamentary by-elections until one day after election day.

Dissolution of parties in case of violation of the prohibitions specified in the Constitution ⁽¹⁾

Article 101 – (Amended by Article 16 of Law 4445, dated 12 August 1999)

The Constitutional Court shall render a decision for the dissolution of a political party in the following cases:

a) If the bylaw and programme of a political party are contrary to the principles of the independence of the state, the indivisible territorial and national integrity of the state, human rights, the principles of equality and the rule of law, the sovereignty of the nation, the principles of a democratic and secular republic; and if the party upholds and aims to establish a class or group dictatorship or any other dictatorship or provokes crime,

b) If the Constitutional Court determines that the political party in question has become the focal point of the acts violating paragraph four of Article 68 of the Constitution,

c) If a political party receives financial aid from foreign governments, international organizations and real persons or legal entities who are not of Turkish citizenship.

(Annex by Article 4 of Law 4748, dated 26 March 2002) Depending on the gravity of the acts that are the subject matter of the case, the Constitutional Court may decide, instead of a permanent dissolution of the party in the above-mentioned circumstances in articles (a) and (b), for the political party to be either partially or completely deprived of the last year's state aid (...) ⁽²⁾ (...) ⁽²⁾ granted to the party, and if the entire amount of such aid has been paid up, the return of this amount to the Treasury.

Actions to be taken in cases where the party refuses to comply with the demands of the Chief Public Prosecutor:

Article 102 - (First paragraph amended by Article 4 of Law 4748, dated 26 March 2002) A second written notice shall be served to a political party that fails to submit, within the prescribed timeframe, the information and documents demanded by the Chief Public Prosecutor of the Court of Cassation to monitor the activities of the party. This second notice shall state that in the absence of a due response and the requested information a case can be filed for the political party to be either partially or completely deprived of state aid (...) ⁽³⁾. If the request is not met or a response given within the timeframe specified in the second notice, the Chief Public Prosecutor of the Court of Cassation can file a case at the Constitutional Court, ex officio, for that political party (...) ⁽³⁾ to be partially or completely deprived of state aid. (Annex sentence by Article 11 of Law 4778, dated 2 January 2003) The political party may appeal to the Constitutional Court against such demands of the Chief Public Prosecutor of the Court of Cassation.

(Annex by Article 17 of Law 4445, dated 12 August 1999) In cases where the grand congress of the party, the central decision-making and administrative committee or the two committees which may have been formed instead of this single committee, the administrative committee of the group in the Grand National Assembly of Turkey, the general assembly of the group in the Grand National Assembly of Turkey, the party organs, bodies or committees other than the chairman should engage in acts violating the provisions under paragraph four of Article 68 of the Constitution, provided that no more than two years elapse since the date of the act, the Chief Public Prosecutor of the Court of Cassation shall ask the party in writing to relieve the said organ, body or committee of its duties.

(1) The former heading of this article was changed by Article 16 of Law 4445, dated 12 August 1999.

(2) The phrases ‘...provided that they are not less than half...’ and ‘...from this aid...’ were repealed from the text by Constitutional Court Decision E.:2002/104, K.:2003/72 dated 16/7/2003.

(3) The phrase ‘dissolution or’ were repealed from the text by Law 4778, dated 2 January 2003.

If party members are convicted of their acts or speeches violating the provisions under paragraph four of Article 68 of the Constitution, the Chief Public Prosecutor of the Court of Cassation shall ask the party to permanently discharge these members from the party. ⁽¹⁾

(Amended by Article 4 of Law 4748, dated 26 March 2002) If the political party fails to give a due response and the requested information as stated in the notice, within thirty days as of the notice date, the Chief Public Prosecutor of the Court of Cassation shall file a case in the Constitutional Court for the political party to be either partially or completely deprived of state aid (...)⁽²⁾ If the political party relieves the said organ, body or committee of its duties or permanently discharges the said member or members from the party within thirty days as of the notification date of the indictment issued by the Chief Public Prosecutor of the Court of Cassation, the case filed at the Constitutional Court for that political party to be partially or completely deprived of state aid shall be dismissed. Otherwise, the Constitutional Court shall examine the documentary evidence, hear the oral comments of the Chief Public Prosecutor of the Court of Cassation and the representatives of the political party, and if necessary hear other relevant persons and those with knowledge on the subject to conclude the case.

A political party becoming the focal point of prohibited acts:

Article 103 - (Amended by Article 18 of Law 4445, dated 12 August 1999)

The Constitutional Court shall have the authority to determine whether a political party has become the focal point of acts violating the provisions of paragraph four of Article 68 of the Constitution.

(Repealed by Constitutional Court decision E.: 2000/86, K.:2000/50 dated 12/12/2000)

(Annex by Article 4 of Law 4748, dated 26 March 2002) In cases where such acts are committed in an intense way by the members of that political party and where the grand congress of the party, the chairman, the central decision-making and administrative organs, the administrative committee of the group in the Grand National Assembly of Turkey, or the general assembly of the group in the Grand National Assembly of Turkey, implicitly or explicitly embrace such acts, or if such acts are directly committed by the party organs mentioned in a determined way, the said political party shall be deemed to have become the focus of these acts.

Application for other reasons

Article 104 - (First paragraph amended by Article 19 of Law 4445, dated 12 August 1999) If a political party violates the prescriptive provisions of this Law other than Article 101 and the prescriptive provisions regarding political parties in other laws, the Chief Public Prosecutor of the Court of Cassation shall apply to the Constitutional Court with a petition prepared ex officio.

(Amended by Article 12 of Law 4778, dated 2 January 2003) If the Constitutional Court finds any violations of the said provisions, it shall issue an official notice of warning to the political party. (Second sentence repealed by Constitutional Court Decision E.: 2008/5, K.:2009/81 dated 11/6/2009)

(Amended by Article 39 of Law 6545, dated 18 June 2014) The Chief Prosecutor's Office ex officio or the political party concerned directly in writing may appeal to the Constitutional Court against the political parties that use or accept [in their Statutes] exactly the same or to allow ambiguity name, logos and alias of the political parties that were banned by the Constitutional Court. The Constitutional Court examines which political part registered the name, logo or alias first into their Party Register and if it [Constitutional Court] finds a violation of the article 96 paragraph 1 of this law it [Constitutional Court] decides, in maximum 30 days after the appeal, the invalidity (or nullity) of the name, logo, alias, and their abandonment from the Party Register.

(1) *The phrase 'Chief Public Prosecutor' was replaced by the phrase 'Chief Public Prosecutor of*

the Court of Cassation' by Article 4 of Law 4748 dated 26/3/2002.

(2) *The phrase 'dissolution or' has been repealed from the text by Law 4778, dated 2/1/2003.*

Filing a case on grounds of failure to run in the elections:

Article 105 – (Abolished by Constitutional Court Decision E.:2003/21, K.:2003/13 dated 1/4/2003)

Duties of administrative bodies, prosecutors and courts:

Article 106 – Any administrative body who obtains information on the acts and conditions laid down in article 101, 103 and 104 of this Law, shall immediately notify the local Office of the Public Prosecutor of such information in writing. Courts shall also immediately notify the local Office of the Public Prosecutor of such information in writing upon obtaining information on these acts and conditions. The Public Prosecutors shall immediately notify, in writing, the Ministry of Justice of the situation and notify and pass on all relevant documentation to the Office of the Chief Public Prosecutor.

Assets of dissolved parties:

Article 107 – All assets of political parties dissolved upon the decision of the Constitutional Court shall be transferred to the Treasury.

The decision for dissolution shall be enforced by the Council of Ministers.

Provisions on voluntary decision of closure not affecting the consequences of a decision of dissolution by the court:

Article 108 – (Repealed by Constitutional Court decision E.: 2010/17, K.: 2010/112 dated 8/12/2010)

PART SIX

Voluntary Closure of Political Parties

Decision of voluntary closure:

Article 109 – The grand congress shall be exclusively authorized to decide on the voluntary closure of a political party. Such decisions shall be made by secret vote; the quorum for a decision shall be the absolute majority of the quorum for a meeting to be held.

If a decision of voluntary closure should be passed about a political party, this decision shall immediately be notified by the Chairman of that political party to the Office of the Speaker of the Grand National Assembly of Turkey, The President of the Constitutional Court, the Office of the Chief Public Prosecutor and the Ministry of Interior.

The legal entity status of political parties shall cease on the date the grand congress passes a decision of voluntary closure.

Assets of political parties that are voluntarily closed:

Article 110 – The assets of a political party, which is voluntarily closed, may be transferred to another political party upon a decision to be passed by the grand congress with the absolute majority of votes cast by the quorum; and if a decision has been passed for the party to close in order to merge with another political party, such assets may be transferred to that political party provided that it accepts. Otherwise, the assets of the political party voluntarily closed shall be transferred to the Treasury.

Decisions of voluntary closure shall be enforced through a liquidation committee to be appointed by the grand congress under the continuous supervision and auditing of the government.

If a political party, about which an investigation has been launched or a case filed for dissolution, passes a decision regarding voluntary closure and the transfer of its assets, such transfer procedures shall not be carried out until the investigation or the case is finalized.

PART SEVEN

Penal Provisions

Failure to submit the required information to the Office of the Chief Public Prosecutor or the Constitutional Court:

Article 111 – The following penalties shall apply in the specified circumstances:

a) Responsible persons of political parties who fail to submit the information and documents required for the records to be kept by the Chief Public Prosecutor or who act in violation of the provisions of article 102, shall be sentenced to light imprisonment from three to six months and a light fine from fifteen million liras to thirty million liras, ⁽¹⁾

b) Responsible persons of political parties who act in violation of the provisions of article 74 , shall be sentenced to light imprisonment from three to six months and a light fine from fifteen million liras to thirty million liras, ⁽¹⁾

c) Responsible persons of political parties who inhibit the examination and investigation carried out as per article 75 and those who fail to submit the information requested as per the same article shall be sentenced to imprisonment from six months to one year and a heavy fine no less than sixty million liras, ⁽²⁾

d) (Annex by Article 13 of Law 4778 dated 2 January 2003) Responsible persons who fail to meet the requirements of the official notice of warning issued as per article 104 and deprive the political party either partially or completely of the state aid and the responsible persons of the political party deprived of state aid shall be sentenced to light imprisonment from three months to six months,

If the act recurs, these penalties shall be repeated by being increased by half.

Fraudulent voting:

Article 112 – Those who engage in fraudulent acts during the primary elections and the elections and decisions of congresses in political parties, during the voting carried out for all kinds of party positions and their alternates at all levels as well as during the counting and listing of these votes, shall be sentenced to imprisonment from one year to three years.

Failure to keep party books and records, their alteration, destruction or concealment:

Article 113 – Those who fail to keep the books and records specified in article 60 of this law shall be sentenced to imprisonment from six months to one year; those who alter,

destroy or conceal such books and records shall be sentenced to imprisonment from one year to three years.

Repeated entries in the records:

Article 114 –

(Amended by Article 40 of Law 6545, dated 18 June 2014) Those who have not apply as a membership to a political party or non-existing persons as registered as a member shall be sentenced to imprisonment from one month to three month and shall be fined from fifty days to two hundred days.

Failure to give notice of persons appointed in the organs:

Article 115 – (Amended by article 19 of Law 3270 dated 28 March 1986)

The responsible persons of parties who fail to make the notification specified in article 33 of this Law shall be sentenced to a light fine from fifteen million liras to thirty million liras.⁽⁴⁾

The same provision shall apply in the case of responsible persons of parties who fail to notify the most senior civilian authority in the location, of the date and venue of meetings seven days before the congress or meeting to be held for the election of party officials and their alternates at all levels.

(1) The former phrase in this paragraph ‘from five million liras to ten million liras’ was amended by Article 22 of Law 4445, dated 12 August 1999, as seen in the current text.

(2) The former phrase in this paragraph ‘fifty million liras’ was amended by Article 22 of Law 4445, dated 12 August 1999, as seen in the current text.

(3) The former phrase in this paragraph ‘from ten million liras to twenty-five million liras’ was amended by Article 22 of Law 4445, dated 12 August 1999, as seen in the current text.

(4) The former phrase in this paragraph ‘from five million liras to ten million liras’ was amended by Article 22 of Law 4445, dated 12 August 1999, as seen in the current text.

Receiving loans or credits or loaning money in violation of the Law:

Article 116 – (Amended by Article 20 of Law 4445, dated 12 August 1999)

Any person who makes a donation and any responsible party representative who accepts a donation, which is in violation of the provisions of this law, shall be sentenced to imprisonment from six months to one year.

The provisions of the foregoing paragraph shall also apply in the case of those who issue a loan or credit or party representatives who receive or issue a loan or credit or in violation of the provisions of this law.

A party representative or candidate or nominated candidate who accepts any aid or donation from foreign governments, international organizations and real persons or legal entities that are not of Turkish citizenship shall be sentenced to imprisonment from one year to three years.

Other acts in violation of the law:

Article 117 – (Repealed by Constitution Court Decision 12/1/2012 dated 2011/62, 2012/2 Decision numbered)

General penal provisions:

Article 118 – In cases where reference is made to Law 1630 on Associations, dated 22 November 1972, the penal sanctions laid down in the said law that are not contrary to the provisions of this Law, shall also be applicable in the case of political parties and their responsible representatives.

Penalties concerning those persons with a special ban :

Article 119 – (Repealed by Article 9 of Law 3370, dated 21 May 1987)

Failure to comply with the measures taken in elections:

Article 120 – Those persons who fail to comply with the measures taken by the judge and the polling station committee in order to ensure reliable and orderly elections to be held as per the provisions of this Law, shall be sentenced to light imprisonment from three months to six months provided that their act does not require a heavier punishment.

PART EIGHT

Miscellaneous Provisions

Provisions of other laws that will apply in general:

Article 121 – The provisions of the Turkish Civil Code and the Law on Associations as well as other laws governing associations shall also be applicable in the case of political parties provided that they are not contrary to the provisions of this Law.

The provisions of Article 67 of Law 2797 on the Court of Cassation, dated 4 February 1983 shall apply in determining the travel expenses, subsistence and allowances to be paid to the Chief Public Prosecutor, his deputy, chief associate or associates who are conducting an investigation as per the provisions of this.

Provisions not applicable:

Article 122 – The provisions of Article 40 of Law 1630 on Associations, dated 22 November 1972, and articles 2 and 3 of Law 6187 on the Protection of the Freedom of conscience and Assembly, dated 24 July 1953 shall not apply to political parties.

State aid:

Annex Article 1 – (Provision of Annex article by article 2 of Law 3032 dated 27/6/1984, numbered to show sequence)

Political parties who have been granted the right to run in the last parliamentary elections by the Supreme Board of Elections and who have exceeded the general threshold specified in article 33 of the Parliamentary Elections Law 2839 shall be allocated, for that financial year, a sum corresponding to two five-thousandths of the total sum in the '(B) Budget Sheet' of the general budget revenues of that year, to be paid by the Treasury each year. ⁽¹⁾

(First sentence amended by Article 21 of Law 4445, dated 12 August 1999) This allocation shall be distributed among political parties eligible for state aid, as per the foregoing article, in proportion to the total number of valid votes received by each party as announced the Supreme Board of Elections after the general elections and shall be paid each year. These allocations shall be paid within ten days as of the effective date of that year's general budget law.

(Third paragraph repealed Article 21 of Law 4445, dated 12 August 1999)

(Amended by Article 4 of Law 6529, dated 13 March 2014) The aid given according to this Article shall be used only for the needs or activities of the party.

Political parties that receive more than 3% of the total number of valid votes during general parliamentary elections shall also be entitled to receive State aid. This aid shall be determined in proportion to the aid received by the political party receiving the least State aid according to the second clause of this article, and also in proportion to the number of votes obtained in the general elections, based on the total number of valid votes. The amount of aid performed according to this clause cannot be less than one million Turkish Liras. Every year, sufficient funds shall be allocated from the budget of the Ministry of Finance to ensure this aid."

Threefold the amounts of aid set forth in the foregoing paragraphs shall be paid to the eligible political parties for the year of general parliamentary elections and twofold for the year of countrywide local elections. If both elections are held in the same year, not more than threefold this amount shall be paid. The multiplied allocations made as per this paragraph shall be paid within ten days as of the notice made by the Supreme Board of Elections regarding the election calendar.

(Annex paragraph by Article 21 of Law 4445, dated 12 August 1999) The state aid to be granted to political parties whose revenues have been registered as revenue in the

Treasury and whose immovables have been registered in the name of the Treasury at the title deed office as per article 76 of this Law, shall be reduced by twice the total value of the revenue registered as Treasury revenue and the immovables registered in the name of the Treasury.

Annex Article 2 – (Provision of Annex Article 1 by Article 10 of Law 3370, dated 21 May 1987)

The mayors of the districts and mayors of other municipalities connected to that district shall be natural members of the district congress of their political party; the mayors of provinces and the other mayors in the vicinity of the central district of that province, other than metropolitan city mayors, shall be the natural members of the central district congress; the mayors of metropolitan municipalities shall be the natural members of the provincial congress.

Annex Article 3 - (Provision of Annex Article 2 by Article 10 of Law 3370, dated 21 May 1987)

The term central decision-making and administrative committee, mentioned in various articles of this Law, shall be understood to mean the central decision-making, administrative and executive organs mentioned in article 13.

Annex Article 4 – (Annex by Article 12 of Law 3420, dated 31/3/1988); (Repealed by Article 25 of Law 4445, dated 12 August 1999)

Annex Article 5 – (Annex by Article 3 of Law 3673, dated 31 October 1990)

In cases where there are re-elections as per article 29 of Law 2972 on the Election of Local Governments, Neighbourhood Headmen and Aldermen's Councils, the prohibitions set forth under articles 63, 64, and 65 of Law 298 on the Basic Provisions of Elections and Voter Registries shall not be applicable to the television and radio broadcasts made by the Turkish Radio and Television Authority.

Annex Article 6 – (Annex by Article 23 of Law 4445, dated 12 August 1999)

The monetary values specified under articles 66 and 70 of this Law shall be increased for that year in accordance with the revaluation ratio determined and announced as per the provisions of the Tax Procedures Law 213, dated 4 January 1961 to be valid as of the start of each calendar year.

The method of keeping records and other recordings

Annex Article 7 – (Amended by Article 41 of Law 6545, dated 18 June 2014)

According to this law, the personal records, binders and books may be kept electronically. However forms or books that will be kept as forms shall be numbered on each page and approved before their use. The approved pages will be put together into a book and shall be kept in that way. The electronic transfer of the data from the **Office of the Chief Public Prosecutor** in order to be processed into the

political party's registry, shall be done only by the individuals who are assigned for the specific task by the political party's headquarters.

(1) The former phrase 'one five-thousandth' has been amended to 'two one-thousandth' by Law 3789, dated 24 March 1992 and inscribed in the text.

PART NINE

Provisional Articles

Provisional Article 1 – (Repealed by Article 9 of Law 3370, dated 21 May 1987)

Provisional Article 2 – If a person, about whom a provision has been laid down disallowing him to establish a political party within a specified period, within the scope of Provisional Article 1 of this Law, should become a founding member to any political party, that political party shall not be granted a legal entity status.

Provisional Article 3 – The identities, status and legal positions of persons who are issued a special ban as per provisional article 1 of this Law shall be determined and published in the Official Gazette by the Ministry of Interior within seven days as of the publication date of the Law.

Relevant persons shall be entitled to appeal to the Ministry of Interior within fifteen days as of the publication date in the official Gazette. The Ministry of Interior shall examine and render a decision on the appeals within fifteen days.

The foregoing provisions shall also be applicable in the case of those who are understood to fall within the scope of special bans at a later date.

Provisional Article 4 – Until the announcement of the results of the first country-wide parliamentary elections held after the effective date of this Law by the Supreme Board of Elections, the National Security Council;

Shall have the authority to conduct an examination about the party founders listed in the notification of establishment submitted to the Ministry of Interior for the founding of a political party. In the case of persons who are not found suitable for such office, the National Security Council shall pass a decision with the total number of its members based on article 69 of the Constitution bringing a restriction to the managers and members of political parties that are permanently dissolved to participate in party activities. New founding members may be recommended by the other founding members to replace the founding member about whom such a decision has been passed.

This procedure for examination shall not prevent or delay the right to be granted the status of a legal entity upon the submission of the notification of establishment to the Ministry of Interior.

The Ministry of Interior shall deliver a copy of each of the notification of establishment and its annexes it receives to the Presidency of the National Security Council, within twenty-four hours (except for the programme and bylaw).

The National Security Council shall notify the Ministry of Interior and at the same time the Chief Public Prosecutor of the results of the examination within twenty-four hours, for them to notify the relevant political party.

The Chief Public Prosecutor shall file a case of dissolution at the Constitutional Court regarding political parties who fail to comply with the decision of the National Security Council within five days as of the date of notification.

Provisional Article 5 – The organization of the political parties to be established after the effective date of this Law shall be in accordance with the following principles:

a) In the case of political parties that are established during the period until the Grand National Assembly of Turkey convenes, and the presidential board is formed after the first general elections, the chairman and the members of the central decision-making and administrative committee and central disciplinary committee shall be notified by the political party in question to the Ministry of Interior and the Chief Public Prosecutor within seven days as of the granting of the status of a legal entity to that political party. Changes in these organs shall be notified to the same bodies within seven days as of the date of the change.

The provisions of article 115 of this Law shall apply in the case of responsible persons of the party failing to make the necessary notifications within the timeframe specified above.

b) Political parties that will be established according to this law shall hold their district, provincial and grand congresses after the Grand National Assembly of Turkey convenes, and the presidential board is formed after the first general elections and within two years as of that date.

c) The mandatory organs of the temporary provincial and district organizations of political parties shall be formed by the founding assembly (the chairman, the members of the central decision-making and administrative committee, the central disciplinary committee and the founders not taking part in these committees) until the congresses of the various organizational levels of the party are held as prescribed in this Law.

Provisional Article 6 – (Amended by Article 62 of Law 2839, dated 10/6/1983)

Primary elections shall not be held in the first country-wide parliamentary elections to be held after the effective date of this Law.

The number of the parliamentary candidates shall correspond to the number of deputies to be elected in that electoral district.

The parliamentary candidates shall be determined by the at least the two thirds majority of the founding assembly members, at least seventy days prior to the parliamentary elections day, and notified to the Supreme Board of Elections and the Ministry of Justice. The subsequent procedures related to the elections shall be carried out according to the election legislation.

The provisions on having a number of candidates twice the number of deputies to be elected in electoral districts as set forth in various provisions of this Law and the Election Law, shall not be applicable in the first general parliamentary elections, the number of candidates shall be equal to the number of deputies to be elected in that electoral district.

Provisional Article 7 – In order for a political party to file a petition for the dissolution of another political party within the period until seventy days prior to the date of the first general parliamentary elections to be held subsequent to the publication of this Law, the following provisions foreseen in article 100 of this Law shall not apply;

- a) To have run in the general parliamentary elections,
- b) To have a group in the Grand National Assembly of Turkey,
- c) To have held its first grand congress,

Within the period until the Grand National Assembly of Turkey convenes, and the presidential board is formed after the first general parliamentary elections, the National Security Council shall also be entitled to file a petition through the Ministry of Justice for the Chief Public Prosecutor to open a case of dissolution of a political party on grounds of violation of the provisions in part four of this Law.

The timeframes specified in article 100 for appeals and the examination of appeals shall be ten days for petitions falling under the scope of this provisional article.

Provisional Article 8 – In order for political parties to be granted the status of a legal entity, the notification of establishment and the supporting documents parties are required to prepare as per article 8 of this Law shall be submitted to the Ministry of Interior as of 16 May 1983.

Until this date, preparatory activities and contacts necessary to establish a political party as per this Law can be carried out.

Provisional Article 9 – Article 31 of Law 2485 on Founding Assemblies, dated 29 June, 1981, regarding the prohibition that the Advisory Assembly members shall not be a candidate by quota from any political party in the first general parliamentary elections has been repealed.

Provisional Article 10 – With regard to the provincial and district chairmen who held office on September 11, 1980, in political parties dissolved by Law no 2533, dated 16 October 1981,

- a) A period of four years must elapse for such chairmen to be elected to the same office in a new political party to be established as per this law, if they have been elected five

times in succession until 11 September 1980. The start of this period shall be 16 October 1981.

b) Those who have served as provincial or district chairmen for a period of less than ten years can become provincial or district chairmen in a political party to be founded as per this Law, however, their terms of office as provincial or district chairman prior to 16 October 1981 shall be taken into account when determining the maximum term for provincial or district chairmanship as specified in the provisions of this Law.

Provisions of Article 104 of this Law shall be applicable in the case of political parties failing to comply with the provisions of this article.

Provisional Article 11 – Those persons who are appointed as the chairman, provincial or district chairman of a political party to be founded prior to the date of the first general parliamentary elections to be held after the effective date of this Law, to serve in these positions until the congresses at different organizational levels are held, shall not result in any loss regarding the right of such persons to be elected six or five times in succession.

Provisional Article 12 – Among persons who are appointed as the chair or member of a provincial and district administrative committee of a political party to be founded subsequent to the effective date of this Law, those who are determined by the founders assembly of their parties as a parliamentary candidate from the place where they hold office as per provisional article 6, and thus notified to the Supreme Board of Elections and the Ministry of Justice, shall be relieved from their duties as chairman or member of the provincial or district administrative committee as of the date of such notification.

Provisional Article 13 – (by Provisional article 11 prescribed by Article 3 of Law 3032 dated 27/6/1984)

The state aid to be granted to political parties in 1984 shall be paid within ten days as of the effective date of this Law from the contingent allocation in the budget of the Ministry of Finance and Customs, by taking into consideration the total of Budget Sheet 'B' of general budget revenues.

Political parties that have run in the local elections held on 25 March 1984 until the first general parliamentary elections to be held as of the effective date of this Law, shall be granted 30% of the funds allocated for state aid to political parties in that year; these allocated funds shall be distributed to political parties based on the number of seats they have received in the elections for the General Provincial Assembly.

The remaining 70% of the funds shall be distributed to political parties that have a group in the TGNA, according to the ratio total valid number of votes they receive in the general elections held on 6 November 1983 to the total number of valid votes received by political parties.

(Annex paragraphs by Article 1 of Law 3349, dated 9/4/1987):

Political parties that have a group in the TGNA as of the effective date of this Law shall be entitled to State Aid even if they have not run in the elections mentioned in the foregoing articles. This amount shall be no less than 150 000 000 (one-hundred and fifty

million) TL. The allocation made for this purpose shall not be subject to the restriction under the Annex Article brought by Law 3032 dated 27/6/1984 and shall be paid from the contingency allocation budget of the Ministry of Finance and Customs.

The amount of state aid specified as one five-thousandths in Annex Article 1 added to the Political Parties Law by Law 3032 dated 27/6/1984 shall be increased by threefold for the year in which the first general parliamentary elections are to be held after the effective date of this Law. The increased amount shall be distributed and paid to the political parties with a group in the TGNA at the time this law is adopted in the TGNA, in proportion to the number of the deputies in each party.

Provisional Article 14 - (Provisional Article 13 brought by Article 20 of Law 3270 dated 28/3/1986)

Subsequent to the effective date of the amendments to the law on Political Parties, until the regular grand congresses of political parties convene, the central decision-making and administrative committees of parties shall be authorized to make the necessary amendments in their bylaws as per the amendments in this Law.

Provisional Article 15 – (Provisional Article 14 brought by Article 11 of Law 3370 dated 21/5/1987)

Subsequent to the effective date of the amendments to this law, until the regular grand congresses of political parties convene, the central decision-making and administrative committees of parties shall be authorized to make the necessary amendments in their bylaws as per the amendments in this Law.

Provisional Article 16 – (Annex by Article 4 of Law 3673, dated 31 October 1990; Repealed by Article 1 of Law 5341, dated 29 April 2005)

Provisional Article 17 – (Annex by Article 2 of Law 3945, dated 25 December 1993)

Until the necessary changes are made in the bylaws of political parties the central decision-making organs shall be authorized to determine the procedures and principles regarding resignation.

Provisional Article 18 – (Annex by Article 24 of Law 4445, dated 12 August 1999)

The central decision-making and administrative committees of political parties shall be authorized to make the necessary amendments in their bylaws within six months as of the effective date of this Law. Such amendments shall be submitted for the approval of the first grand congress convening subsequent to the amendments.

PART TEN

Effectiveness and Enforcement

Effective Date:

Article 123 – This Law shall be effective as of the date of its publications.

Enforcement:

Article 124 – The provisions of this Law shall be enforced by the Council of Ministers.

PROVISIONS NOT INSERTED IN THE BODY TEXT OF LAW 2820 DATED 22 April 1983:

1 – Provisional articles of Law 3420 dated 31 March 1988:

Provisional Article 1 – The Ministry of Finance and Customs shall be authorized to make a transfer to the budget of the Presidency of the Court of Cassation upon the request of the Ministry of Justice from the election funds in the Ministry of Justice’s budget for 1988, in the amount covering the expenses the Chief Public Prosecutor incurs during 1988 as per the paragraph annexed to article 10 of the Law on Political Parties

Provisional Article 2 – Political Parties shall complete the shortcomings of member lists which will constitute the basis of the primary elections, in accordance with article 42 of the Political Parties Law 2820 amended by Article 5 of the current Law, and shall notify the Chief Public Prosecutor within two months as of the publication date of this Law as per article 10 of the Political Parties Law 2820.

Provisional Article 3 – Subsequent to the effective date of the amendments to this law, until the regular grand congresses of political parties convene, the central decision-making and administrative committees of parties shall be authorized to make the necessary amendments in their bylaws as per these amendments

2 – Provisional article of Law 3648, dated 17/5/1990:

Provisional Article – The central decision-making and administrative committees of political parties shall be authorized to make the necessary amendments in their bylaws within three months as of the effective date of this Law.

3 – Provisional article of Law 3673, dated 31/10/1990:

Provisional Article – The central decision-making, administrative and executive committees of political parties shall be authorized to make the necessary amendments in their bylaws within three months as of the effective date of this Law.

LIST SHOWING THE LAWS AND PROVISIONS REPEALED BY THE LEGISLATION BRINGING AMENDMENTS AND ANNEXES TO LAW 2820

Of the Legislation Repealed

Laws or Provisions Repealed	Date	Number	Article

In the Law 2820 on Political Parties:

a) article 18

b) article 119 and provisional article 1 (on the date the provisional article 4 of the Constitution of the Republic of Turkey was repealed)

21/5/1987 3370 9

– Article 10 of Law 2972 on the Election of Local Governments, Neighbourhood Headmen and Aldermen’s Councils,

Paragraph (c) 31/3/1988 3420

– In the Law on Political Parties dated 22/4/1983 and numbered 2820 Paragraph two of article 15, paragraph 6 of article 19, and all other provisions in all paragraphs under article 20 with the exception of the first sentence in paragraph ten

17/5/1990 3648 1

– In Law 2820 on Political Parties

a) paragraph one of article 5,

b) paragraph two of article 11 (b)/(6) subparagraphs

c) subparagraph (b) of article 79

d) paragraph three of Annex article 1

e) Article 9, 68/last paragraph, 79/b, 91, 92, 97 and annex article 4

12/8/1999 4445
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LIST SHOWING THE EFFECTIVE DATE OF THE LEGISLATION BRINGING AMENDMENTS AND ANNEXES TO LAW 2820

Amending Law Date		Effective
No.	Amended articles in Law	
2839	–	13/6/1983
3032	–	9/7/1984
3270	–	15/4/1986

3349	–	22/4/1987
3370	–	26/5/1987
3377	–	3/6/1987
3420	–	13/4/1988
3470	–	1/1/1988
		As of the date
		13/8/1988
3648	–	25/5/1990
3673	–	2/11/1990
3789	–	28/3/1992
3821	–	3/7/1992
3945	–	28/12/1993
4125	–	28/10/1995
4381	–	2/8/1998
4445	–	14/8/1999
4748	–	9/4/2002
4778	–	11/1/2003
5341	Provisional Article 16	7/5/2005
6111	66, 74	25/2/2011