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Elections in Turkey

2017 Constitutional Referendum

Frequently Asked Questions

Middle East and North Africa

Europe and Eurasia

International Foundation for Electoral Systems

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Frequently Asked Questions

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Disclosure:

These FAQs reflect decisions made by the Turkish elections authorities as of April 10, 2017, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

When will the referendum be held?

The Republic of Turkey will hold a constitutional referendum on Sunday, April 16, 2017 while out-of-country voting occurs from March 27 to April 9, 2017 in 57 countries around the world.

This will be the sixth constitutional referendum in the country since the passage of the 1982 constitution. According to Law 3376 Concerning Referendum on Constitutional Amendments, the referendum should take place on the first Sunday, 60 days after the publication of the proposed amendments in the official gazette. The referendum will take place amid a state of emergency that was extended following the 2017 New Year's Eve attack in Istanbul that killed 39 people.

What are the proposed amendments?

Turkish citizens will vote for or against the referendum package which contains 18 amendments to the constitution, the largest number of constitutional amendments proposed in a referendum since the creation of the Republic of Turkey in 1923. The amendments include the following changes: introduction of an executive presidency to replace the existing parliamentary system of government; the abolition of the prime ministerial office and the cabinet; presidential and parliamentary elections schedules so that elections would be held simultaneously every five years; increased and broader authority for the president over the High Council of Judges and prosecutors; and an increase in the number of seats in parliament from 550 to 600.

While supporters of the reform package believe it will contribute to stability through the consolidation of power in the country, critics believe that giving extensive powers to the president might damage the separation of powers and jeopardize the independence of the judiciary.

Why is this referendum taking place in Turkey?

The Turkish military passed the current constitution in 1982 following a coup. Discussions of amending the system from a parliamentary system to a presidential system began in 2005 and have been an integral component of current president Recep Tayyip Erdogan's platform. In December 2016, the ruling Justice and Development Party, or *Adalet ve Kalkınma Partisi* (AKP), along with the Nationalist Movement Party, or *Milliyetçi Hareket Partisi* (MHP), who together control 353 seats out of the 550 in the Grand National Assembly proposed 21 amendments to the constitution aimed at moving Turkey toward a presidential system of governance. The Parliamentary Constitutional Committee reviewed the proposed amendments and adopted 18 of the 21 articles. Following the Parliamentary Constitutional Committee's approval, the Grand National Assembly began its review of the proposed articles on January 9, 2017. On January 21, 2017, the Grand National Assembly voted 339-211 in favor of the 18 proposed amendments, meeting the three-fifth (330) constitutionally mandated threshold to send the amendments to a referendum. On February 2, the parliament sent the approved amendments to President Erdogan for approval. The president approved the amendments on February 10 and published

them in the official gazette. According to the electoral legal framework, a referendum must be held on the first Sunday 60 days after the publication.

What is the election management body that will manage the referendum process?

The election management body in Turkey is known as the Supreme Board of Elections, or *Yüksek Seçim Kurulu* (SBE). The SBE is a permanent commission composed of 11 members from the judiciary that are elected for a six-year term. Six of the members are elected by the General Board of the High Court of Appeals and five of the members are elected by the General Board of the Council of State. In addition to this central board, the SBE is made up of 81 provincial election boards (PEBs), 1,500 district electoral boards (DEBs) and over 167,000 ballot box committees (BBCs). According to the Law Concerning Referendums on Constitutional Amendments, the SBE is in charge of electoral oversight during referenda.

What electoral system will be used to decide on the constitutional referendum?

A simple majority system will be used. The electoral system on the constitutional referendum is different from the system that is used for elections to the National Assembly. According to Article 8 of Law 3376 Concerning Referendums on Constitutional Amendments, “if more than half of the valid votes say ‘yes,’ then the constitutional amendment is accepted by the Turkish nation.”

Who can vote?

According to the 1982 constitution, Turkish citizens at least 18 years of age on the day preceding Election Day and who are on the voter list are eligible to vote, with the exception of: active conscripts, cadets, and prisoners who have committed intentional crimes regardless of the severity. According to Law 3376, all registered voters who do not participate in the referendum without a valid excuse will be fined 12,500 Turkish Liras (about 3,300 USD). While voting is mandatory under the Parliamentary Election Law, punishment for those who abstain from voting, in the form of a fine, is rarely enforced.

The voter registry is kept with the Supreme Board of Elections in coordination with the Ministry of Interior.

Is out-of-country voting allowed?

Out-of-country voting will be held at 120 polling stations in 57 countries. One district electoral board in Ankara will oversee out-of-country voting and facilitate the counting of these ballots.

When did voter registration take place?

Voter registration in Turkey is passive. The permanent central voter register is maintained by the Supreme Board of Elections and linked to a registry operated by the Ministry of Interior. The registry uses personal identification numbers to identify citizens and maintain their place of residence.

How many registered voters are there?

According to the Supreme Board of Elections, the total number of registered in-country voters is 55,260,000, while there are 3,000,000 citizens registered for out-of-country voting. However, due to the significant insecurity in the southeast of the country, an estimated 300,000 people have fled their place of residence and may not be able to vote.

What form of voter ID will voters need to bring with them on Referendum Day?

Voters must bring a state-issued form of identification, such as a birth certificate or passport, to the polling station where they are registered to vote.

Which side are the major parties on (and why)?

The “Yes” campaign is led by the ruling Justice and Development Party and the National Movement Party and is supported by the president and other public officials. Most of the opposition parties, including the Republican People’s Party (CHP) and People’s Democratic Party (HDP), are part of the “No” campaign. The “Yes” campaign views these amendments as critical to a more stable political climate during a period of internal and geopolitical frictions due to the ongoing Syrian war, refugee crises, and the deterioration of security inside the country. The “Yes” campaign also believes the reform package will significantly improve the democratization process in the country with the inclusion of appeals process to judicial authorities, including the Constitutional Court. The “No” campaign is against the amendments which they believe would consolidate the president’s authority and, as a result, weaken the system of checks and balances that exists under the parliamentary system.

What are the rules on campaigning?

In accordance with Law 298 on the Freedom of Propaganda, campaigning began on February 16 and will end on April 15, 2017. During this period, additional provisions on campaign activities include allocating free airtime to the four political parties and the president and banning the use of state resources for campaign purposes.

Campaigning for this referendum has resulted in allegations by opposition parties against the ruling Justice and Development Party for abuse of state resources and against the Turkish Radio and Television

Corporation for biased coverage supporting the “Yes” campaign. These allegations have created a debate over the role of media in this referendum.

It should be noted that under Article 94A of Law 298, “electoral propaganda” abroad and at foreign representatives’ offices (embassies and other diplomatic missions) is not allowed.

What role will media play in the referendum?

During campaigning, the four political parties and president are given free airtime on the state-owned Turkish Radio and Television Corporation (TRT).

Media coverage of the referendum is regulated by the Law on Referendum, Law on Broadcasting, the Law on Basic Provisions on Elections and Voter Registers, and Supreme Board of Elections (SBE) decisions and regulations made before each election. Recently, Statutory Decree KHK 687 repealed Electoral Law No. 298, Article 149A, thereby removing the penalty for private radio and television channels broadcasting in contradiction to the equity principle and electoral regulations of the SBE. The Radio and Television Supreme Council is the party responsible for ensuring broadcasters are complying with regulations, and submits weekly reports to the SBE during the campaign period.

What are the rules for campaign finance?

Turkish electoral law lacks comprehensive campaign financing regulations. Campaign finance reports are not publicly available.

The Law on Political Parties (LPP), the primary legislation addressing campaign financing, prohibits political parties and candidates from receiving material or in-kind contributions from anonymous sources, foreign states, international organizations and foreign natural or legal persons. The law also bans corporations with government contracts or partial government ownership from donating to political parties. The LPP does not ban or limit contributions by professional organizations such as public institutions, charities, foundations, trade unions or employers’ associations to either political parties or candidates.

The LPP also specifies limits on the amounts of donations that can be made annually. However, this provision does not contain a limitation on the amount that can be donated in relation to a specific election. Furthermore, the law only applies to donations made to political parties, not to candidates, and it does not apply to some organizations such as public institutions, charities, foundations, trade union or employers’ associations, and the cap on donations is adjusted annually.

How many polling stations are set up on Referendum Day?

Per the Supreme Board of Elections, there will be over 167,000 ballot box committees (BBCs). Polling stations will be placed in public places such as schools, cafes, and restaurants. Polling stations will not be placed in military buildings, police stations, political party buildings, or community chief aldermen's offices. The location of ballot boxes and polling stations is determined by BBCs with the supervision of district electoral boards.

What will the ballots look like and how should they be marked?

On Election Day, voters will receive a ballot split in two inscribed with the word "Yes" (or "Evet") in black letters on a white background on the left side and "No" (or "Hayir") in black letters on a brown background on the right side. Voters must stamp their selection on the ballot with a special seal. Voters will vote on the amendment package as one block.



What are the polling procedures for the referendum?

Per Supreme Board of Elections Law 2017/76, polling stations will open at 8:00 a.m. and close at 5:00 p.m. on April 16. For security reasons, in the cities closer to the Syrian border such as Ağrı, Artvin, Bingöl, Bitlis, Diyarbakır, Elazığ, Erzincan, Erzurum, Gaziantep, Giresun, Gümüşhane, Hakkari, Kars, Malatya, Kahramanmaraş, Mardin, Muş, Ordu, Rize, Siirt, Sivas, Trabzon, Tunceli, Şanlıurfa, Van, Bayburt, Batman, Şırnak, Ardahan, Iğdır and Kilis, polling stations will operate between 7:00 a.m. and 4:00 p.m. Voters in line at closing time will be allowed to cast their votes.

Once admitted to the polling station by the chairman of a ballot box committee, voters will present their voter identification documents. The chairman will find the voter's name on the voter list, give the voter a ballot paper, explain to the voter how to cast his/her vote and guide the voter to the voting booth. Once the voter has made a selection and sealed the ballot paper into the envelope, the voter will exit the voting booth and insert the envelope into the ballot box to which they are assigned in the voter registry. The chairman will then return the voter's identification document to him/her and have the voter sign the box adjacent to the voter's name on the voter list and mark his/her left index finger with indelible ink.

How will voters with disabilities cast their ballots?

Per the Law on Basic Provisions on Elections and Voter Registers, any disability that would prevent a voter from casting their vote will be noted during voter registration. Voters with disabilities will be assigned to accessible polling stations when the voter registry is announced. The number of accessible polling stations is determined by the Supreme Board of Elections based on the number of voters with disabilities in the voter registry. If needed, voters must apply to transfer to an accessible polling station if they are not initially assigned to one during the voter registration period. There is no public transportation program or absentee voting system to allow voters with disabilities to cast their ballots at home.

At the voting station, the ballot box committees will take measures to ensure voters with disabilities ease of access to polling stations and ballot boxes. Additionally, voters with physical disabilities may be accompanied into the booth by a relative who votes in the same electoral district, or, in the absence of a relative, by any other voter willing to provide assistance. Additionally, if a disability prevents a voter from signing the box adjacent to their name on the voter list, they may alternatively use their fingerprint, marked with indelible ink, as a signature in the signature box.

Are there any special provisions to assist illiterate voters to cast their ballots?

Article 33 of Decree 135/1 on Ballot Box Committees [BBC] Duties and Powers during the Referendum states that if an illiterate voter seeks help, only the chairperson of the BBC can explain the procedures on the ballot itself. Other than that, no other BBC can interfere and offer assistance. In this referendum, the ballot will contain two colors: "Yes" has a white background color while "No" has a brown background. The Supreme Board of Elections has also produced voter information posters with drawings detailing how to correctly vote.

Where are voting, counting and tabulation held?

Following voting, vote counting and tabulation will commence at the ballot box committees (BBCs). Ballot, district and provincial election board minutes should include the number of registered voters on the voter list, the number of citizens who voted in the referendum, the number of valid and invalid votes, and the number of voters who voted "Yes" and "No" to the referendum. Provincial electoral boards (PEBs) will gather minutes from the district electoral boards (DEBs) and deliver the results and a copy of the approved minute to the Supreme Board of Elections (SBE). The latter will then gather and declare the results.

All contents of the ballot boxes should be signed, sealed, and delivered to DEBs, who will conduct the same process in the presence of election observers. Once a DEB has counted the votes from all polling stations in its jurisdiction, the chairman of each DEB will deliver the results to PEBs. A copy of the results

will be delivered to each of the political parties and to observers of independent candidates upon request, and a copy of the results will be posted on the front door of the DEB offices for one week. This process will be followed by each PEB, which will combine the ballots from the county election boards, count the ballots, post the results for one week, and send the results to the SBE for announcement and finalization. Any complaints or objections lodged during counting and tabulation will be recorded in the minutes and passed along with the ballots to each level of review.

When will official results be announced?

Once preliminary results have been received from provincial election boards, the Supreme Board of Elections shall promptly announce whether the proposed amendments were accepted or not publicly through radio, TV and the Official Gazette.

Who will observe during Referendum Day?

There are no legal provisions related to domestic or international observation of referendum. Political party representatives are allowed to observe Referendum Day proceedings. The Parliamentary Assembly of the Council of Europe will send a delegation to observe the referendum while the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights will also deploy a limited referendum observation mission.

Can referendum results be contested?

Referendum results can be challenged via objection and complaint. Complaints are challenges to election procedures conducted by election boards, while objections are stated or written challenges to either election results or to rulings handed down on complaints. The Supreme Board of Elections (SBE) is the only body responsible for examining all referendum/election-related disputes and its decisions cannot be appealed. Objections are adjudicated by the highest level of election board overseeing the jurisdiction in which an objection is raised. In other words, an objection to results announced by a ballot box committee (BBC) is adjudicated by a district electoral board (DEB); an objection to results announced by a DEB will be adjudicated by a provincial election board (PEB); and an objection to results announced by a PEB will be adjudicated by the SBE. Objections and complaints that are adjudicated by the SBE are considered final and cannot be appealed to a different judicial authority. The 2010 constitutional changes introduced the right to file individual petitions at the level of the Constitutional Court.

Resources

- [Constitution of the Republic of Turkey](#)
- [Decree 135/1 on Ballot Box Committees' Duties and Powers during the Referendum](#) (Turkish)
- [International IDEA Political Finance Database: Turkey](#)
- [Law on Basic Provisions on Elections and Voter Registers](#) (Turkish)
- [Law Concerning Referendums on Constitutional Amendments](#)
- [Law on Political Parties](#)
- [Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights Needs Assessment Mission Report, 22-24 February 2017](#)
- [Parliamentary Elections Law](#) (Turkish)
- [Supreme Board of Elections](#)