

CONSTITUTION FOR THE HOMELAND



**Movement for
Quality Government
in Israel**

Dr. Adv. Eliad Shraga & Adv. Adva Ben Yosef

Constitution for the Homeland

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* The use of the masculine or feminine gender in this document shall be construed as including both genders.

Article One: Fundamental Principles

1. The Nature of the State

- (a) Israel is a Jewish democratic state.
- (b) The state regime is a parliamentary democracy.
- (c) This section cannot be changed ever.

2. Fundamental Obligations

The State of Israel shall be based upon principles of freedom, equality, justice and peace.

3. Preservation and Development of Natural Resources

The State of Israel shall preserve and develop the land and its natural resources for the benefit of all its inhabitants, and out of concern for the welfare of the future generations.

4. Citizenship

Israeli citizenship is acquired and denied by law.

5. Return

- (a) The State of Israel shall encourage the ingathering of Jewish exiles.
- (b) Every Jew is entitled to immigrate to Israel unless there is a considerable probability that the individual seeking to do so might endanger public welfare, health or security, or might act against the state or the Jewish People.

In this matter, a "Jew" is considered to be anybody who is, *inter alia*: (1) a child or grandchild of a Jew;(2) whoever has joined the Jewish People - (a) by way of conversion recognized in Jewish communities; (b) in another manner recognized by law or according to it; (3) whoever has been persecuted due to being considered a Jew.

- (c) An oleh is entitled to bring with him to Israel his spouse and children living with him, who shall also be entitled to the status of an oleh.
- (d) An oleh is entitled to become a citizen in Israel by virtue of the right of return at the time and under the conditions to be laid down by law.

6. The State Capital

- (a) The complete and united Jerusalem is the capital of Israel.
- (b) Jerusalem is the seat of the President of the State, the Knesset, the government and the Supreme Court.

7. The Emblems of State

- (a) The name of the state is "Israel".
- (b) The state flag is white, with light blue stripes adjacent to its borders and a light blue Star of David in its center.
- (c) The state emblem is a seven-branched candelabrum or menorah, with olive leaves on both sides and the word "Israel" at its base.
- (d) The national anthem is "Hatikva".
- (e) Details regarding the emblems of state shall be prescribed by law.

8. Language

- (a) Hebrew is the state language.
- (b) Arabic is afforded a special status in the state; regulation of the use of Arabic in state institutions or before them shall be prescribed by law.

9. Days of Rest

Shabbat (the Sabbath) and Jewish festivals are the fixed days of rest in the state; non-Jewish individuals have the right to hold their days of rest on their sabbath and festivals; details regarding this matter shall be prescribed by law.

10. Independence Day and Memorial Days

- (a) Independence Day is the state's official national holiday.
- (b) Memorial Day for the Fallen Soldiers of the Wars of Israel and the Holocaust Martyrs' and Heroes' Remembrance Day are the state's official memorial days.

11. Foreign Ties

- (a) The state shall endeavor to guarantee the safety of the Jewish People and its citizens subject to duress or under captivity due to the fact that they are Jews or their citizenship.

- (b) The state shall engage in an effort in the Diaspora to preserve the special bond between the state and the Jewish People.
- (c) The state shall endeavor to preserve the cultural, historical and religious heritage of the Jewish People among Diaspora Jewry.

12. Family Life

- (a) The state shall respect the family life of its residents.
- (b) Details regarding family arrangements shall be prescribed by law.

13. Education

- (a) Israel shall operate a state education system to impart basic skills and shall educate in the spirit of the principles of the Constitution.
- (b) Individual communities will be able to add unique content or run separate educational institutions by law, provided that they impart the skills and principles mentioned in subsection (a).

14. State Land

- (a) Israel's land is the land owned by the state, the Development Authority, and the Jewish National Fund (JNF).
- (b) The ownership of Israel's land shall not be transferred, either by sale or by any other means, unless this is under terms laid down in law.
- (c) The ownership of seas, lakes, nature reserves, natural resources, and sites of national or historical importance shall not be transferred.
- (d) In this Constitution, the term "Land" – refers to land, houses, buildings and anything permanently affixed to the land.

Article Two: Basic Human Rights

15. Basic Human Rights

An individual's basic human rights in Israel are based on recognition of the value of a human being, the sanctity of his life and the fact that he is a free person, and they shall be upheld in the spirit of the Constitution's principles and in the spirit of the principles in the Declaration of the Establishment of the State of Israel.

16. Respecting Basic Human Rights

- (a) The government authorities shall respect the basic human rights that are protected by the Constitution and shall endeavor to protect and promote them.
- (b) The rights stated in this Article shall only be violated by a law that corresponds with the values of the State of Israel as a Jewish and democratic state, which serves an appropriate purpose, and to an extent that does not exceed what is required, or on the basis of a law, as aforementioned, by virtue of a power explicitly stated therein.

17. The Right to Life, Bodily Integrity and Dignity

- (a) The life, body and dignity of any human being shall not be violated.
- (b) Every individual has the right to protection of his life, his body and his dignity.

18. Personal Liberty

The liberty of a human being shall not be taken nor restricted, by means of imprisonment, detention, extradition, or in any other manner.

19. Human Dignity

Every individual, both during his life and after his death, has the right to protection of his dignity as a human being; no human being shall be degraded or humiliated.

20. Equality

All individuals are equal in their rights and obligations before the law; no individual shall be discriminated against for reasons of gender, religion, country of origin, nationality, ethnicity, age, disability or sexual orientation.

21. The Right to Privacy

- (a) Every individual has a right to privacy and to intimacy.
- (b) There shall be no entry into the private premises of an individual, without his permission.
- (c) No search shall be held on the private premises of a person, upon his body, in his body, or among his private effects.
- (d) The confidentiality of an individual's conversation, his writings or his records shall not be violated.
- (e) No information shall be collected on an individual's privacy and such information shall not be held or processed or published without his consent.

22. Freedom of Thought Opinion and Expression

Every individual has –

- (1) Freedom of thought and opinion;
- (2) Freedom of expression, creation and study.

23. Freedom of Assembly and Demonstration

Every citizen of Israel has the freedom to hold an assembly, demonstration and procession.

24. Freedom of Movement

- (a) Every individual who is lawfully resident in Israel has the freedom to move in the public domain throughout the state and the freedom to leave Israel.
- (b) Every citizen of Israel who is located abroad has the right to enter Israel.

25. Freedom to Choose a Place of Residence

Every citizen of Israel has the freedom to choose where to live in Israel.

26. Freedom of Conscience

Every individual has freedom of conscience.

27. Freedom of Religion and Faith

Every individual has the freedom of faith, religion and worship.

28. Freedom of Association

Every citizen and resident of Israel has the freedom of association.

29. Proprietary Right

An individual's property shall not be violated.

30. Freedom of Occupation

Every citizen and resident of Israel is free to engage in any occupation, profession or trade.

31. Welfare Rights

The government authorities shall endeavor to guarantee the welfare of Israel's citizens and residents. They shall also engage in an effort to develop the requisite conditions so that each citizen and resident shall have basic, appropriate terms of existence, taking into account the state's economic capacity and its priorities.

32. The Right to Education

- (a) Every child has the right and obligation to free education of fifteen years of study, from the kindergarten until completion of high school.
- (b) A student with special needs has the right to benefit from auxiliary services and the requisite adaptations to ensure fulfillment of his right to education in an egalitarian manner.
- (c) This obligation may be discharged also in a private educational institution under the supervision of the state as stated in Section 13 of the Constitution, provided that it affords education including the basic skills, that it affords education commensurate with the spirit of the principles of the Constitution, and that it shall act in accordance with the standards laid down in law to guarantee the student's best interests.

33. The Child's Rights

- (a) Every child has the right -
 - (1) To benefit from welfare and from appropriate conditions to ensure his physical, mental, educational and social development in the best manner possible.

- (2) To participate in decisions relating to him, in a manner that corresponds with his age and maturity.
- (b) The child's best interests are the overriding consideration in any decision or action relating to him.
- (c) The obligation and the right to guarantee the child's best interests lie with the parents; provisions regarding the fulfillment of the parents' obligation, and qualifications on the right of parents, with regard to parents who do not fulfill this duty, shall be prescribed by law.

34. The Right to Health

- (a) Every citizen and resident of Israel has the right to benefit from appropriate physical and mental health services that are accessible to all, as shall be prescribed by law.
- (b) Every individual in need of emergency, life-saving treatment, has the right to receive it without any preconditions.

35. The Right to the Environment

- (a) Every individual has the right to live in a clean environment that does not cause damage to his life, his health, his welfare and his development, and he is charged with the duty of protecting it.
- (b) Provisions regarding involving citizens and residents in decisions relating to the environment shall be prescribed by law.

36. Labor Relations Rights

- (a) Every individual has the right to act in order to further working conditions and his rights as a worker and to associate for that purpose with other workers, including by way of establishing a worker's union, and he is free not to become a member of a said union, as he chooses.
- (b) Every employer has the right to associate with other employers in order to further their rights as employers, including by way of establishing an employer's organization, and he is free not to become a member of a said organization, as he chooses.
- (c) Workers' unions and employers' organizations are entitled to conduct collective negotiations and to enter into collective agreements, as shall be prescribed by law.
- (d) Every individual has the right to strike as part of the activity to improve his working conditions, and the freedom not to participate in a strike and the collective activity, and all by way of and under the terms as laid down in law.

- (e) It is possible to stipulate in law restrictions on the right to strike in order to ensure the supply of essential services and the protection of state security, public order or another essential public interest.

37. The Right of Access to Courts

Every individual has the right of recourse to court in order to exercise the rights afforded him in the Constitution and by virtue of any law.

38. The Right to a Fair Trial

- (a) Every individual who is a party to a judicial proceeding has the right to due process of law, including the fact that the proceeding is conducted without prejudice, within a reasonable period of time and shall be concluded with a reasoned decision.
- (b) A litigant in any judicial proceeding who does not sufficiently understand Hebrew, has the right to gain help from an interpreter, funded by the state.

39. The Right to Legal Representation

- (a) Every individual has the right to be represented by an attorney at law according to his choice, in any proceeding to which he is party, and to seek counsel from an attorney in any matter relating to him.
- (b) Every individual has the right to legal representation funded by the state in a criminal proceeding, if he does not have the wherewithal to fund legal representation on his own.

40. The Presumption of Innocence

Every individual is presumed to be innocent as long as he has not been proven guilty by a judicial authority.

41. Rights of an Individual whose Freedom has been Denied

- (a) Every individual whose freedom has been denied, by detention or by another means, has the right to all the following:
 - 1) That he shall be informed, immediately on denial of the freedom, of the reason for that and his rights as set forth in this section;
 - 2) To maintain the right to remain silent and not to testify against himself;
 - 3) For a message to be conveyed without delay to an individual of close proximity to him;
 - 4) To meet without delay with an attorney of his choice and to seek his counsel prior to and while giving testimony;

- 5) To be brought before a judicial authority without delay and to raise the issue of the denial of his freedom before it;
 - 6) That he should be treated in a manner guaranteeing maximum protection of his body, his dignity and his rights.
- (b) This Section shall not prevent urgent action being taken that is required to protect state security and public security, as stated in the law.

42. There is no Punishment without Warning

- (a) An individual is not criminally liable for an act or omission if at the time of their occurrence they were not prohibited by law.
- (b) No punishment shall be imposed on an individual that is more severe than what is set forth in law, at the time of committing the offense, for the offense committed.

43. Prohibition of Cruel Punishment

No cruel or inhumane punishment shall be imposed on an individual, and no punishment shall be imposed on an individual for an act committed by another person.

44. The Right of Appeal

A litigant has the right to appeal a judgment of a judicial authority at the first legal instance, apart from a judgment of the Supreme Court.

45. The Right to Obtain Information

Every citizen and resident of Israel has the right to obtain information in the possession of the government authorities or any other body fulfilling a public role; it is possible to stipulate in the law conditions and qualifications for obtaining information in order to protect an essential interest of the state or another entity.

Article Three: President of the State

46. Status

The state is headed by a president.

47. Roles and Powers

(a) The President of the State -

- (1) Shall sign all amendments to the Constitution;
- (2) Shall sign every law apart from laws relating to his powers;
- (3) Shall perform the duties assigned to him in the Article on Government relating to the formation of the government and dispersal of the Knesset and shall receive from the government a report on its actions and decisions;
- (4) Shall perform the duty assigned to him in the Article on Judiciary relating to the appointment of judges and the duty assigned to him in the law in respect of the appointment of other office holders and their dismissal from office;
- (5) Shall accredit the diplomatic representatives of the state, shall receive the credentials of diplomatic representatives sent to Israel by foreign states, shall empower the consular representatives of the state, and shall confirm appointments of consular representatives sent to Israel by foreign states;
- (6) Shall sign deeds of ratification of treaties or of treaties that do not require ratification, that have been approved by decision of the Knesset;
- (7) Shall perform any duty and hold every other power assigned to him in the Constitution or by law.

(b) The President of the State has the power, after engaging in consultation in the manner to be set forth in law, to pardon offenders and modify sentences by reducing or commuting them.

48. Term of Office

- (a) The President of the State shall be elected by the Knesset for a seven-year tenure; his term of office shall be calculated on the basis of the Hebrew calendar.
- (b) The President of the State shall serve for a single term of office only.

49. Eligibility

- (a) Every Israeli citizen, who is a resident of Israel, is eligible to be a candidate for the office of President of the State, provided that the terms of eligibility laid down in the law apply to him.

- (b) An individual who has been convicted of a crime involving moral turpitude shall not be eligible to run as a candidate for the office of President of the State.
- (c) An individual, regarding whom at the time of submitting his candidacy, a decision was made to indict him for a crime involving moral turpitude, shall not be eligible to run as a candidate for the office of President of the State.

50. The Election Date

The election of the President of the State shall be held no earlier than ninety days, and no later than thirty days prior to the expiry of the term of the serving President; should the position of the President of the State become vacant prior to the expiration of his term of office, the election shall be held within forty-five days from the date on which his position became vacant; the Speaker of the Knesset, in consultation with the Deputy Speakers, shall set the election date, and shall inform all the Members of Knesset in writing, at least three weeks in advance; should the election date occur at a time not during one of the Knesset sessions, the Speaker of the Knesset shall convene the Knesset for the purpose of electing the President of the State.

51. Nomination of Candidates

- (a)(1) The nomination of a candidate for the President of the State shall be submitted in writing to the Speaker of the Knesset, together with the written consent of the candidate, on the fourteenth day before the election date. A Member of Knesset shall not participate in the nomination of more than one candidate;
 - (2) Whoever is nominated by at least ten Members of Knesset as a candidate shall be a candidate for the President of the State, unless the number of nominators has fallen below ten due to the deletion of the name of a Knesset Member as stated in paragraph (3);
 - (3) Should a Member of Knesset be party to nominating more than one candidate, the name of the Member of Knesset shall be deleted from the list of the nominators of all the candidates he has nominated. Should the number of nominators of a candidate fall below ten due to the deletion of a name from the list of nominators, a Member of Knesset who was not party to any nomination, may add his name to the list of nominators of that candidate, no later than eight days before the election date.
- (b) The Speaker of the Knesset shall inform all the Members of Knesset in writing, no later than seven days prior to the election date, of every candidate who was nominated together with the names of the Members of Knesset who have nominated him, and shall announce the candidates at the opening of the sitting during which the election is to be held.

52. Voting

The election of the President of the State shall be conducted by secret ballot at a Knesset sitting to be dedicated exclusively to this matter.

53. Election by a Majority of Votes

- (a) Should there be two candidates or more, the candidate who has received the votes of a majority of the MKs – shall be the one to be elected. Should no candidate receive such a majority, a second ballot shall then be held. In the second vote only the two candidates who received the votes of the largest number of MKs in the first vote shall stand for election; the candidate who received a majority of the votes of the MKs participating in the second vote, and who have voted for one of the candidates – shall be the one to be elected. Should two candidates receive an equal number of votes, the voting process shall be repeated.
- (b) Should there be only one candidate, the voting shall be held either for or against him, and he shall be the person elected should the votes for him exceed the votes against him. Should the number of votes cast for him be equal to the number of votes cast against him, the voting process shall be repeated.
- (c) Should a President fail to be elected on the basis of subsection (b), a reelection shall take place within thirty days from the date of voting on the basis of the provisions of Sections 50 to 52 and this section; however, the nomination of a candidate under Section 51(a) shall be submitted no later than seven days before the date of the election.

54. Declaration of Allegiance

The elected President shall make the following declaration of allegiance before the Knesset: "I pledge to bear allegiance to the State of Israel, to adhere to its Constitution and laws, and to faithfully perform my duties as President of the State".

55. Commencement of Office

- (a) The President-elect shall make his declaration of allegiance on the termination of the term of office of the outgoing President, or as close as possible beforehand; the President-elect shall begin to serve from the time he makes the declaration, but not prior to the end of the term of office of the outgoing President.
- (b) Should the position of the President of the State become vacant before the end of his term of office, the President-elect shall declare his allegiance as soon as possible, after his election, and shall start to serve from the moment he makes his declaration.

56. Countersignature

The signature of the President of the State on an official document requires the countersignature of the Prime Minister or of another minister decided on by the government, except for the President's letter of resignation and a document connected with the formation of the government, dissolution of the Knesset or exercising of the President's power of pardon or commuting a sentence.

57. Immunity in the Performance of Duty

- (a) The President of the State shall not be accountable to any court of law or tribunal for anything connected with his functions or powers and shall be immune from any legal action for such matters.
- (b) The President of the State is not obliged to disclose in testimony and/or by giving evidence anything that came to his knowledge while performing his duties as President of the State.
- (c) The immunity of the President of the State under this section shall continue to apply also after he has ceased to serve as the President of the State.

58. Immunity from Criminal Proceedings

- (a) The President of the State shall not face criminal charges during his term of office; the period during which the President of the State cannot be prosecuted for an offense, by virtue of this section, shall not be counted as part of the limitation period of the said offense.
- (b) Provisions regarding qualifications or terms for the detention of the President of the State, or regarding an act of examination against the President of the State during his term of office, shall be prescribed by law.

59. Testimony

Should the President be required to give testimony, the testimony shall be heard at a place and time to be determined in consultation with the President of the State.

60. Exclusivity of Office

The President of the State shall not serve in an office, nor shall he fulfill any position or engage in any other occupation, apart from his office as President of the State.

61. Travel Abroad

The President of the State shall not travel abroad without the government's consent.

62. Salary and Other Payments

The salary and other payments of the President of the State and the President of the State's Residence, shall be paid from the State Treasury, as shall be prescribed by law.

63. Resignation

The President of the State is entitled to resign from his office by submitting a letter of resignation to the Speaker of the Knesset; the letter of resignation does not require a countersignature; the position of the President of the State shall become vacant after the letter of resignation has reached the Speaker of the Knesset.

64. Removal of the President from Office

- (a) The Knesset is entitled, via a resolution, to remove the President of the State from office, should it decide that he is unworthy of his office due to inappropriate conduct that is unbecoming his status as President of the State.
- (b) The Knesset shall not remove the President of the State from office, unless a complaint has been brought before the Knesset House Committee by at least twenty MKs, and pursuant to a proposal of the House Committee adopted by a majority of three-quarters of the members of the Committee; the decision of the Knesset to remove the President from his office also requires a majority of three-quarters of its members.
- (c) The Knesset House Committee shall not propose to remove the President of the State from office, unless he has been afforded the opportunity to refute the complaint in accordance with the procedure laid down by the Committee with the Knesset's approval; and the Knesset shall not decide to remove the President of the State from office until after he has been given the opportunity to state his case in accordance with the procedure laid down by the Knesset House Committee with the approval of the Knesset.
- (d) The President of the State is entitled to be represented before the Knesset House Committee and before the Knesset by his legal counsel, as long as a Member of the Knesset does not serve as the President's legal counsel; the Knesset House Committee and the Knesset are entitled to invite the President of the State to be present during the discussions under this section.
- (e) The Knesset discussions under this section shall be held in a sitting specifically designated for this matter alone, or in successive sittings designated as stated; the debate shall begin no later than twenty days after the decision of the Knesset House Committee; the Speaker of the Knesset shall inform all the MKs in writing of the

time of its beginning at least ten days in advance; should the beginning of the debate not occur during one of the Knesset sessions, the Speaker of the Knesset shall then convene the Knesset in order to hold the debate.

65. Vacation of the Position due to Health Reasons

- (a) The Knesset is entitled, in a resolution passed by a majority of its members, to declare that the President of the State is permanently unable to perform his duties for health reasons.
- (b) The Knesset shall only pass a said resolution according to a proposal of the Knesset House Committee that has been adopted by a two-thirds majority of its members, based on a medical opinion given in accordance with the rules laid down by the Committee.
- (c) Should the Knesset adopt a said resolution, the office of the President of the State shall become vacant from the date of the resolution.

66. Temporary Cessation of Performance of Duties

The President of the State shall temporarily cease to perform his duties and exercise his powers –

- (1) Should he leave the borders of the state – from the time he departs until his return;
 - (2) Should he notify the Knesset House Committee that he is temporarily unable to perform his duties, and the House Committee has approved his notification by a majority of votes – from the approval of his announcement until the end of the period determined by the Committee, or until the President of the State has notified the House Committee that he is no longer unable to perform his duties, whichever is earlier;
 - (3) Should the Knesset House Committee, decide by a majority of two-thirds of its members, on the basis of a medical opinion submitted in accordance with the rules prescribed by the Committee, that the President of the State is temporarily unable to perform his duties, for health reasons – from the adoption of the decision until the end of the period determined by the Committee in its decision, or until it has decided that the President is no longer unable to perform his duties.
- (b) The Knesset House Committee shall not prescribe, in accordance with subsection (a)(2) or (a)(3), a period of over three months; it is entitled to extend it, consecutively, for no more than three additional months; an extension of the period for more than this amount of time requires a resolution by the Knesset adopted by a majority of the MKs, pursuant to a proposal by the Knesset House Committee.

67. Acting President and Stand-in President

- (a) Should the position of the President of the State be vacated, and as long as the new President of the State has not yet assumed office, the Speaker of the Knesset shall serve as Acting President of the State.
- (b) During the period that the President of the State has temporarily ceased to perform his duties and exercise his powers, the Speaker of the Knesset shall serve as Stand-in President of the State.
- (c) While serving as Acting President of the State, or as the Stand-in President of the State, the Speaker of the Knesset shall perform the functions incumbent on the President of the State by law and exercise the powers vested in the President of the State by law, apart from the power to pardon offenders or commute their sentence.

Article Four: The Knesset

68. The Essence

The Knesset is the state's parliament or house of representatives and legislature, and it has the vested power to amend the Constitution.

69. The Composition

Following its election, the Knesset shall consist of one hundred and twenty members.

70. The Knesset Elections

- (a) The Knesset shall be elected in general, national, direct, secret, proportional and equal elections. The details shall be prescribed by law and in secondary legislation by virtue thereof.
- (b) Only those lists of candidates that have each received a number of valid votes that is not less than 2.5% of the total number of valid votes, shall participate in the distribution of Knesset seats.

71. Parties

- (a) A list of candidates for the Knesset shall be submitted by a party alone.
- (b) A party shall be free to exist and to act to further its objectives and to achieve representation in the Knesset, apart from a party whose objectives or actions, include, either explicitly or implicitly, one of the following:
 - (1) Negation of the existence of the State of Israel as a Jewish and democratic state;
 - (2) Incitement to racism;
 - (3) Support for an armed struggle, by an enemy state or of a terrorist organization, against the State of Israel;
 - (4) A guise for illegal activity.
- (c) A party that has been elected to the Knesset shall not be able to split up into a number of parliamentary factions, and its members shall not be able to split off from it in the Knesset in which it was elected.
- (d) No government authority -
 - (1) Shall discriminate against a party in the allocation of resources;
 - (2) Shall intervene in the management of the party's affairs, but relief may be given to an individual or a group for breach of the internal rules and the statute laid down by the party.

- (e) A party shall act in transparency towards the public in relation to its financial affairs and these shall be subject to review in the manner to be prescribed by law.

72. The Right to Vote

Every Israeli citizen aged eighteen or over is eligible to vote in the Knesset elections, unless a court of law has deprived him of this right by law; the Elections Law shall determine when a person shall be considered to be eighteen years of age for the purpose of exercising the right to vote in elections to the Knesset.

73. The Right to be Elected

- (a) Every Israeli citizen, who on the day of the submission of the list of candidates that includes his name is thirty years old and above, is entitled to be included in a list of candidates for the Knesset, unless he has been deprived of this right by law.
- (b) The following shall not be entitled to be included in the list of candidates to the Knesset:
 - (1) The President of the State;
 - (2) A judge;
 - (3) The State Comptroller;
 - (4) The Chief of the General Staff of the Israel Defense Forces;
 - (5) The Director of the Institute for Intelligence and Special Operations ("Mossad");
 - (6) The Director of the Israeli Security Agency (ISA);
 - (7) The Israel Police Commissioner;
 - (8) The two Chief Rabbis;
 - (9) Whoever serves in a public office or position including during the cooling-off period as shall be prescribed by law; and all even if they have ceased to serve in that position before the deadline for submitting lists of candidates, should an earlier date have been prescribed by law.
- (c) Any individual who has been convicted in a final judgment of a criminal offense that has been prescribed by law, apart from a criminal offense without moral turpitude shall not be entitled to be included in a list of candidates for the Knesset; provisions regarding the proceeding for determining that this is not a crime involving moral turpitude shall be prescribed by law.
- (d) (1) A list of candidates shall not participate in the Knesset elections, nor shall an individual be entitled to be included in a list of candidates for the Knesset, if the objectives or actions of that list of the actions of the individual, either explicitly or implicitly, include one of the following:

- (a) Negation of the existence of the State of Israel as a Jewish and democratic state;
- (b) Incitement to racism;
- (3) Support for an armed struggle, by an enemy state or of a terrorist organization, against the State of Israel.

For the purpose of paragraph (d) (1) -

- (a) A candidate, who has resided in an enemy state illegally in the seven years preceding the deadline for submitting lists of candidates, shall be considered as someone, whose actions constitute support for an armed conflict against the State of Israel, as long as he has not proven otherwise.
- (b) A decision of the Central Elections Committee that a list or candidate is barred from participating in elections under subsection (d) (1) requires approval from the Supreme Court.
- (c) A candidate shall make a declaration as shall be prescribed by law.
- (d) Details regarding the work of the Central Elections Committee, the discussion therein and the Supreme Court hearing, and on the matter of the declaration pursuant to subsection (c), shall be prescribed by law.
- (e) (1) A Member of Knesset who has withdrawn from his parliamentary faction – must resign from office within 48 hours of the date of his withdrawal and shall be replaced by the next candidate on the list of candidates in the parliamentary faction from which he has withdrawn.

(2) With regard to this section –

“Withdrawal from a parliamentary faction” – includes voting in the Knesset plenum not in accordance with the position of the parliamentary faction with regards to a vote of confidence in the government, or no-confidence in it; however, such a vote shall not be considered as withdrawal if the Member of Knesset has not received any consideration for his vote;

“Consideration” – directly or indirectly, as a promise or an undertaking for the future, including a promise of a place in a list of candidates for the Knesset, or the appointment of the Member of Knesset himself, or another person, to any position.

74. Convening the Knesset

- (a) The Knesset shall convene for its first sitting, following the publication of the election results, within fourteen days of the day of the elections to the Knesset, on a date prescribed by law, unless the law has prescribed another nearby date due to a day of rest, holiday, festival or memorial day, or due to proximity to one of them, or due to the intermediate day of a Jewish festival (Hol Hamoed).

- (b) The term of office of those elected to serve in the Knesset shall commence at the end of the first sitting of the Knesset and after they have pledged allegiance to it.
- (c) The Knesset shall hold two sessions per year; provisions regarding the dates of the Knesset sessions and with regard to convening of the Knesset not during the parliamentary sessions or during the recess or during a year in which elections to the Knesset are being held, shall be prescribed by law.

75. Declaration of Allegiance of a Member of Knesset

- (a) A Member of Knesset shall make the following declaration of allegiance:

"I pledge to bear allegiance to the State of Israel and to its Constitution, to adhere to the laws of the Knesset and to faithfully discharge my mission in the Knesset".
- (b) Should the Knesset Speaker call on a Member of Knesset to pledge a declaration of allegiance and that MK does not do so, then that Member of Knesset shall not benefit from the rights of a Member of Knesset and shall be suspended from his activity, as long as he has not made the declaration.
- (c) Should the Member of Knesset have an additional citizenship that is not Israeli citizenship, and the laws of the state of which he is a citizen enable him to gain release from that citizenship, he shall not pledge allegiance until after he has done all that is required of him to be released of it, nor shall he enjoy the rights of a Member of Knesset as long as he has not made the declaration.

76. The Knesset Speaker and his Deputies

- (a) The Knesset shall elect from among its members a Speaker and Deputy Speakers; it is possible to prescribe by law, or in the Knesset Rules of Procedure, rules and reservations regarding their election.
- (b) Provisions regarding the removal from office, suspension, reservations regarding the term of office and replacement of the Knesset Speaker and the Deputy Speaker shall be prescribed by law, provided that the removal from office or suspension of the Knesset Speaker shall be pursuant to a decision of the Knesset and shall be passed by at least a majority of its members.

77. The Knesset Committees

The Knesset shall select from among its members standing committees or ad-hoc committees to deal with specific matters; the functions of the committees, their powers, working procedures, summoning of office holders and requiring them to provide information and documents to the committees shall be prescribed by law, in secondary legislation by virtue thereof or in the Knesset Rules of Procedure.

78. Working Procedures

The Knesset shall lay down its working procedures in law, in secondary legislation by virtue thereof or in the Knesset Rules of Procedure; should no such procedures have been prescribed as stated, the Knesset shall then act in accordance with its accepted customs and practices.

79. Openness

The Knesset sittings shall be open to the public.

80. Quorum and Majority for Decision-Making

The Knesset shall hold debates with the participation of any number of members and shall adopt resolutions with the majority of ballots of those participating in the vote, whereby those members abstaining are not counted in the number of those participating in the vote, and all unless there is another provision on this matter in the Constitution; it is possible to prescribe by law a quorum or majority for a debate or resolution, provided that the said quorum or majority does not exceed the majority of Members of Knesset, and all unless there is another provision in the Constitution.

81. Immunity of Members of Knesset

Members of Knesset shall have procedural and substantive immunity; details shall be prescribed by law.

82. Inviolability of the Knesset Buildings

The Knesset buildings shall be inviolable; provisions regarding guaranteeing the Knesset's status, its independence, its security, its proper functioning and working ability of its members that shall apply in the Knesset building shall be prescribed by law.

83. Salary and Other Payments

- (a) Members of Knesset shall be paid a salary and other payments from the State Treasury, as shall be prescribed by law.
- (b) Should it be determined by law that the Knesset or one of its committees should decide on the aforementioned matter, any decision involving a change, and which relates to Members of Knesset alone, shall apply to the Members of Knesset who are elected to the next Knesset, and thereafter.

- (c) Should it be determined by law that the Knesset or one of its committees should decide on the aforementioned matter, a decision shall be made after a process of consultation with a public committee, as shall be prescribed by law.

84. The Provision of Information and Attendance

- (a) The government, a local authority, a corporation established by law and an entity fulfilling a public function, shall provide the Knesset and its committees with information and shall assist them in fulfilling their functions; provisions regarding the procedures for providing the information, the debate and review of which for maintaining the confidentiality of information, whenever this is required to protect a matter of vital importance to the state or of another entity, shall be prescribed by law, and it is possible to stipulated in the law reservations for the provision of information for such, aforementioned reasons.
- (b) The Knesset and any of its committees, in the fulfillment of its duties, may summon a minister to appear before it.
- (c) Any of the Knesset's committees may, in the fulfillment of its duties, with the knowledge of a minister or the head of a said entity as stated in subsection (a) in whose service the summoned individual operates, summon an officer or office holder in the civil service or in an entity as stated in subsection (a), and require him to provide information at his disposal on the ministry or the entity in which he serves and its activity.
- (d) The government and an entity as stated in subsection (a) shall provide the Member of Knesset with information, for the purpose of performing his duty as a Member of Knesset, subject to qualifications, conditions and in the manner to be prescribed by law.

85. Committee of Inquiry

- (a) The Knesset may, subject to a resolution adopted by a majority of votes, appoint a Committee of Inquiry from among its members, in order to investigate an issue of special public interest; any committee of inquiry shall also include representatives of parliamentary factions that are not members of the government, on the basis of the balance of power among the various parliamentary factions in the Knesset.
- (b) It is possible to prescribe by law provisions regarding the power of a committee of inquiry to obtain information and to summon an entity to which Section 84 does not apply, and to adopt measures to require the provision of information or attendance.
- (c) Provisions regarding the procedures for holding debates in a committee of inquiry and for maintaining the confidentiality of information, whenever this is required to protect a matter of vital importance to the state or of another entity, shall be prescribed by law.

86. A Member of Government in the Knesset and in the Knesset Committees

A minister or deputy minister who are not Members of Knesset, are considered for all intents and purposes in respect of the Knesset to be treated as a minister or deputy minister who are Members of Knesset; though, they shall not have the right to vote.

87. Term of Office of the Knesset

- (a) The term of office of the Knesset shall be four years from the day on which it was elected.
- (b) The elections to the Knesset shall take place on the third Tuesday of the month of Heshvan in the year in which the term of the outgoing Knesset ended; however, should the preceding year be a Hebrew leap year, the elections shall take place on the first Tuesday of that month.
- (c) Should the Knesset decide to dissolve itself before the end of its term of office, the term of office of the subsequent Knesset shall continue until the nearest month of Heshvan after the termination of four years from the date of its election.

88. Dissolution of the Knesset prior to the Termination of its Term of Office

- (a) The Knesset shall dissolve itself prior to termination of its term of office under one of the following circumstances, and on the date stated below:
 - (1) Should the Knesset pass, with at least a majority of its members, a law for its dissolution; the Knesset elections will then be held on the date stipulated in that law, and which shall be no later than 90 days from the date of passing the law;
 - (2) Should the budget law fail to be adopted within the period of time determined in Section 172(c) of the Article on State Economy; the Knesset elections will then be held on the last Tuesday prior to the end of the 90 days from the date on which the period determined in that section has come to an end;
 - (3) Should no government have been formed after it should have been formed as stipulated in the Article on Government; the Knesset elections shall then be held on the last Tuesday prior to the end of the 90 days from the date on which the President of the State informed the Knesset Speaker, from the date of entry into force of the order for dissolution of the Knesset or from the date of rejecting the motion to express confidence in the government.
- (b) A date scheduled for the elections under subsection (a) shall not be postponed unless this falls under subsection (c) or Section 89.
- (c) Should a date have been scheduled for the Knesset elections under subsection (a)(2) or (a)(3), the Knesset may, based on a resolution adopted by at least a majority of its members, within five days of the date of the establishment of the grounds for holding the elections, postpone the elections to a date it shall decide, provided that

this is no later than 100 days from the date of the establishment of the grounds for holding the elections.

89. Extension of the Term of Office

- (a) The Knesset shall not extend its term of office, unless this is by means of a law adopted by the votes of at least two-thirds of its members, and should special circumstances exist that prevent holding the elections on their designated date; the extension period shall not exceed the time required by the said circumstances; the election date shall be determined by the said law.
- (b) The Knesset is entitled, based on a resolution adopted by at least a majority of its members, to bring forward the date of the elections scheduled pursuant to subsection (a), as long as the new date shall be no earlier than the date for holding the elections to the Knesset that was determined prior to the extension of its term of office.

90. Expiry of the Term of Office of a Member of Knesset or Expiry of Candidacy

- (a) The term of office of a Member of Knesset terminates under one of the following circumstances, and on the date stated below:
 - (1) He has failed to make the declaration of allegiance as prescribed by law – in the second sitting in which he was called upon to make the declaration and there was nothing preventing him from making the declaration on that occasion;
 - (2) He has an additional citizenship that is not Israeli citizenship – on the date on which it was determined in the proceeding to be prescribed by law that he has not done all that is required on his part to be released from this citizenship;
 - (3) He has resigned and until the end of 48 hours from submitting his notification of resignation to the Knesset Speaker, he has not retracted it; details shall be prescribed by law;
 - (4) He has been elected or appointed to one of the positions whose office holders are barred from being candidates for the Knesset – on the date on which he was elected or appointed;
 - (5) He was appointed a minister, that is not the Prime Minister or the Stand-in Prime Minister, or he is not a minister who has been appointed pursuant to Section 110(c) in the Article on Government – on the day on which he was appointed;
 - (6) He has withdrawn from his parliamentary faction;
 - (7) He has been convicted in a peremptory judgment of an offense that the court has determined to be a crime involving moral turpitude – on the date on which the judgment became a peremptory judgment.

- (8) For health-related reasons, he is incapacitated, on a permanent basis, and thus unable to fulfill his duties – on the date on which the Knesset decided this to be the case, based on a resolution adopted by at least a majority of its members, in a proceeding to be prescribed by law;
- (9) He has been absent from Knesset sittings for a period of 90 consecutive days – on the day following the end of the said period.
- (b) Should a minister cease to function as Stand-in Prime Minister, but has continued to serve as minister, the provision of subsection (a)(5) shall apply to him on the date he has ceased to be the Stand-in Prime Minister.
- (c) The candidacy of a candidate for the Knesset regarding who the provisions of subsection (a)(3) or (a)(4) apply, shall expire; with regard to this matter, a “Candidate for the Knesset” – refers to somebody whose name is included in the list of candidates for the Knesset, from the date of submitting the list until the date of commencement of his term of office as a Member of Knesset.

91. Suspension

- (a) A Member of Knesset who has been convicted of a criminal offense, and the court has ruled that the offense is a crime involving moral turpitude, shall be suspended from his membership of the Knesset from the date on which the court gave its ruling and until the date on which this became a peremptory judgment.
- (b) A Member of Knesset, who was convicted of a criminal offense and was sentenced to imprisonment, shall be suspended from his membership of the Knesset for the duration of the period he is imprisoned.
- (c) The provisions of this section shall also apply to a Member of Knesset who has been convicted of an offense, as stated in subsections (a) or (b), prior to becoming a Member of Knesset.

92. Outcome of Resignation or Expiry of Term of Office

- (a) Should the position of a Member of Knesset become vacant under Section 90, he shall be replaced by the candidate, from the list of candidates containing his name, whose name is mentioned first after the name of the last elected individual serving as a Member of Knesset.
- (b) An individual whose membership of the Knesset has been suspended pursuant to Section 91, his position shall be vacated for the period of the suspension, and he shall be replaced by the candidate as stated in subsection (a); should he resume his position, the last candidate from the list of candidates to have become a Member of the Knesset shall cease to serve, but his right to become a Member of the Knesset thereafter by virtue of the provisions of subsection (a) shall not be prejudiced.

- (c) A minister whose membership of the Knesset has been ceased under Section 90(a)(5), shall resume his service as a Member of Knesset, provided that one of the following circumstances applies, and at the same time –
- (1) He has ceased to serve as a minister;
 - (2) He has been appointed Stand-in Prime Minister;
 - (3) He has been chosen to serve as Acting Prime Minister.
- (d) Should the minister resume his service as a Member of Knesset under the provisions of subsection (c), then the the last candidate from the list of candidates to have become a Member of the Knesset shall cease to serve, but his right to become a Member of the Knesset thereafter by virtue of the provisions of subsection (a) shall not be prejudiced.

93. Continuity of the Knesset

The outgoing Knesset shall continue to serve until the convening of the incoming Knesset.

Article Five: The Government

94. The Essence

The government is the head of the Executive Branch of the state.

95. Confidence of the Knesset in the Government

The government serves by virtue of the confidence of the Knesset.

96. Responsibility

The government is collectively responsible to the Knesset; a minister is responsible to the Prime Minister for fulfilling his duties.

97. The Government's Composition

- (a) The government is made up of the Prime Minister and other ministers.
- (c) The Prime Minister shall be one of the Members of Knesset.
- (c) One of the ministers, who is a Member of Knesset, shall act as Stand-in Prime Minister based on appointment by the Prime Minister on approval of the Knesset.
- (d) A minister may be Deputy Prime Minister.
- (e) A minister shall be in charge of a ministry.
- (f) An individual who is not one of the Members of Knesset may be appointed minister.

98. Eligibility to Serve as Prime Minister

- (a) An Israeli citizen who is a resident of Israel and was born in Israel is eligible to be appointed Prime Minister.
- (b) An individual who is forty years old or more on the date of commencement of his term of office is eligible to be appointed Prime Minister.
- (c) An individual who has served in the IDF and/or the security forces is eligible to be appointed Prime Minister.
- (d) An individual who has been convicted in the past of a crime involving moral turpitude shall not be eligible to run as a candidate for the office of Prime Minister.
- (e) An individual, regarding whom prior to his appointment, a decision was made to indict him for a crime involving moral turpitude, shall not be eligible to run as a candidate for the office of Prime Minister.

99. Eligibility to Serve as Minister

- (a) An Israeli citizen, who is a resident of Israel, is eligible to be appointed as a minister, provided that the terms of eligibility laid down in the law apply to him.
- (b) An individual who has been convicted of a crime involving moral turpitude shall not be eligible to serve as a government minister.
- (c) An individual, regarding whom a decision was made to indict him for a crime involving moral turpitude, shall not be eligible to serve as a government minister.

100. The Number of Ministers

The number of members of government, excluding the Prime Minister, shall not exceed 18; should the Knesset have expressed confidence in the government or decided to approve the addition of ministers to the government, with a majority of at least seventy Members of Knesset, the number of members of government, excluding the Prime Minister, shall not exceed 24.

101. Assigning the Task of Forming a Government According to a Decision of the President of the State

- (a) Once a new government must be formed, the President of the State shall assign the task of forming a government to one of the Members of Knesset who is eligible to be appointed a minister, who has agreed to do so, and who in the President's opinion has the best chance of forming a government; the President shall assign this task within seven days of the publication of the election results, or within 14 days of the establishment of the grounds for forming a new government, after having consulted with the representatives of the parliamentary factions in the Knesset or with the representatives of the lists of candidates to be presented in the new Knesset, as applicable; should the consultation take place prior to the convening of the new Knesset, then the President may assign the task to somebody who has been elected to the Knesset even if he is not a current Member of Knesset.
- (b) The individual who has been charged with the task of forming a government, has a period of 28 days in which to do so; the President may extend this period by additional periods, provided that together they shall not exceed 14 days.
- (c) (1) Should one of the following occur, then within three days of the date of its incidence, the President shall charge another person, as stated in subsection (a), with the task of forming a government, unless he has found that there is no possibility of successfully forming a government:
 - (a) The period for forming a government has come to an end and the person charged with the task of doing so has not informed the President that he has formed a government or he has informed prior to the end of the period that he is unable to form a government or that the President of the State

has seen prior to the end of the period that he is incapable of forming a government for health-related reasons.

- (b) The person charged with the task has presented a government and the Knesset rejected the request to express confidence in it.
- (2) Prior to acting as aforementioned in this subsection, the President is entitled to consult once again with the representatives of the parliamentary factions in the Knesset; should he ascertain that there is no possibility of forming a government, he shall immediately inform the Knesset Speaker to that effect.
- (d) The person charged with the task of forming a government under subsection (c) has a period of 28 days to accomplish this task.
- (e) This section shall not apply to the formation of a government following the expression of no-confidence under Section 114 or following the submission of a request to the President of the State under Section 115(b), and the provisions set forth in the said sections shall apply.

102. Assigning the Task of Forming a Government According to a Request of A

Majority of Members of Knesset

- (a) Should the President of the State inform the Knesset Speaker that he sees no possibility of arriving at the formation of a government, or that he has charged a Member of Knesset with the task of forming a government, under Section 101(c), and one of the circumstances set forth in that section has occurred, a majority of Members of Knesset are then entitled to request from the President of the State, in writing, to assign this task to a Member of Knesset who has agreed to this in writing, and all within 21 days of the date of the President's announcement, or from the date of the occurrence.
- (b) If a request has been submitted to the President of the State as stated in subsection (a), then the President shall assign the task of forming a government to the Member of the Knesset mentioned in the request, within two days, and that Member of Knesset then has a period of 14 days to accomplish his task.

103. Early Elections in the Absence of a Government

- (a) If a request as stipulated in Section 102(a) above was not submitted, or if what is set forth in Section 101(c)(1)(a) has occurred, then the President of the State shall inform the Knesset Speaker thereof.
- (b) Should the President of the State announce, as stated in subsection (a), or if the Member of Knesset charged with the task of forming a government pursuant to Section 102, presented a government, and the rejected the request to express confidence in it pursuant to Section 105, elections to the Knesset shall then be held.

104. Cessation of Proceedings to Form a Government

Once a law has been adopted for the dissolution of the Knesset the proceedings for the formation of a government shall cease.

105. Formation of the Government

- (a) The individual who has succeeded in forming a government shall head it.
- (b) Once the government has been formed, it shall present itself before the Knesset, announce the guidelines of its policy, its composition, the individual to serve as Stand-in Prime Minister and the distribution of functions among the ministers, and shall request an expression of confidence; the government shall be formed once the Knesset has expressed confidence in it, and from that moment the ministers shall assume office.

106. Declaration of Allegiance

Once the Knesset has expressed confidence in the government, or as soon as possible thereafter, the Prime Minister and all the ministers shall make the following declaration of allegiance, as appropriate, to the Knesset:

"I (the name) hereby undertake as Prime Minister/member of the government to remain faithful to the State of Israel, to adhere to the Constitution and its laws, and faithfully perform my office as Prime Minister/member of the government and abide by the resolutions of the Knesset."

107. Addition of a Minister

The government is entitled, pursuant to a proposal by the Prime Minister and approval of the Knesset, to add an additional minister to the government; the additional Minister shall assume office once his addition has been approved by the Knesset, and as soon as possible following the approval he shall make the declaration of allegiance.

108. Working Procedures

- (a) The government shall lay down procedures for its meetings and work, the manner in which it is to hold debates and its decision-making methods.
- (b) Subject to approval of the Knesset, the government may change the distribution of functions among the ministers, apart from that of the Prime

Minister, to transfer a power or duty conferred by law upon one minister – to another minister, to disband ministries and establish new ministries, and to appoint

standing or temporary ministerial committees for specific issues, as shall be prescribed by law.

109. War and Military Actions

- (a) The state shall not declare war unless it does so pursuant to a government decision; the government decision should be brought before the Knesset, for its information, as soon as possible.
- (b) A wide-scale military action or a military action that might lead to war or to a wide-scale military conflict or might have far-reaching implications on state security or on the state's foreign relations, requires approval of the government or part of it as shall be prescribed by law; a notification of a said action shall be conveyed to the Knesset or to one of the Knesset committees or subcommittees that has been empowered for this purpose by the Knesset, as soon as possible, as shall be prescribed by law.
- (c) This Section shall not prevent urgent military action being taken that is required to protect state security and public security.

110. Standing in for the Prime Minister

- (a) Should the Prime Minister be abroad, his stand-in shall convene the government meetings and run them.
- (b) Should the Prime Minister be temporarily incapable of discharging his duties, his place shall be taken by the Stand-in Prime Minister.
- (c) Should the Stand-in Prime Minister be incapable of discharging his duties under this section, the government shall designate another minister, who is a Member of Knesset, to fulfill these functions.

111. Standing in for a Minister who is not the Prime Minister

- (a) Should a minister, apart from the Prime Minister, be abroad, the government may decide that another minister shall stand in for him. The stand-in shall discharge all or part of the duties of the minister, all as determined by the government.
- (b) Should a minister temporarily cease to discharge his duties or be incapable of doing so, the Prime Minister or another minister designated by the government shall fill this position; however, the stand-in period under this subsection shall not exceed 90 days.

112. Deputy Ministers

- (a) A minister in charge of a ministry, with the consent of the Prime Minister and approval of the government, appoint to that ministry, one deputy minister from among the Members of Knesset, who shall act both in the Knesset and the ministry to which he has been appointed, on behalf of the minister who appointed him and within the confines of the parameters conveyed to him, and the Prime Minister may, with approval of the government, appoint one deputy minister in the Prime Minister's Office; provisions regarding qualifications applying to appointment, and removal from office shall be prescribed by law.
- (b) The number of deputy ministers in the government shall not exceed four.
- (c) As soon as possible following the appointment, the deputy minister shall make the following declaration of allegiance before the Knesset: "I (the name) hereby undertake as deputy minister to remain faithful to the State of Israel, to adhere to the Constitution and its laws, to faithfully perform my office as deputy minister and abide by the resolutions of the Knesset."

113. Salary and Other Payments

The salary and other payments shall be paid to the Prime Minister, the minister and the deputy minister from the State Treasury, as shall be prescribed by law.

114. Expression of No-confidence in the Government

- (a) The Knesset may express no-confidence in the government, with a majority of its members.
- (b) Should the Knesset express no-confidence in the government, the Knesset Speaker shall inform the President of the State of this matter, and the government shall be deemed to have resigned on the date of the expression of no-confidence.
- (c) Should the Knesset express no-confidence in the government, the President shall then initiate proceedings for forming a new government, pursuant to what is stated in Section 101 of the Article on Government.
- (d) The Knesset shall not exercise its power under this section from the date the government has resigned under Sections 116 through 118 or from the date a law has been passed therein to dissolve the Knesset and until the formation of a new government.

115. Power to Dissolve the Knesset

- (a) Should the Prime Minister discern that there is a majority within the Knesset opposed to the government, and that consequently, the effective functioning of the government is prevented, with the consent of the President of the State, he may

dissolve the Knesset based on an order to be published in the Official Gazette (*Reshumot*); should the Stand-in President be in office in his place, his consent shall not be required to dissolve the Knesset.

- (b) The order shall enter into force 21 days after its publication, unless a majority of the Members of Knesset have submitted a written request to the President of the State, within the period from the date of publication of the order and until the date of its entry into force, to charge a Member of Knesset, who has agreed to this in writing and who is not the Prime Minister, with the task of forming a government.
- (c) Should a request be submitted to the President of the State as aforementioned in subsection (b), the President shall notify the Speaker of the Knesset thereof; the President shall then charge the Member of Knesset named in the request with the task of forming a government within two days, and that Member of Knesset shall be afforded 28 days in order to discharge his function; the President is entitled to extend this period with additional periods, provided that they do not, together, exceed a period of 14 days.
- (d) If a request as stipulated in subsection (b) above was not submitted, or if the period pursuant to subsection (b) has ended, and one of the circumstances set forth in Section 101(c)(1)(a) has occurred, then the President of the State shall immediately inform the Knesset Speaker thereof.
- (e) Should the President of the State announce, as stated in subsection (d) or if the Member of Knesset charged with the task of forming a government pursuant to this section, has presented a government, and the Knesset has rejected the request to express confidence in it pursuant to Section 105, elections to the Knesset shall then be held.
- (f) The Prime Minister may not exercise his authority under this section from the beginning of the term of a new Knesset until the formation of a new government, after the Knesset has expressed no-confidence in the government under Section 114, after the Prime Minister's resignation, or from the date on which a verdict has been issued in which it is determined that he has committed a crime involving moral turpitude under Section 118.
- (g) A minister standing in for the Prime Minister may not exercise the power vested in the Prime Minister pursuant to this section.

116. Resignation of the Government

The government shall be deemed to have resigned under one of the following circumstances, and on the date stated below:

- (1) The Knesset has decided to express no-confidence in the government under Section 114 – on the date of the decision;
- (2) The Prime Minister has dissolved the Knesset based on an order under Section 115 – on the date of publication of the order in the Official Gazette (*Reshumot*);

- (3) Should the Prime Minister cease to serve as Prime Minister – on the date on which his term of office ceased under Sections 117 and 118;
- (4) The Budget Law has not been passed within the period stipulated in Section 172(c) of the Article on the State Economy – on the date following the end of the said period.

117. Termination of the Prime Minister's Term of Office

- (a) The term of office of the Prime Minister terminates under one of the following circumstances, and on the date stated below:
 - (1) The Prime Minister has resigned after having informed the government of his intention to do so – on the date on which he delivered his notice of resignation to the President of the State;
 - (2) The Prime Minister is incapable of discharging his functions – on the 101st day on which the stand-in serves in his place. The Prime Minister shall be considered to be incapable of fulfilling his function under this subsection, if he and/or the government he heads, shall act in contravention of the provisions of this Constitution;
 - (3) For health-related reasons, he is permanently incapable of holding office – on the date on which the Knesset decided this to be the case, based on a resolution adopted by at least a majority of its members, in a proceeding to be prescribed by law;
 - (4) The Prime Minister has ceased to be a Member of Knesset – on the date on which his membership of the Knesset has ceased;
 - (5) The Prime Minister has been removed from office due to an offense – on the date on which his term of office was terminated under Section 118.

118. Termination of the Prime Minister's Term of Office due to an Offense

- (a) Should the Prime Minister be convicted of an offense and the court has decided in its verdict that this is a crime involving moral turpitude, the Knesset shall debate the possibility of removing the Prime Minister from office within 30 days of the date of issue of the verdict, and it may, based on a resolution adopted by at least a majority of its members, remove him from office; the Prime Minister's term of office shall cease from the time of adopting the resolution.
- (b) Should the Prime Minister not have been removed from office under this section and the said verdict as aforementioned in subsection (a) has become a peremptory judgment, the Prime Minister's term of office shall be terminated on the date on which the verdict became a peremptory judgment.
- (c) The provisions of Sections 90(a)(7) and 91 in the Article on the Knesset, shall not apply to the Prime Minister.

119. Limiting the Prime Minister's Term of Office

(a) A Member of Knesset shall not serve as Prime Minister for more than two consecutive terms, or more than eight consecutive years, whichever is the longer, yet the term of office of the Prime Minister shall not expire for this reason alone.

(b) In this matter, "Term of Office" is – a period in which a Member of Knesset heads the government in which the Knesset has expressed confidence under Section 105(b) or 114(c), and until the formation of a new government.

120. Termination of Office of a Minister and of a Stand-in Prime Minister

(a) The term of office of a minister who is not the Prime Minister terminates under one of the following circumstances, and on the date stated below:

(1) He has failed to make the declaration of allegiance as prescribed by law – in the first Knesset sitting in which he was called upon to make the declaration and there was nothing preventing him from making the declaration on that occasion;

(2) He resigned after having informed the government of his intention to do so and until the end of 48 hours from submitting his letter of resignation to the Prime Minister he has not retracted it – within 48 hours;

(3) The Prime Minister, after having informed the government of his intention to do so, has removed him from office and until 48 hours after the letter of removal from office has been delivered to the minister, and the Prime Minister has not retracted it – within 48 hours;

(4) He has been elected or appointed to one of the positions whose office holders are barred from being candidates for the Knesset – on the date on which he was elected or appointed;

(5) An indictment has been filed against him for a crime involving moral turpitude – on the date on which the indictment was filed with the court.

(6) He is permanently incapable of holding office – on the date on which it was determined that he is permanently incapable of holding office.

(b) A minister serving as Stand-in Prime Minister, who has ceased to be a Member of Knesset, shall cease to serve in his position as Stand-in Prime Minister; the Prime Minister shall appoint, as soon as possible, with approval of the Knesset, another minister who is a Member of Knesset, as his stand-in.

121. Continuity of the Government

(a) Upon the election of a new Knesset or the resignation of the government as stated in Section 116(1) or 116(3), or upon the submission of a request pursuant to Section 115(b), the President of the State shall initiate proceedings for the formation of a new government as stated in this Article.

- (b) Upon the election of a new Knesset or the resignation of the government as stated in Section 116, the outgoing government shall continue to discharge its functions until the new government is formed.
- (c) The Prime Minister who has resigned shall continue to discharge his duties until the new government is formed; should the Prime Minister die, should he be permanently incapable of holding office or should his term of office be terminated due to an offense, his stand-in shall serve as Acting Prime Minister until the new government is formed.
- (d) A government serving pursuant to subsection (b), may appoint a Member of Knesset to be a minister in lieu of the minister who has ceased to serve; the appointment of a minister under this subsection does not require the approval of the Knesset.
- (e) It is possible to prescribe by law that decisions, actions or appointments of the government or of a minister serving pursuant to subsection (b) shall require approval of the Knesset or approval of the new government.

122. Delegation of Powers

The conditions under which the government may delegate its powers to a minister, or a minister may delegate powers to a civil servant, and a minister may assume powers from a civil servant, shall be prescribed by law; powers of a judicial nature shall not be assumed or delegated.

123. Residual Powers of the Government

The government shall be authorized to perform, on behalf of the State, and subject to any law, any action not legally incumbent upon another authority.

124. The Attorney General

- a) The Attorney General shall act independently, without fear and without prejudice, apart from fear of the law.
- b) The appointment of the Attorney General shall be made via an independent public committee, the manner of whose appointment shall be implemented according to law.
- c) The Attorney General is the only professional entity who is authorized to interpret the law, apart from the court.
- d) The Attorney General shall provide ongoing legal counsel to the government on its conduct and its decisions.
- e) The Attorney General is authorized to file indictments and to order the initiation of criminal proceedings against senior public figures.
- f) The Attorney General shall serve as the head of the prosecution system.

Article Six: The Judiciary

125. Judicial Power

- (a) Judicial power is vested in the Supreme Court, the courts of law stipulated in the Constitution and other courts prescribed by law.
- (b) The law may vest judicial power also in tribunals and other entities.
- (c) No court of law or tribunal shall be established and no judicial power shall be issued for a special case.
- (d) “Judge” – a judge in a court of law.

126. Independence in Judicial Matters

In judicial matters, a person vested with judicial power shall not be subject to any authority, but that of the law.

127. Publicity of Proceedings

A person vested with judicial powers shall sit in public unless otherwise prescribed by law.

128. Eligibility

Every Israeli citizen, who is a resident of Israel, is eligible to be appointed for the office of judge, provided that the terms of eligibility laid down in the law apply to him.

129. Appointment of Judges

- (a) A judge shall be appointed by the President of the State pursuant to selection by the Judicial Selection Committee.
- (b) The Committee shall consist of nine members as follows: the President of the Supreme Court, two other Supreme Court judges to be selected by a panel of judges, the Minister of Justice and another minister to be designated by the government, two Members of Knesset as elected by the Knesset, one of whom is a member of the Opposition, a representative of the academic world and a representative of the Israel Bar Association elected by its National Council; the Minister of Justice shall chair the Committee.
- (c) The President of the Supreme Court and the Deputy President of the Supreme Court shall be appointed by the President of the State, pursuant to selection by the Judicial Selection Committee.

- (d) The President of the Supreme Court shall be the most senior judge among the Supreme Court judges serving at that time on the Supreme Court.
- (e) The Deputy President of the Supreme Court shall be the second most senior judge among the Supreme Court judges serving at that time on the Supreme Court.
- (f) A Supreme Court judge shall be elected by the votes of at least seven members; a District Court judge and a Magistrates Court judge shall be elected by the votes of at least six members.
- (g) The selection methods of the members of the Judicial Selection Committee and the duration of their term of office, as well as the Committee's working procedures, shall be prescribed by law.
- (h) A law may stipulate provisions regarding the appointment of a judge for a term of office in practice in another court, apart from the Supreme Court, provided that the said appointment in a court of lower instance shall be made with his consent.

130. Declaration of Allegiance

Whoever is vested with judicial power shall make the following declaration: "I pledge to bear allegiance to the State of Israel, its Constitution and its laws, to administer justice fairly, not to pervert the course of justice, and to show no favor"; whoever has been appointed a judge shall make the aforementioned declaration before the President of the State.

131. Term of Office

A judge's term of office shall commence following his declaration of allegiance, and shall not be terminated apart from in the event of one of the following, and on the date stated below:

- (1) The judge has reached the retirement age as shall be prescribed by law or at an earlier date if the judge has requested this and the terms prescribed by law apply;
- (2) The judge has resigned, after having informed the President of the Supreme Court of this, and has submitted a letter of resignation to the President of the State – on the date to be prescribed by law;
- (3) The judge has been elected to serve as President of the State or State Comptroller or to one of the positions whose holders are barred from being candidates for the Knesset – on the date on which he was elected as aforementioned;
- (4) The Judicial Selection Committee has decided, based on a proposal of the Committee Chairperson, or the Commissioner of Public Complaints against Judges, the President of the Supreme Court or seven or more Committee members, on the termination of office of the judge, in a resolution adopted by the votes of at least seven members – on the date on which the resolution was adopted or a later date to be decided pursuant to a resolution.

- (5) The disciplinary tribunal has decided on the termination of office of the judge – on the date stipulated in the decision.

132. Judges' Status

On these matters, provisions shall be prescribed by law in a manner that ensures the independent status of the judges and under the conditions listed below:

- (1) Should a complaint be filed against a judge, or a criminal investigation opened against him, or an indictment filed against him, the President of the Supreme Court may then suspend that judge for a period to be determined;
- (2) The transfer of a judge from his place of office to another place of office, provided that a said transfer that is not according to the judge's will shall be with the consent of the President of the Supreme Court or pursuant to a decision of a disciplinary tribunal;
- (3) Disciplinary judgment of judges, provided that this is carried out in a disciplinary tribunal composed of judges and retired judges;
- (4) Acts of investigation, detention and trial of the judge;
- (5) Immunity of judges.

133. Commissioner of Public Complaints Against Judges

A Commissioner of Public Complaints against Judges shall be appointed, who shall investigate complaints regarding the conduct of judges in discharging their duties, including the manner in which they conduct trials.

134. Exclusivity of Office

- (a) A judge shall not serve in a position, perform a function or engage in an occupation, apart from his position as a judge, unless this is in accordance with the law, or with the consent of the President of the Supreme Court, and the Minister of Justice.
- (b) A judge shall not be appointed nor shall be a candidate for election to one of the following: President of the State, State Comptroller, Member of Knesset, minister as well as other functions and positions to be prescribed by law.

135. A Judge who has Retired

A judge who has retired on pension may be appointed to the position of a judge, for a period, in a manner and under conditions prescribed by law, including provisions to ensure his independence on judicial matters.

136. Salary and Other Payments

- (a) Judges shall be paid a salary and other payments from the State Treasury as shall be prescribed by law.
- (b) No decision shall be made that is designed to reduce the salaries and other payments of judges alone.

137. The Supreme Court

- (a) The Supreme Court shall hear appeals against judgments and other decisions of the District Courts.
- (b) The Supreme Court shall also sit as the High Court of Justice, in its said capacity as the High Court of Justice, it shall hear petitions for the issue of orders and relief against the government authorities, local authorities and any entity or person fulfilling a public function or according to law, and on those matters regarding which it believes there is a need to provide a remedy for the sake of justice and which are not under the jurisdiction of another court or tribunal.
- (c) The Supreme Court shall adjudicate constitutional questions that have been brought to the Supreme Court as stated in Section 138.
- (d) The Supreme Court shall hear additional matters as shall be prescribed by law.

138. Assessing the Validity of an Amendment to the Constitution and the Law

- (a) No judicial authority, apart from the Supreme Court alone, may rule that a law is not valid, with a panel of at least nine judges.
- (b) Should a doubt regarding the validity of a law arise before a judicial authority, and the judicial authority has found it impossible to decide the matter before it without determining the aforesaid issue of validity, and it is unable to remove the doubt and affirm the validity of the law, it shall bring the question before the Supreme Court.
- (c) A question referred pursuant to subsection (b) shall be brought before the Supreme Court with a panel of three judges; should the Supreme Court rule that there is a doubt as to the validity of the law and that a decision on this question is essential in order to issue a judgment on the matter before the judicial authority, and it is unable to remove the doubt and establish the validity of the law, the question shall then be brought before a panel of nine or more judges; should the Supreme Court decide that there is no room to hear the question that has been referred by the judicial authority, the judicial authority shall continue to hear the matter before it pursuant to the Supreme Court's decision.
- (d) Should the doubt arise, as set forth in subsection (b), before the Supreme Court hearing with a panel of three or more judges, the court shall decide whether to bring the question before a panel of nine judges, as stated in subsection (c).

- (e) Should the Supreme Court decide that the law is not valid, it may issue any directive or relief, including a directive as to the revocation of the law, which it deems necessary under the circumstances of the matter; the court shall determine the date of commencement of the revocation directive, and it may, if it deems it appropriate to do so, determine that the said date shall be on the date of the decision or even prior to this.
- (f) The provisions of this section shall also apply to the matter of a claim of lack of validity of an amendment to the Constitution.
- (g) In this section, a “judicial authority” is – a court stipulated in the Constitution or a court, tribunal or other entity with the judicial authority as laid down by law in relation to this matter.

139. Other Courts

The District Courts, Magistrates' Courts, their powers, seat and areas of jurisdiction shall be prescribed by law or in secondary legislation by virtue of it; other courts shall be established in accordance with the law – their powers, seat and areas of jurisdiction shall be prescribed by law or in secondary legislation by virtue of it.

140. Judicial Precedent

- (a) A ruling laid down by a court shall guide a court of lower instance.
- (b) A ruling laid down by the Supreme Court shall bind any court other than the Supreme Court.

141. Appeal

A judgment issued by a court of first instance shall be subject to appeal by right, other than a judgment of the Supreme Court.

142. Further Hearing

In respect of a matter that has been ruled upon by the Supreme Court with a panel of three, a further hearing may be held in the Supreme Court with a panel of five or more judges, on the grounds and in such manner as prescribed by law.

143. Retrial

In a criminal matter in which a final judgment has been rendered, a retrial may take place on grounds prescribed by law, and in a manner prescribed pursuant to the law.

Article Seven: The State Comptroller

144. The State Comptroller and his Function

- (a) The State Comptroller is responsible for the review and auditing of state affairs.
- (b) The State Comptroller shall conduct a review of the economy, the assets, the finances, the commitments and the administration of the government authorities, the local authorities, corporations belonging to government authorities and the local authorities, corporations established pursuant to law, and of any other entity that shall be prescribed by law.
- (c) The State Comptroller shall examine the legality of the actions, ethicality and integrity, the proper management, economic efficiency and frugality of the audited bodies, as well as any other matter which he deems necessary.
- (d) The State Comptroller shall appoint and dismiss the internal comptrollers of the local authorities, of the government and municipal corporations, and they shall be professionally subordinate to him.
- (e) The State Comptroller shall also serve as the Ombudsman (or Commissioner for Public Complaints) and shall investigate complaints from the public relating to entities and persons as shall be prescribed by law.

145. Independence

The State Comptroller shall be accountable only to the Knesset in carrying out his functions and shall not be dependent on the government.

146. Term of Office

The State Comptroller shall be elected for a seven-year term and shall serve only one term of office.

147. Eligibility

Every Israeli citizen, who is a resident of Israel, is eligible to be a candidate for the office of State Comptroller, provided that the terms of eligibility of a Supreme Court judge laid down in the law apply to him.

148. Election of the State Comptroller

The State Comptroller shall be elected by the Knesset, in a secret ballot; the election procedures shall be prescribed by law.

149. Declaration of Allegiance and Commencement of Term of Office

- (a) The elected State Comptroller shall make the following declaration of allegiance before the Knesset:

"I pledge to bear allegiance to the State of Israel, to adhere to its Constitution and laws, and to faithfully perform my duties as State Comptroller."

- (b) The elected State Comptroller shall make this declaration of allegiance at the end of the term of office of the outgoing State Comptroller and shall assume office once he has made the declaration.

150. Additional Functions

It is possible to prescribe by law additional functions to be fulfilled by the State Comptroller.

151. Exclusivity of Office

The State Comptroller shall not serve in an office, nor shall he fulfill any position or engage in any occupation, apart from his office as State Comptroller.

152. Duty to Provide Information

An entity subject to the review or audit of the State Comptroller shall provide the Comptroller, without delay, at his demand, with information, documents, explanations, and any other material that the Comptroller deems to be necessary for the purposes of the review or audit.

153. Publication of Rules, Reports and Opinions

The State Comptroller shall submit to the President of the State and the Knesset, rules, reports and opinions within the sphere of his duties, and shall make them public, all in a manner and subject to qualifications prescribed by law.

154. Budget

The budget of the State Comptroller's Office shall be prescribed by law; an annual budget bill for the State Comptroller's Office shall be determined by a Knesset Committee authorized for this purpose by the Knesset, based on the State Comptroller's proposal, and shall be published in the Official Gazette (*Reshumot*) no later than the date stipulated in the Article on the State Economy for submitting the annual State Budget bill; the provisions of the Article on the State Economy shall apply to the State Budget bill and the State Comptroller's Office budget, *mutatis mutandis*.

155. Salary and Other Payments

The State Comptroller shall be paid a salary and other payments from the State Treasury as shall be prescribed by law.

156. Removal from Office

The State Comptroller shall not be removed from office, unless one of the following applies:

- (1) For health-related reasons, he is permanently incapable of holding office – on the date on which the Knesset decided this to be the case, based on a resolution adopted by at least a majority of its members, following a process to be prescribed by law;
- (2) Due to inappropriate conduct that is unbecoming the status of the State Comptroller – on the date on which the Knesset decided this to be the case, based on a resolution adopted by at least a majority of three-quarters of its members, following a process to be prescribed by law;
- (3) An indictment has been filed against him for a crime involving moral turpitude.

157. The Stand-in State Comptroller

Provisions regarding a stand-in for the State Comptroller, should he be temporarily unable to fulfill his duties, shall be prescribed by law, provided that the conditions of eligibility for the position of State Comptroller apply also to the stand-in.

Article Eight: The Legislation

158. Laws

Laws are enacted by the Knesset by virtue of its power as the Legislative Branch.

159. Supremacy of the Constitution and Precedence of Law

- (a) No law shall contradict a provision of the Constitution.
- (b) Secondary legislation shall not contradict a provision of the Constitution or of law.

160. Bills

- (a) A bill shall be submitted to the Knesset by a Member of Knesset, a Knesset committee or the government, as shall be prescribed by law or in the Knesset Rules of Procedure, and restrictions may be stipulated therein regarding the submission of bills.
- (b) Bills of the government or of a Knesset committee shall be published in the Official Gazette (*Reshumot*) and shall be placed on the Knesset's agenda.
- (c) A provisional bill of a Member of Knesset shall be brought for preliminary deliberation in the Knesset plenum; should the Knesset decide to approve the provisional bill, the bill shall be transferred to a Knesset committee; should the committee approve the provisional bill, the bill shall then be published in the Official Gazette (*Reshumot*) in the version laid down by the committee and shall then be placed on the Knesset's agenda.
- (d) The Knesset shall not begin to debate a bill until seven days after its publication in the Official Gazette (*Reshumot*), unless the Speaker of the Knesset has authorized an earlier date, on special grounds regarding which he has informed the Knesset.
- (e) Provisions regarding procedures for the submission of bills and provisional bills and procedures for debating them, insofar as they have not been laid down in this Article, shall be prescribed by law or in the Knesset Rules of Procedure.

161. The Stages of Legislation

- (a) A law shall be passed in the Knesset following three readings, with the votes of the majority of Members of Knesset who have voted, and those members abstaining are not counted among the votes cast, unless another provision has been prescribed in the Constitution.

- (b) Should it be prescribed in the Constitution that a law shall be adopted with a special majority, then that special majority shall be required in each of the three readings in the Knesset plenum.

162. Legislation Requiring a Budget

- (a) A bill will be approved, in any reading in which it is a budgetary bill, by the votes of at least 50 Members of Knesset.
- (b) Any of the Knesset committees debating a budgetary bill shall determine the budgetary cost, in the manner prescribed by law.
- (c) In this section, a “budgetary bill” – refers to a bill, apart from a bill for dissolution of the Knesset, submitted not by the government and without its consent, and its implementation involves a budgetary cost as shall be prescribed by law; a said law shall not be amended nor changed, either explicitly or implicitly, unless this is done with at least the votes of 50 Members of Knesset.
- (d) The amount stated in subsection (c) shall be updated in the manner prescribed by law.

163. Consolidated Version

The methods for determining a new Hebrew version of laws or ordinances that existed on the eve of the establishment of the State of Israel, and for determining a consolidated version of laws, shall be prescribed by law.

164. Extension of Validity of Legislation

A law or regulation that was due to expire during the period between the eightieth day prior to the date of elections to the Knesset and the ninetieth day after the election day, shall remain in effect until the end of the said period, unless otherwise stipulated in the law.

165. Secondary Legislation

- (a) Regulations are provisions issued by virtue of law and have legislative status.
- (b) A law may authorize the government, a member of the government or any government authority to enact secondary legislation issue by way of regulations with legislative status, for the implementation of the law or for another purpose explicitly laid down in authorization by law.
- (c) Whoever has been authorized to enact secondary legislation may prescribe therein that the penalty for anybody who violates any of its provisions shall be a fine not to

exceed the amount prescribed for that by law, and may, if explicitly authorized to do so by law, prescribe therein a prison sentence not to exceed six months.

166. Knesset Supervision over Secondary Legislation

- (a) The Knesset shall supervise the enactment of secondary legislation as shall be prescribed by law.
- (b) Secondary legislation in which an offense, the element of an offense, punishment for an offense, or the penalty for breach of which is punishment, shall not enter into force unless it has been approved, prior to its publication, by one of the Knesset committees.
- (c) Secondary legislation dealing with taxes, fees, compulsory loans and other mandatory payments as stated in the Article on the State Economy, requires advance approval or within the period stipulated for that by law, by a decision of the Knesset or any Knesset committee authorized for that purpose by the Knesset.

167. Submission and Debate Procedures

Provisions regarding the procedures for submitting bills and their procedures for debating, insofar as they have not been prescribed in the Constitution, shall be prescribed by law, by secondary legislation or the Knesset Rules of Procedure.

168. Publication

- (a) Laws and secondary legislation shall be published in the Official Gazette (*Reshumot*); however, it may be prescribed by law that under exceptional circumstances justifying this, secondary legislation shall be published and brought to the public's attention by other means.
- (b) The version of the laws and secondary legislation as published in the Official Gazette (*Reshumot*) shall be the binding version.
- (c) Provisions regarding the procedures for publication and amending errors shall be prescribed by law.

169. Application of Legislation

- (a) The application of laws and secondary legislation shall commence on the date of their publication in the Official Gazette (*Reshumot*) unless another different provision has been stipulated in them.
- (b) Secondary legislation, whose application predates the date of publication in the Official Gazette (*Reshumot*) shall not enter into force unless it has been approved, prior to its publication, by a Knesset committee.

Article Nine: The State Economy

170. Mandatory Payments

- (a) Taxes, compulsory loans and other mandatory payments, shall not be imposed, and their rates shall not be changed, unless they are prescribed by law, or pursuant to it; this also applies to fees.
- (b) Taxes, compulsory loans, other mandatory payments and fees that are paid to the State Treasury, and whose rates have not been prescribed in the law itself, and there is no provision in the law to the effect that their prescription in regulations requires the approval of the Knesset, or one of its committees, their prescription in regulations requires prior approval, or approval within the period laid down by law — by means of a Knesset decision, or a decision of a Knesset committee authorized for this purpose by the Knesset.

171. State Assets

Transactions involving state assets, the acquisition of rights and the assumption of liabilities on behalf of the state, shall be conducted by somebody authorized to do so by law, or pursuant to it.

172. The State Budget

- (a) (1) The State Budget shall be prescribed by law.
 - (2) The budget shall be for one year only and shall include the government's anticipated and planned expenditure.
- (b) (1) The government shall place the budget bill on the Knesset's agenda at the time prescribed by the Knesset or by one of its committees authorized by the Knesset for that purpose, but no later than ninety days prior to the beginning of the fiscal year.
 - (2) The budget bill shall be detailed.
 - (3) Provisions of the budget bill dealing with the detailed budget bill of the Ministry of Defense and of units and entities to be prescribed by law, which for reasons of state security justify classifying their detailed budget proposal, shall be placed, at the time the budget bill is placed on the Knesset agenda, on the agenda of a special designated committee for that purpose, that shall be prescribed by law; the committee shall approve the detailed bill and shall place on the Knesset agenda for second and third readings only the proposal for the amounts allocated in the budget for the budgetary items of the Ministry of Defense and of the said units and entities; notwithstanding the aforementioned in Sections 167 and 168 of the Article on Legislation, the detailed proposal mentioned in this paragraph

shall not be published in the Official Gazette (*Reshumot*) nor shall it be placed on the Knesset agenda, but only the proposal for the amounts allocated in the budget for the budgetary items of the Ministry of Defense and of the said units and entities.

(4) The budget bill shall be accompanied by an estimate of the sources for financing it.

(c) The period for adopting the budget law shall be –

(1) By the end of three months from the date of commencement of the fiscal year;

(2) By the end of three months from the date of commencement of the fiscal year or by the end of 45 days from the date of forming the government, whichever is later, if one of the following applied after the date for submitting the budget proposal and until the end of the said three months:

- a. The President of the State has initiated proceedings for forming a new government under Section 121(a) of the Article on Government.
- b. A law has been adopted to dissolve the Knesset.
- c. The Prime Minister has published an order for dissolution of the Knesset in the Official Gazette (*Reshumot*).
- d. Elections to the Knesset have taken place.
- e. If necessary, the government may submit an additional budget bill within the fiscal year for the same budget year.
- f. Should it appear to the government that the budget law will not be adopted prior to the start of the fiscal year, it may then, and once only, submit an interim budgetary bill.
- g. The Minister of Finance shall submit to the Knesset every year prior to submitting the budget bill of the following year, a report concerning the implementation of the State Budget.

173. Multiannual Budget

(a) Towards every financial year the government shall prepare a multiannual budgetary plan that shall include the budget bill for the coming year, as well as a budget plan for the following two years thereafter.

(b) The government shall place on the Knesset agenda the multiannual budget plan together with the budget bill.

(c) Every budget bill submitted by the government to the Knesset shall be based on the multiannual budget plan that was prepared and placed on the Knesset agenda under this section in the previous year.

174. Failure to Adopt the Budget Law

- (a) Should the budget law fail to be adopted before the beginning of the fiscal year, the government, the Knesset, the President of the State and the Office of the State Comptroller may spend each month a sum equivalent to one twelfth of the previous annual budget, with the addition of linkage differentials as shall be prescribed by law; with regard to this section the “Previous Annual Budget” shall refer to – the sum of all the expenditure that was permitted to be spent during the previous fiscal year, under any law.
- (b) Funds under subsection (a) shall first and foremost be designated for honoring commitments by virtue of law, contracts and treaties; the balance shall be available for use only for operating essential services and actions included in the Previous Annual Budget.

175. Coins and Bills

The coins and bills designated to serve as legal tender shall be prescribed by law, the minting of coins and printing of bills designated to serve as legal tender, and their issue shall be conducted as prescribed by law.

Article Ten: The Army

176. The Essence

The Israel Defense Forces are the army of the state.

177. Subordination to Civil Authority

- (a) The army is subject to the authority of the government.
- (b) The minister in charge of the army on behalf of the government is the Minister of Defense.

178. The Chief of the General Staff

- (a) The supreme command level in the army is the Chief of the General Staff.
- (b) The Chief of the General Staff is subject to the authority of the government and subordinate to the Minister of Defense.
- (c) The Chief of the General Staff shall be appointed pursuant to the recommendation of the Minister of Defense.

179. Duty to Serve and Recruitment

- (a) The duty to serve in the army and recruitment to the army shall be prescribed by law.
- (b) Whoever is exempt from mandatory military service shall serve the state in civilian service as shall be prescribed by law.

180. Provisions and Orders in the Army

The power to issue binding provisions and orders in the army shall be prescribed by law or by virtue of empowerment explicitly stated therein.

181. Security and Intelligence Forces

The government, and it alone, may establish security and intelligence forces that shall be subject to its authority, and it shall bear responsibility for their actions; the methods of the Knesset supervision of these forces shall be prescribed by law.

182. Establishment of Another Military Force

No other force outside the Israel Defense Forces shall be established or maintained, unless this is done by law.

Article Eleven: Treaties

183. Power to Sign Treaties

- (a) The power to sign a treaty on behalf of the state is vested in the government;
- (b) “Treaty” – refers to an international agreement or commitment, made in writing, subject to international law, whatever their title shall be, between the State of Israel and a foreign state or inter-state organization, or between the State of Israel and a foreign entity that has been prescribed by law.

184. Ratification of Treaties

- (a) A treaty that is one of the following shall not be signed by the government nor shall it be binding upon the State of Israel, until it has been approved by a decision of the Knesset:
 - (1) It determines or changes the borders of the state or it involves a special diplomatic issue;
 - (2) It is a multilateral treaty focusing mainly on human rights;
 - (3) It involves a special security-related issue or it enables the entry of a foreign military force into the state’s territory;
 - (4) It involves a special economic issue;
 - (5) Its implementation requires legislation of the Knesset;
 - (6) It involves the state joining an inter-state or international organization or subjecting the state to foreign or international jurisdiction.
- (b) Provisions shall be prescribed by law relating to the matter of ratifying a treaty by a Knesset committee or part of it for reasons of confidentiality due to a matter of vital importance to the state, to protect state security or to prevent damage to the state’s foreign relations or international trade relations.
- (c) The provisions of this section shall apply to entering into a treaty and withdrawing from a treaty that has been approved by the Knesset.
- (d) Additional types of treaties may be prescribed by law that are not binding upon the State of Israel if they have not been approved by the Knesset prior to signing them, their ratification, or adoption by other means by the government; a said law shall also determine the method of ratification or approval.

185. Supremacy of the Constitution

No treaty contravening the Constitution shall be signed or approved.

186. Publication of Treaties

A treaty that has been adopted by the state shall be published in the Official Gazette (*Reshumot*) apart from a treaty regarding which it has been specified, in a proceeding to be prescribed by law, that it must be preserved in secrecy due to a matter of vital importance to the state, to protect state security or to prevent damage to the state's foreign relations or international trade relations.

Article Twelve: State of Emergency

187. State of Emergency Committee

The Knesset shall establish from among its members a State of Emergency Committee comprising 20 Members of Knesset; the Chair of the Committee shall be the Knesset Speaker, and representation on the State of Emergency Committee shall be, as far as possible, according to the balance of power of the Knesset factions, provided that every faction shall have at least one representative on the Committee; the procedures for establishing the Committee shall be prescribed by law.

188. Declaration of a State of Emergency

- (a) Should the Knesset determine that a state of emergency exists in the state, it may, on its own initiative or pursuant to a government proposal, declare a State of Emergency, based on a majority of its members.
- (b) This declaration shall remain in force for a period of time as stipulated therein, but it shall not exceed half a year; the Knesset may repeat such an aforementioned declaration of a State of Emergency, based on a majority of its members.
- (c) Should the government determine that a state of emergency exists in the state and that due to the urgency of this matter a State of Emergency should be declared even prior to convening the Knesset, it may declare a State of Emergency; the force of this declaration shall expire seven days after the date on which it was issued, if it has not been approved or revoked prior to that date by the Knesset in a decision by a majority of its members; should the Knesset not be convened, the government may repeat such a declaration of a State of Emergency as aforementioned in this subsection.
- (d) Declarations of the Knesset or the government regarding a State of Emergency shall be published in the Official Gazette (*Reshumot*); should it not be possible to publish a declaration of a State of Emergency in the Official Gazette (*Reshumot*), the declaration shall then be published in another appropriate manner, provided that it shall be published in the Official Gazette (*Reshumot*) as soon as it is possible to do so.
- (e) The Knesset may, at any time, revoke the declaration of a State of Emergency; an announcement of this revocation shall be published in the Official Gazette (*Reshumot*).

189. Issuing State of Emergency Regulations

- (a) From the time that a State of Emergency has been declared, the Knesset's State of Emergency Committee may issue State of Emergency regulations that are essential

for the defense of the state or the public, or for the maintenance of supplies and essential services; all as shall be prescribed by law.

- (b) Should the Prime Minister determine, after consulting with the Knesset Speaker, that it is not possible to convene the Knesset's State of Emergency Committee at the necessary time under the circumstances, because of the emergency conditions, and that there is an urgent and vital need to issue State of Emergency regulations, he may issue them or empower a minister to issue them; State of Emergency regulations shall be submitted to the Knesset's State of Emergency Committee for ratification, as soon as possible after being issued.
- (c) State of Emergency regulations have the power to amend any law, to temporarily revoke its validity, or lay down conditions therein, and may also impose or increase taxes or other mandatory payments, and all provided that there is no other provision in the Constitution or the law.
- (d) State of Emergency regulations do not have the power to amend the provisions of the Constitution, temporarily revoke their validity, or lay down conditions therein; however, the State of Emergency regulations may be able to order a proportional infringement of the rights listed in the Article on Basic Human Rights or the deferment of dates pursuant to this Constitution, provided that such infringement of rights or deferment of dates shall occur while preserving the values of the state, for an essential purpose and for a period and to an extent not greater than is required. Notwithstanding the aforementioned, the State of Emergency regulations shall not be allowed to discriminate on the basis of race, religion, nationality, gender, ethnicity, country of origin, disability or any other grounds, nor shall capital punishment, torture, or slavery be permitted.
- (e) The State of Emergency regulations do not have the power to undermine the constitutional status and functions of the Supreme Court, impede the continued functioning of the central or local government institutions, whereby the circumstances have not derogated from their ability to function, prevent recourse to courts of law, or to prescribe a punishment retroactively.
- (f) State of Emergency regulations shall not be issued and no arrangements, means and authorities shall be implemented by virtue of them, unless this is done to the extent that the State of Emergency so requires this.
- (g) The force of the State of Emergency regulations shall expire three months from the date on which they were enacted, unless it has been extended by law, or they have been revoked by the Knesset in legislation or by a decision of a majority of Members of Knesset.
- (h) State of Emergency regulations shall enter into force upon being published in the Official Gazette (*Reshumot*); should it not be possible to publish them in the Official Gazette (*Reshumot*), they shall then be published in another appropriate manner, provided that they shall be published in the Official Gazette (*Reshumot*) as soon as it is possible to do so.

- (i) Once the State of Emergency has ceased to exist, the State of Emergency regulations shall continue to exist for the duration of the period they are in force; however, this shall not be for more than sixty days after the end of the State of Emergency.
- (j) The provisions of Section 165(c), 166(b) and 169 of the Article on Legislation shall not apply to the State of Emergency regulations.

Article Thirteen: Amendment of the Constitution

190. Amendment of the Constitution

The Knesset has the vested power to amend the Constitution.

191. Bill to Amend the Constitution

- (a) A bill to amend the Constitution shall be submitted to the Knesset by the Knesset Constitution, Law and Justice Committee, the government or 40 Members of Knesset.
- (b) A bill of the Knesset Constitution, Law and Justice Committee or the government to amend the Constitution shall be published in the Official Gazette (*Reshumot*) and shall be placed on the Knesset agenda.
- (c) A bill to amend the Constitution of 40 Members of Knesset shall be brought for a preliminary debate in the Knesset plenum; should the Knesset decide to approve the bill, it shall then be given over to the Knesset Constitution, Law and Justice Committee; should the bill be approved in the Committee or should the Knesset plenum reject the Committee's proposal not to approve the bill, the bill shall then be published in the Official Gazette (*Reshumot*) in the version to be determined by the Committee and shall be placed on the Knesset agenda.

192. Stages of Legislation of an Amendment to the Constitution

- (a) An amendment to the Constitution shall be adopted in four readings in the Knesset.
- (b) An amendment to the Constitution shall be adopted during its first, second, and third readings in the Knesset plenum by a majority of two-thirds of the Members of Knesset.
- (c) During the debates between the readings, the Knesset Constitution, Law and Justice Committee may decide to amend the bill as it deems fit, provided that these shall not exceed the limits of the subject of the bill, or that they shall be necessary in order to adapt other clauses of the Constitution to the proposed amendment.
- (d) An amendment to the Constitution shall be adopted in the fourth reading in the Knesset, in the version approved in the third reading, by a majority of two-thirds of the Members of Knesset; the fourth reading shall be at a Knesset sitting intended exclusively for this purpose and which shall be held no earlier than at least six months after the conclusion of the third reading.

193. Submission and Debate Procedures

Provisions regarding the procedures for submitting bills for an amendment to the Constitution and the procedures for debating them in the Knesset plenum and in the Knesset Constitution, Law and Justice Committee, insofar as they have not been laid down in the Constitution, shall be prescribed by law.

194. Publication

Bills for amending the Constitution and amendments of the Constitution themselves shall be published in the Official Gazette (*Reshumot*); the version of the amendment to the Constitution, as published in the Official Gazette (*Reshumot*), shall be the binding version.

195. Application

An amendment to the Constitution shall enter into force on the date of its publication in the Official Gazette (*Reshumot*), unless another date has been prescribed therein.

Article Fourteen: Various Provisions

196. Preservation of Laws

Legislative provisions, which were it not for the Article on Basic Human Rights, would have been valid on the eve of the entry into force of this Constitution, shall remain in effect for ten years from the date of adopting the Constitution, have they not been revoked prior to it; however, the interpretation of these said provisions shall be made in the spirit of the provisions of this Constitution, unless otherwise prescribed.

197. Stability

Notwithstanding what is stated in any other law, the State of Emergency regulations do not have the power to amend this Constitution, temporarily revoke its validity or lay down conditions therein.



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