

SECTION E

ELECTION AND APPOINTMENT OF POSITION HOLDERS

CHAPTER ONE

ELECTION OF REPRESENTATIVES TO APPOINTMENTS COMMITTEES BY THE KNESSET

- Representatives to appointments committees for holders of judicial office (Amendments Nos. 115 & 117)
62. (a) Within four months from the beginning of its term, and within 60 days from the day on which the place of a representative in the course of the term of the Knesset has been vacated, the Knesset shall elect its representatives to each of the Appointments and Selection Committees enumerated below (in this chapter – appointments committees):
- (1) The Committee for the election of *Dayanim*, on the basis of article 6 of the *Dayanim* [Jewish religious judges] Law, 5715-1955;
 - (2) The Committee for the election of *Kadim*, in accordance with article 4 of the *Kadim* [Muslim religious judges] Law, 5721-1961;
 - (3) The Appointments Committee on the basis of article 11 of the Druze Religious Courts Law, 5723-1962 (in this article – the Appointments Committee for *Kadim Madhab* [Druze religious judges]);
 - (4) The Committee for the Selection of Judges on the basis of article 4 of Basic Law: Adjudication, and article 6 of the Courts Law.
- (b) (1) The Secretary General of the Knesset shall inform all the Knesset Members of the time of the election for each of the Appointments Committees, as laid down by the Speaker of the Knesset, no later than two weeks before that date;
- (2) The proposal of candidature shall be submitted to the Speaker of the Knesset in writing by the adjournment of the Knesset sitting on the last day of the week before the day of election, and if that week falls on a recess – no later than a week before the date of the elections;
- (3) Each of the Knesset Members, who is not a minister or a deputy minister, is entitled to offer his candidature to an appointments committee, except for the Appointments Committee for *Kadim Madhab*. However, with regards to the Committee for the Election of *Kadim*, only someone, who is a member of a party other than the party in which a representative of the Government, or the Knesset representative in the Committee, is entitled to offer his candidacy;
- (4) Every Druze Member of the Knesset, who is not a minister or a deputy minister, may offer his own candidature to the Committee for the Appointment of *Kadim Madhab*, and any ten Members of the Knesset are entitled to propose the candidature of a Druze, who is not a Member of the Knesset, to the said Committee. The consent of the

candidate, and his declaration regarding his fulfillment of the conditions for election on the basis of this chapter, shall be attached to this proposal;

- (c) The Secretary General of the Knesset shall inform all the Knesset Members of the candidates' names at least 48 hours before the opening of the Knesset sitting at which the election to the Appointments Committee shall take place.
- (d) The election of the Knesset representatives to an appointments committee shall be by secret ballot, as elaborated below:
 - (1) Before the beginning of the voting, the Speaker of the Knesset shall announce to the Knesset the make-up of the Ballot Committee, which he appointed for this purpose, which shall include four Members of the Knesset, who are not candidates in those elections – two from the Coalition Parliamentary Groups, and two from the Opposition Parliamentary Groups;
 - (2) The Secretary General of the Knesset shall call the names of the Knesset Members by the alphabetical order of their surnames, and each of the Knesset Members in turn shall walk over to vote in the locations designated for this purpose in the Plenary Hall, and hidden from the sight of others. The provisions of article 36(b) shall apply to this matter, with the required changes;
 - (3) The Knesset Member shall receive a form that lists the names of the candidates, with the indication of the number of Knesset representatives in the Appointments Committee that are to be elected. Should the number of candidates be equal to the number of the Knesset representatives that are to be elected, the indication of opposition to the election of any of them shall be enabled;
 - (4) The election shall take place by marking the names of the candidates on the form, up to the number of the Knesset representatives in the Appointments Committee that are to be elected, or by indicating opposition to their election, as stated in paragraph (3). A form on which a larger number of candidates from the said number has been marked – is invalid, and if the form included candidates for several Appointments Committees – it shall be invalid with regards to the Committee to which more candidates were marked, as stated;
 - (5) The Knesset Member shall place the form in the ballot box;
 - (6) Once the voting has ended, the ballot box shall be handed over to the Ballot Committee that will count the votes immediately;
 - (7) The results of the vote shall be determined on the basis of the following provisions:
 - (a) Should the number of candidates be larger than the number of Knesset representatives, who are to be elected, the candidates who received the largest number of votes shall be elected. Should a number of

candidates receive an equal number of votes, as a result of which it is not possible to determine who all, or part of the Knesset representatives are, as stated, the voting among them shall be repeated immediately, until a decision is obtained;

- (b) Should the number of candidates be the same as the number of Knesset representatives, who are to be elected –
 - (1) They shall be elected if the number of votes in their favour is greater than the number of votes against them;
 - (2) Should the number of votes in their favour fail to be larger than the number of votes against them, new elections shall take place for the election of the remaining representatives, within 30 days, and the provisions of this article shall apply to them;
 - (c) Despite what is said in subparagraph (a), if a female Knesset Member was not elected to the Committee for the election of *Dayanim*, or the Committee for the election of judges, as stated in article 6(a1) of the *Dayanim* Law, 5715-1955, or as stated in article 6(3a) to the Courts Law, as the case may be, a second vote shall take place immediately. In the second vote only the two female Knesset Members, who were candidates in the first vote, shall stand for election, and the female Knesset Member, who received the largest number of votes shall be considered to be the one elected instead of the male Knesset Member who received the second largest number of votes;
 - (d) Despite what is said in subparagraph (a), if two Muslim Knesset Members were not elected to serve on the Committee for the Election of Kadis as stated in article 4(a), the Muslim candidate, who was not elected, and received the largest number of votes, as having been elected instead of a Knesset Member, who is not Muslim, who received the second or third largest number of votes, as the case may be;
 - (e) Despite what is said in subparagraph (a), if more than one Knesset Member from the same party were elected to the Committee for the election of Kadis, contrary to article 4(a1) of the Kadis Law, only the Knesset member from this party, who received the largest number of votes shall be considered to have been elected, and instead of the additional member from his party elected as stated, shall come a candidate from another party, who received the number of votes next in size.
- (8) The Ballot Committee shall inform the Speaker of the Knesset of the results of the vote. The Speaker of the Knesset shall inform the Knesset of the results of the elections at the same sitting in which they took place.
- (e) Should a representative of the Knesset to an appointments

committee be appointed as a minister or a deputy minister, he shall cease to serve as a representative, as stated, upon his appointment, and elections shall be held for a representative to replace him, in accordance with the provisions of this article.

Limitations to service, suspensions, and removal from service on the basis of article 6 of the Knesset Law (Amendments Nos. 115 and 119)

63. (a) The House Committee, and as long as it has not yet been selected – the Arrangements Committee, is entitled to decide that a Member of the Knesset shall not be a candidate for service as a representative of the Knesset in an appointments committee, should what is stated in the introductory section of paragraph (1) or (2) of article 3(a) apply to him. The provisions of clauses (a)(1) and of (b) to (e) in article 3 shall apply to this matter, with the required changes.
- (b) The Knesset is entitled, on the basis of a proposal by the House Committee to suspend the membership of a Knesset Member in an appointments committee should what is stated in the introductory section of paragraph (1) , and in article 3(a) apply to him. The provisions of article 3(b), (c) and (e) shall apply to this matter, with the required changes. Should the Knesset's representative in an appointments committee be suspended, the Knesset shall elect another representative in his place, for the period of the suspension, in the manner described in article 62.
- (c) Should a Member of the Knesset be convicted in a final verdict on a criminal offence in the course of the term of that Knesset, he shall cease to serve as the representative of the Knesset in the Appointments Committee.
- (d) Regarding a Druze, who is not a Member of the Knesset, as a representative of the Knesset in an appointments committee for *Kadim-Madhab* the following provisions shall apply:
- (1) Anyone, against whom criminal proceedings are being held, or has been convicted in a final verdict of a criminal offence, and ten years have not gone by since the verdict became final, or from the day on which he finished serving his sentence, whichever is later, shall not be a candidate as a representative of the Knesset in a committee;
 - (2) Should criminal proceedings be held against him after his election – he shall be suspended from his service as a representative of the Knesset in the Committee, until a final verdict is given, and the Knesset shall elect another representative in his place for the period of the suspension, in the manner described in article 62;
 - (3) Should he be convicted in a final verdict of a criminal offence, he shall cease to serve as a representative of the Knesset in the Committee.

Representatives on the basis of the Chief Rabbinate of Israel Law (Amendment No. X)

64. (a) The election of the Knesset representatives to the Electing Assembly on the basis of article 8(7) of the Chief Rabbinate of Israel Law 5740-1980, shall take place no later than thirty days before the date set for the convening of the Electing Assembly for the purpose of holding elections, as stated in article 12 of the said law. Should a date not have been set as stated, the election shall take place no later than thirty days before the last date for electing the Chief Rabbis of Israel, or the members of the Council on the basis of article 16(c) of the said law, as the case may be.

- (b) The proposal to authorize one of the Knesset Committees to elect the Knesset representatives as stated in clause (a), shall be brought to the Knesset by the Knesset Speaker.
- (c) The following provisions shall apply to the election of the Knesset representatives as stated in clause (a), with the required changes:
 - (1) Should the election take place in the Knesset plenum, the provisions of articles 62(b) to (e) and 63(a) to (c) shall apply;
 - (2) Should the election take place in the Committee authorized for this purpose by the Knesset, the provisions of articles 62(e), 63(a) to (c), the final section of article 65(a), articles 63(b) and (c), and 66(c) shall apply.
- (d) The Knesset representatives elected on the basis of this article shall serve as long as they are Members of the Knesset, and should the term of the Knesset end – until the new Knesset shall elect other Members in their place.