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Turkey: The Grand National Assembly

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SUMMARY

The first Turkish legislature, a bicameral National Assembly, was established during the period of the Ottoman Empire, following the promulgation of the Constitution of 1876. A 1921 Cabinet decree renamed the National Assembly as the Grand National Assembly of Turkey (GNAT). The first Constitution of the Turkish Republic was adopted in 1921 and vested both legislative and executive powers in the GNAT. The GNAT underwent many changes after its establishment in 1921, including becoming a unicameral legislature. The current GNAT exercises powers granted to it by the Constitution of 1982, with numerous subsequent amendments. The most recent constitutional amendments, enacted in 2017, curtailed the powers of the GNAT and strengthened the executive branch, represented by the President.

The constitutional amendments of 2017 created the legal framework for Turkey’s transition from a parliamentary to a presidential republic. The subsequent elections of 2018 created the new GNAT, which is comprised of 600 deputies.

According to the Constitution, the GNAT has the power to enact and approve bills, including the budget bill, and make declarations of war. The leadership of the GNAT is comprised of the Bureau, which includes the Speaker, Vice-Speakers, Board of Spokespersons, secretaries, and quaestors. The lawmaking process takes place within committees and plenary sessions. There is an expedited process for the adoption of Basic Laws, and a special legislative process for the adoption of a budget bill.

I. Background

A. 1876–1921: Constitution of 1876 and Ottoman Parliament

The history of the Turkish legislature dates back to 1876—when the first Constitution of Ottoman Turkey was adopted. The Constitution was adopted by Sultan Abdulhamid II under pressure from reformist bureaucrats. The goal of the Constitution was to provide checks on the Sultan’s absolute power. The Constitution created a bicameral legislative assembly called the General Assembly. The General Assembly was comprised of two chambers: the Senate and the Chamber of Deputies. According to the Constitution of 1876, the members of the Senate were appointed for life by the Sultan while the deputies were elected by members of the public through an indirect (two-staged) election involving a system of limited suffrage in which only property owners were allowed to vote.1 Under the Constitution of 1876, the Sultan retained an absolute veto power over bills passed by the General Assembly.

The Constitution of 1876, however, failed to establish a constitutional monarchy, or to institute checks on the power of the monarch. In 1878, Sultan Abdülhamid II indefinitely prorogued the Chamber of Deputies and returned to an absolutist reign. At the beginning of twentieth century, the reformist movement called “Young Turks” emerged. Their goal was to further constitutional reforms and build a westernized version of Turkey. Following elections for the Chamber of Deputies in 1908, the Young Turks (represented by the Society for Union and Progress) gained a majority. The reformists (the Young Turks) introduced substantial amendments of the Constitution of 1876. These amendments, inter alia, replaced the absolute veto power of the Sultan with a relative veto power, which could be overridden by a two-thirds majority of the Chamber of Deputies. Under the amendments, the Sultan’s power to dissolve the Chamber of Deputies was curtailed. The dissolution of the Chamber of Deputies was subject to the Senate’s approval.

However, the reign of the Sultan did not last long, and after the suppression of a royalist-Islamist uprising on April 13, 1909, the Sultan was dethroned. During World War I the government of the Young Turks resorted to consolidation of power, owing largely to international and internal developments. The government of Ottoman Turkey collapsed following Turkey’s loss in the war. Turkey’s loss in World War I and subsequent control by occupying powers created the stage for the emergence of a nationalist movement resisting the occupation.

The Armistice of Mudros was signed on October 30, 1918, and served as a basis for an invasion by Entente powers and the territorial splitting of Turkey. This process gave birth to the resistance movement, headed by Mustafa Kemal Ataturk. During the struggle for independence, Entente troops entered Istanbul on March 16, 1920, and the Sultan dissolved the National Assembly in April 1920.

B. 1921–1961: First Constitution of the Turkish Republic and the Grand National Assembly of Turkey

On March 19, 1920, Mustafa Kemal called for elections to form a new parliament, with a proposed seat in Ankara. The new parliament opened on April 23, 1920. Of 324 seats only 115 members were present. During the inaugural session, presided over by Serif Bey, the parliament proclaimed itself to be the “Grand National Assembly.” Subsequently, a Cabinet decree on “the Composition of the Grand National Assembly of Turkey,” dated February 8, 1921, named the Assembly as the “Grand National Assembly of Turkey” (GNAT). Initially, the Assembly carried out both legislative and executive functions. According to the Law on Treason adopted by the Assembly, the aim of the Assembly was “to rescue the country, khalifet and monarch from the

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2 Id. at 4.
3 Id.
4 Id.
6 Id.
foreign invaders.” The Law on Elections, adopted by the Assembly on May 2, 1920, provided for the creation of Government of the Assembly, based on a unity-of-powers principle.

The GNAT embarked on drafting a new constitution, which was adopted on January 20, 1921. The Constitution of 1921 vested in the GNAT both legislative and executive powers (article 2). After the adoption of the new Constitution, Kemal Ataturk urged the holding of early elections, which were subsequently held in April 1923. However, the newly-elected government was in a disagreement with the GNAT. The government crisis prompted Kemal Ataturk to change the government system in Turkey, proclaiming it to be a republic on October 29, 1923. Under the new governmental structure, Kemal Ataturk became the President, and İsmet Pasha (İnonü) became the first Prime Minister of the Turkish Republic. The new National Assembly embarked upon drafting a new constitution, which was adopted on April 20, 1924.

The Constitution of 1924 upheld the governmental system created by the Constitution of 1921. The Grand National Assembly was vested with both legislative and executive powers. The Assembly had to realize its executive powers through the President, who was elected by the Assembly, and by a Council of Ministers appointed by the President.

The Constitution of 1924 paved the way for the emergence of the first political parties in Turkey. In 1924, the first opposition party, the Progressive Republican Party, was formed and opposed many of the policies of the government. It was dissolved in 1925.


After gaining an absolute majority in the Grand National Assembly in 1950, the Democratic Party instituted highly unpopular authoritarian measures that provided impetus for widespread unrest. As a result, on May 27, 1960, units of the Turkish army overthrew the government. The GNAT was closed and a Committee of National Unity (CNU) assumed all the powers of the Assembly under a provisional constitution. The ministers appointed by the CNU exercised executive power. The provisional constitution abolished or abrogated many provisions of the 1924 Constitution. On January 6, 1961, a Constituent Assembly was established to draft a new constitution. The Constituent Assembly was composed of two chambers: the National Unity Committee and the House of Representatives. The new constitution was adopted in a popular referendum on July 9, 1961.

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7 Id.
9 History, supra note 5.
11 Id. art. 7.
12 INTRODUCTION TO TURKISH LAW 28 (T. Ansay & Don Wallace, Jr. eds., 1987).
The Constitution of 1961 created a parliamentary system of government. The Constitution subscribed to the notion of limited government, which held that the exercise of authority is legitimate only as long as it is done within the limits of law.\textsuperscript{13} Legislative authority was vested in the bicameral Grand National Assembly.\textsuperscript{14} Article 64 vested in the National Assembly authority to enact, amend, and repeal laws, and to debate and adopt budget and other fiscal bills. It also had the authority to ratify international treaties.\textsuperscript{15} Article 65 gave the National Assembly the authority to sanction the use of armed forces.\textsuperscript{16} The Grand National Assembly was comprised of 450 deputies elected by general ballot and 150 Senators elected by general ballot and fifteen Senators appointed by the President.\textsuperscript{17}

The Constitution remained in force for nineteen years and was amended seven times.

D. 1982 Constitution with 2017 Amendments: From Parliamentary to Presidential Republic

A political crisis in the late 1970s, expressed in political polarization, violence, and terrorism, resulted in a military \textit{coup d'état} on September 12, 1980. After the coup, a five-member “National Security Council” (NSC) was established. The NSC took over the functions of the GNAT, with the subsequent abolishing of political parties. The NSC did not abrogate the 1961 Constitution entirely, but adopted a Law on the Constitutional Order. According to this Law, the NSC had the authority to amend the Constitution through its laws, declarations, and decisions.\textsuperscript{18} On June 30, 1981, the NSC passed a law which provided for a Constituent Assembly to prepare a new constitution, as well as to update the electoral law, political party law, and the laws outlining the legislative process.\textsuperscript{19} The Constituent Assembly was comprised of the NSC and an Advisory Assembly.

The new constitution was passed following a referendum held on November 7, 1982. The Constitution of 1982 re-established the unicameral GNAT. The Constitution has subsequently been amended numerous times. The latest amendments of 2017 strengthened the presidency and abolished the office of the prime minister. The amendments ensured Turkey’s transition to a presidential republic with a subsequent weakening of the powers of the legislative branch.

\begin{itemize}
  \item \textsuperscript{13} \textit{Id.} at 29. \textit{See also} \textit{CONSTITUTION OF THE TURKISH REPUBLIC OF 1961}, art. 4, English translation available on the Turkish Constitutional Law website, at \url{http://www.anayasa.gen.tr/1961constitution-text.pdf}, archived at \url{https://perma.cc/3GQM-4SLQ}.
  \item \textsuperscript{14} \textit{CONSTITUTION OF THE TURKISH REPUBLIC OF 1961}, arts. 5 & 63.
  \item \textsuperscript{15} \textit{Id.} art. 64.
  \item \textsuperscript{16} \textit{Id.} art. 65.
  \item \textsuperscript{17} \textit{Id.} arts. 67 & 70.
  \item \textsuperscript{18} \textit{INTRODUCTION TO TURKISH LAW}, \textit{supra} note 12, at 31.
  \item \textsuperscript{19} \textit{Id.}
\end{itemize}
E. Location of the Grand National Assembly of Turkey

After World War I, Istanbul (the seat of National Assembly in the Ottoman Empire) was occupied by allied forces, which prorogated the Chamber of Deputies on March 18, 1920. Mustafa Kemal (later Ataturk) called for the election of a new assembly with “extraordinary powers” that was to convene in Ankara.20 The GNAT was housed in the first building of the legislature, in the Ulus district of Ankara.

On October 13, 1923, Ankara became the capital city of the newly founded Turkish Republic. In the 1920s, Ankara had only 35,000 inhabitants. Today, the capital city has a population of 4.5 million and is the second most populated city in Turkey.21

II. Constitutional Status and Role

Turkey’s political system can be described as that of a constitutional presidential republic. According to article 4 of the current Turkish Constitution, the republican nature of Turkish government is not subject to revocations or amendments.22 The legislative power is vested in the Grand National Assembly with the President being the head of the executive branch, and judicial power is vested in “independent and impartial” courts.23

According to article 87 of the Turkish Constitution, the GNAT has the power

• to enact, amend, and repeal laws;
• to debate and adopt the budget bills and final accounts bills;
• to decide to issue currency and declare war;
• to approve the ratification of international treaties,
• to decide with the majority of three-fifths of the Grand National Assembly of Turkey to proclaim amnesty and pardon.24

20 ÖZBUDUN, supra note 1, at 5.
23 Id. arts. 7, 8 & 9.
24 Id. art. 87.
III. Structure and Composition

A. Deputies

According to article 76 of Constitution, the GNAT is comprised of six hundred deputies, elected through universal suffrage.25 Every Turkish citizen eighteen years of age or older is eligible to be elected to the GNAT. Elections of the President and members of the GNAT are held on the same date. Members of the GNAT are elected for a five-year renewable term with no term limits.26 Members are elected from eighty-five electoral districts representing eighty-one Turkish provinces, two additional districts for Istanbul and one each for Ankara and Izmir.27

Deputies are required to take the following oath upon assuming office:

I swear upon my honor and integrity, before the great Turkish Nation, to safeguard the existence and independence of the state, the indivisible integrity of the country and the nation, and the absolute sovereignty of the nation; to remain loyal to the supremacy of law, to the democratic and secular republic, and to Atatürk’s principles and reforms; not to deviate from the ideal according to which everyone is entitled to enjoy human rights and fundamental freedoms under the notion of peace and prosperity in society, national solidarity and justice, and loyalty to the Constitution.28

Deputies are granted immunity, according to article 83 of Constitution. The deputies can lose membership in the GNAT either by resolution of the GNAT or by a verdict of a court. 29

Article 80 of the Constitution stipulates that members of the GNAT do not represent their constituency in the legislature, but rather the whole nation.30

The current distribution of the members of the GNAT along party lines is shown in the table below:

<table>
<thead>
<tr>
<th>Party Name</th>
<th>Number of members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Justice and Development Party</td>
<td>290</td>
</tr>
<tr>
<td>Republican People's Party</td>
<td>142</td>
</tr>
</tbody>
</table>

25 Id. art. 76.
26 Id.
28 CONSTITUTION OF TURKEY OF 1982, art. 81.
29 Id. art. 83.
30 Id. art. 80.
Peoples’ Democratic Party 65
Nationalist Movement Party 50
Good Party 40
Saadet Party 2
Workers Party of Turkey 2
Democratic Party 1
The Great Unity Party 1
Independent Member of Parliament 2
Total 595


Political parties with at least twenty deputies can form political party groups. Political party groups must have internal regulations and present their respective group lists to the Speaker of the GNAT at the beginning of each legislative term.31

B. Committees

There are two types of committees in the GNAT—standing committees and ad hoc committees. According to article 20 of the Rules of Procedure of the GNAT, there are currently sixteen standing committees,32 as follows:

1. The Committee on the Constitution
2. The Committee on Justice
3. The Committee on National Defense
4. The Committee on Internal Affairs
5. The Committee on Public Works, Reconstruction, Transportation, and Tourism
6. The Committee on National Education, Culture, Youth, and Sport
7. The Committee on Health, Family, Labor, and Social Affairs
8. The Committee on Agriculture, Forestry, and Rural Affairs
9. The Committee on Industry, Trade, Energy, Natural Resources, Information and Technology

32 Id. art. 20.
12. The Committee on Auditing of Accounts of the Assembly
13. The Committee on Petitions
14. The Committee on Plan and Budget
15. The Committee on State Economic Enterprises
16. The Committee on Human Rights Inquiry

Two elections are held for the committees in the course of a legislative term. The term of office of the first elected members is two years, and three years for those elected in the second term. The members continue to serve until the election of the new members. The Speaker determines the number of committee members from each political party group in accordance with the percentage of the representation of the political parties in the GNAT.

C. Leadership

The leadership of the GNAT is comprised of the office of the Bureau of the GNAT, including the Speaker, Vice-Speakers, secretaries, quaestors, and Board of Spokespersons. The Constitution and the Rules of Procedure of the GNAT are the main legal documents outlining the authorities and responsibilities of the leadership of the GNAT.

1. Bureau

According to article 94 of Constitution and article 9 of the GNAT Rules of Procedure, the Bureau shall be composed of the Speaker; four vice-speakers; seven secretaries; and three quaestors. Two elections to the Bureau shall be held in one legislative term. The term of office of those elected in the first round is two years and the term of office of those elected in the second round shall continue until the end of that legislative term. The Speaker of GNAT shall determine the representation of parties in the Bureau.

The quorum for a meeting of the Bureau is an absolute majority of the total number of members and the quorum for a decision is the absolute majority of the members present.

However, for the complaints concerning the tasks undertaken by members of the Bureau individually, the quorum for a meeting is the total number of members of the Bureau excluding

33 Id.
34 Id. art. 21.
35 Id. art. 9; Constitution of Turkey of 1982, art. 94.
36 Constitution of Turkey of 1982, art. 94.
37 Rules of Procedure art. 11.
38 Id. art. 13.
the member about whom a complaint has been made. The Bureau shall not convene or take decisions without the presence of the Speaker or the Vice-Speaker assigned by the Speaker. 39

2. Speaker

According to article 14 of the Rules of Procedure of GNAT, the Speaker has the following duties:40

1. To represent the Grand National Assembly of Turkey outside the Assembly;
2. To preside over the Plenary Meetings;
3. To oversee the recording of minutes and preparation of the Journal of Minutes;
4. To chair the Bureau and to draw up the agenda of the Bureau;
5. To chair the Board of Spokespersons;
6. To oversee the committees of the Grand National Assembly of Turkey; to warn the chairpersons and members of the committees and inform the Plenary in case of a backlog in the committees;
7. To implement the decisions of the Bureau;
8. To execute and scrutinize the administrative and financial affairs and the security services of the Grand National Assembly of Turkey;
9. To make arrangements and publications to promote the Assembly and its works throughout the country and abroad, through the “Culture, Art and Publications Board of the Grand National Assembly of Turkey” to be established within the Bureau;
10. To perform the duties given to him/her by the Constitution, the laws, and the Rules of Procedure.

3. Vice-Speaker

The duties of Vice-Speaker includes presiding over the Plenary in lieu of the Speaker, as well as overseeing the preparation of the Journal of Minutes. The Speaker assigns one of the four Vice-Chairmen to chair a particular plenary.41

4. Quaestors

The duties of quaestors are prescribed in article 17 of the GNAT Rules of Procedures.42 They are as follows:

39 Id.
40 Id. art. 14.
41 Id. art. 15.
42 Id. art. 17.
1. To assist the Speaker of the Grand National Assembly of Turkey, in carrying out the administrative and financial affairs and the security services, in accordance with the Speaker’s directions;
2. To conduct special ceremonies;
3. To present proposals for the budget of the Grand National Assembly of Turkey to the Speaker;
4. To hand out regular and special entrance cards.

Article 17 also defines quaestors as “the executive agents of the Office of the Speaker in maintaining peace and order, assuring transparency and freedom of the meetings and calling the guards battalion and the police into action when necessary; they perform their duty and authority in collective responsibility; they reside in Ankara in turn during recess or adjournment, and the Speaker decides on the order of their turn.”43

5. **Secretaries**

The duties of secretaries are as follows:

1. To supervise the recording of the minutes;
2. To draw up summary of the minutes;
3. To read out documents in the Plenary;
4. To call the roll;
5. To count votes;
6. To oversee the elections to be conducted in order and integrity;
7. To record the order of speech.44

6. **Board of Spokespersons**

According to article 19 of the Rules, the Board of Spokespersons is assigned by the Speaker of the GNAT and includes the chairpersons of the political party groups or one of the vice-chairpersons or a deputy from each group assigned by them in writing.45 The Board of Spokespersons performs duties designated by the Rules of Procedure and gives advisory opinions upon the request of the Speaker.

**IV. Elections**

Elections in Turkey are conducted in accordance with Constitution, the 1961 Law on Basic Provisions for Elections and Voter Registers (Law on Basic Provisions), the 1983 Law on...

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43 *Id.*
44 *Id. art. 16.*
45 *Id. art. 19.*
Parliamentary Elections, the 2012 Law on Presidential Elections, and the 1983 Law on Political Parties.46

The latest elections of the GNAT took place on June 24, 2018, following a referendum on constitutional amendments in 2017. The presidential election was held on the same date.

The GNAT is comprised of six hundred deputies who are elected every five years through equal suffrage and secret, direct, and universal ballot.47 Voting is compulsory, and nonparticipation incurs a small fine.48 In exceptional cases, extraordinary elections may be held before the expiration of the electoral term of five years by a decision of the President of the Republic or the Assembly.

Parliamentary elections are held in accordance with the principles of the party-list proportional representation system using the d’Hondt method, with restricted options and a double barrier (at the local and national level). Accordingly, a candidate from a political party can only be elected if the party (a) is fully organized in at least half of the provinces and one-third of the districts within these provinces; (b) has nominated two candidates for each parliamentary seat in at least half of the provinces; (c) has obtained at least 10% of the valid votes cast nationwide; and (d) has received, in the constituency in question, valid votes at least equal to the applicable simple electoral quotient.49 In March 2018 the GNAT passed amendments to electoral legislation, allowing for parties to form coalitions in elections in order to achieve the 10% threshold for legislative representation.50

1. Eligibility to Be a Deputy

According to article 76 of Constitution, every Turk over the age of eighteen years is eligible to be elected as a deputy of the GNAT, except for persons

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47 Constitution of Turkey of 1982, art. 75.


• who have not completed primary education,
• who have been deprived of legal capacity,
• who are neither exempt nor deferred from military service,
• who are banned from public service,
• who have been sentenced to a prison term totaling one year or more excluding involuntary offences, or to a heavy imprisonment,
• who have been convicted for dishonorable offences such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy,
• who were convicted of smuggling, conspiracy in official bidding or purchasing, of offences related to the disclosure of state secrets, of involvement in acts of terrorism, or incitement and encouragement of such activities.\textsuperscript{51}

Additionally, according to article 76, members of the judiciary, civil servants, lecturers in the higher education institutions, and members of the armed forces are not eligible to be elected as a deputy in the GNAT unless they resign from their respective positions.\textsuperscript{52}

2. Right to Vote

According to article 67 of Constitution, every Turkish citizen eighteen years of age or older has right to vote in election or referenda.\textsuperscript{53}

V. Legislative Process

The legislative process in the GNAT is based on the types of bills. There are two types of bills, based on the source of origination: government bills and private member bills. Budget bills have a special legislative process as do the bills amending basic laws.

Government bills are signed by all ministers and submitted with a justification to the Speaker of the GNAT. The Speaker then refers the bill to the relevant committees.\textsuperscript{54}

A private member’s bill can be signed by one or more deputies. Private member bills are submitted with justification to the Office of the Speaker.\textsuperscript{55}

\textsuperscript{51} THE CONSTITUTION OF TURKEY OF 1982, art. 76.
\textsuperscript{52} Id.
\textsuperscript{53} Id. art. 67.
\textsuperscript{54} Rules of Procedure art. 73.
\textsuperscript{55} Id. art. 74.
1. Committee Stage

The Office of the Speaker refers individual bills to a relevant committee.

Committees that consider bills are divided into two categories: main committee and secondary committee. The committee whose report and revised bill is considered at the plenary is a main committee, and the committee that provides opinions to the main committee is designated as a secondary committee. There is only one main committee for a bill, but more than one secondary committees can consider a bill. The main committee debates the bill as a whole, while the secondary committee can debate only specific articles within the competencies of the bill. Bills are referred to main and secondary committee at the same time.

The secondary committee must conclude its deliberations within ten days. If the secondary committee is not able to furnish its presentation within the ten-day period, the main committee presents its report.

The main committee must start deliberations on a bill within forty-eight hours of referral. The time frame for concluding debate on the bill is forty-five days after referral. Government members and private members can request to include the bill for debate in the plenary. Bills are deliberated in their entirety and on an article by article basis. The articles that are not accepted are removed from the text. If there is a complex or comprehensive bill under consideration, the committee may choose to form a subcommittee. Subcommittee regulations must be in accordance with Constitution and Rules of Procedures.

The committee may accept the bill with or without amendments, or reject it. When the motions of amendments put forward by committee members are accepted, the text of the bill is amended accordingly. The right to propose motions of amendment and to vote belongs to the committee members only.

The committee needs one-third of its members for a quorum. An absolute majority of members is needed for a committee decision.

At the end of deliberations, the committee issues a report. A report is issued in cases of both rejection and acceptance of the bill. The committee report is comprised of two parts. The first part includes all the opinions on the bill, amendments (with their justifications) made by the committee, as well as the way the members voted in the final vote. The first part of the report also

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57 Id.
58 Id.
59 Id.
60 The Committee on Public Economic Enterprises, the Committee on the Inquiry of Human Rights, the Committee on European Union Harmonization, and the Committee on the Equality of Opportunity for Women and Men can decide by an absolute majority of the members present provided that that majority is not less than one more than one-fourth of the total number of members. Id.
includes objections provided by the dissenting members. The second part of the report consists of the original text of the bill and the text of the bill accepted by the committee.

Committee reports are printed and distributed to the deputies and published on the website of the GNAT. The plenary debates the version of the bill adopted by the committee.

2. Debates in Plenary

The report of the main committee is forwarded to the Office of the Speaker. According to the GNAT website, a committee report may not be put on the agenda of the plenary earlier than fortyeight hours after its submission by the committee. Deliberations start only when the government and committee are present. The deliberation process for a committee report is comprised of four distinct parts: speeches, questions and answers, the motion process, and voting.

Debates start with speeches. The representatives of the government, the committees, and representatives of political party groups may have the floor for twenty minutes, and two deputies may have the floor for ten minutes to deliver their speeches on the whole bill. After a twenty minute question and answer session, the voting begins on whether or not to proceed with voting on an article-by-article basis. If, however the plenary decides not to proceed with debating on individual articles, the bill is considered rejected.

If the plenary decides to proceed with deliberations on the articles, the representatives of the government, committees, and political party groups may have the floor for twenty minutes on each article, and two deputies have the floor for ten minutes.

The question and answer period on the articles is ten minutes long. After this period, motions are processed. Each article is voted on separately.

Before voting for the entire bill, one deputy who is in favor and one who is against the bill can take the floor to explain their vote. Afterwards, the voting takes place on the entire bill. If accepted the bill becomes a law.
3. Expedited Legislative Process for Basic Laws

Article 91 of the Rules of Procedure envisages an expedited legislative process for the consideration and adoption of Basic Laws. Basic Laws are defined as “bills amending and putting into force laws [that] systematically amend a particular branch of law completely or comprehensibly.” The plenary decides which bills are debated as “basic law” upon a proposal of the Board of Spokespersons or the party groups.

First, a debate on the whole bill is opened and a vote is taken on whether the plenary should move on to the individual articles. If moving to a debate on the articles is accepted, the chapters are debated. The bill is divided into chapters not exceeding more than thirty articles. In this procedure, the articles are not debated separately, but speeches are made and the question and answer process follows debate on the chapters. The question and answer time on the chapters is limited to fifteen minutes.

Deputies have the right to propose at most two motions on an article, including the motions regarding unconstitutionality. However, the right of deputies of each political party group to put forward one motion is reserved. In this procedure, articles are not read out, motions of amendments are processed, and articles are voted on without a debate. After the chapters have been debated and all articles have been voted on, voting on the bill as a whole takes place.

4. Constitutional Amendments

Constitutional amendments can be introduced by at least one-third of the total number of deputies. According to article 93 of the Rules of Procedure, bills on constitutional amendments have to go through the same procedures as regular bills, except that they are debated twice in the plenary. At least forty-eight hours must lapse between the first and second debate. In order to be adopted, constitutional amendments need to be approved by a three-fifths majority of the total number of members by secret ballot.

In case a motion of amendment to the bill is adopted, the vote on the motion shall be repeated by secret ballot in order to ensure the three-fifths majority required for adoption.

5. Budget Bill

The role of a budget bill is to forecast government revenues and expenditures for the upcoming fiscal year (January 1 to December 31), and to authorize the executive to collect revenues and to carry out spending.

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67 Rules of Procedure art. 91.
68 Id.
69 Deliberations in the Plenary, supra note 66.
70 Rules of Procedure art. 93.
71 Id. art. 94.
72 Id.
The budget bill includes the budgets of the central government and are prepared and executed as the budget of central government, budgets of social security institutions, and budgets of local governments.73

The budget bill is submitted by the President to the GNAT at least seventy-five days prior to the start of fiscal year. The Speaker of the GNAT sends the budget bill to the Plan and Budget Committee, where the initial deliberations take place. The Plan and Budget Committee is comprised of forty members of which twenty-five are members of ruling party/coalition.74 The Committee negotiates the budget proposals of the administration, and forwards the bill to the plenary for consideration. The Ministry of Finance makes the presentation of the budget bill to the plenary of the GNAT. The plenary has twenty days to conclude budget bill debates. If the budget law cannot be put into force within that period, the provisional budget law shall be enacted. If the provisional budget law cannot also be enacted, the budget of the previous year shall be applied with an adjusted interest rate.75

After the budget is entirely negotiated, the text of the central government budget bill is discussed in terms of its articles, revenue and expenditure charts are discussed in terms of public administration, and the bill is voted on in parts. After the plenary accepts continuing to debate the articles, the first and second articles of the bill are read out, and the statements of revenues and expenditures of public institutions are debated in rounds and voted on as chapters. After these deliberations, other articles of the budget bill are debated and decided as per the ordinary procedure for government bills and private member bills. After the final speeches have been completed, the bills are put to an open vote.76

The GNAT sets the appropriations limit for the coming fiscal year. According to article 161 of Constitution, appropriation limits set by the GNAT cannot be overridden by presidential decree.

According to article 161 of the Constitution, deputies are not allowed to propose upward or downward revisions in expenditures or revenues.77

Budget negotiations in the plenary session are completed once the revenue budget and other articles of the draft law are negotiated and voted on.

The budget law is published in the Official Gazette before the first day of the fiscal year.78

73 Id.
75 CONSTITUTION OF TURKEY OF 1982, art. 161.
77 CONSTITUTION OF TURKEY OF 1982, art. 161.
78 Budgetary Process, supra note 76.
6. Final Account Bill

The final account bill is a mechanism of fiscal control exercised by the GNAT over the executive branch. The budget of the previous year is finalized by the final account bill. By adopting the final account bill, the GNAT gives its approval for the performance of the government and certifies that the government exercised its spending authority in an efficient and prudent manner.79

Central government final account bills shall be submitted to the GNAT by the President of the Republic within six months of the end of the relevant fiscal year. The Court of Accounts shall submit its statement of general conformity to the GNAT within seventy-five days of the submission of the final accounts bill to which it is related.80

The submission of the final account bills and the statement of general conformity to the GNAT do not preclude the auditing and trial of the accounts for the relevant fiscal year that have not been concluded by the Court of Accounts, and do not mean that a final decision has been taken on these accounts. The final account bills are debated and adopted together with the budget bill of the new fiscal year.81

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79 Id.
80 CONSTITUTION OF TURKEY OF 1982, art. 161.
81 Id.