

BASIC LAW: THE PRESIDENT OF THE STATE (5724 - 1964)

(Unofficial translation by Dr. Susan Hattis Rolef)

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| Status | 1. | The State is headed by a President. |
| Place of residence | 2. | The President's place of residence is Jerusalem. |
| Election and term of office (Amendments Nos. 2 & 5) | 3. | (a) The President of the State is elected by the Knesset for seven years. The term of office shall be calculated on the basis of the Jewish calendar.

(b) The President of the State shall serve for one term of office only. |
| Eligibility (Amendment No. 5) | 4. | Every Israeli citizen, who is a resident of Israel, is eligible to be a candidate for the office of President of the State. |
| Date of election (Amendment No. 8) | 5. | The election of the President of the State shall be held no earlier than ninety days and no later than thirty days before the expiration of the term of the serving President. Should the position of the President of the State fall vacant before the expiration of his term of office, the election shall be held within forty five days from the day on which his position fell vacant. The Speaker of the Knesset, in consultation with the Deputy Speakers, shall set the election day, and shall inform all the Knesset Members in writing thereof, at least three weeks in advance. Should the date of the election fall outside one of the Knesset sessions, the Speaker of the Knesset shall convene the Knesset for the purpose of electing the President of the State. |
| Proposal of candidates (Amendment No. 8) | 6. | (a) (1) The proposal 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 day. A Member of the Knesset shall not participate in the proposal of more than |

one candidate.

(2) Whoever is proposed by at least ten Members of the Knesset as a candidate shall be a candidate for the President of the State, unless the number of proposers fell below ten due to the deletion of the name of a Knesset Member as stated in paragraph (3).

(3) Should a Member of the Knesset be party to proposing more than one candidate, the name of the Knesset Member shall be deleted from the list of the proposers of all the candidates who he proposed. Should the number of proposers of a candidate fall below ten due to the deletion of a name from the list of proposers, a Member of the Knesset who was not party to any proposal may add his name to the list of proposers of that candidate, no later than eight days before the election day.

(b) The Speaker of the Knesset shall inform all the Knesset Members in writing, no later than seven days before the day of the election, of every candidate who was proposed, and shall announce the candidates at the opening of the sitting at which the election is to be held.

Voting

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

Election by a majority of votes (Amendments Nos. 7 & 9)

8. (a) Should there be two candidates or more, the candidate who received the votes of a majority of the Knesset Members – he is elected. Should no candidate receive such a majority, a second ballot is to be held. In the second vote only the two candidates who received the votes of the largest number of Knesset Members in the first vote shall stand for election. The candidate who received a majority of the votes of the Knesset Members participating in the second vote and who have voted for one of the candidates – he is elected. Should two

candidates receive an equal number of votes, the voting shall be repeated.

- (b) Should there be only one candidate, the voting is to be held in his favor or against him, and he shall be the person elected should the votes in his favor surpass the votes against him. Should the number of votes in his favor be equal to the votes against him, the voting shall be repeated.
- (c) Should a President fail to be elected on the basis of clause (b), a reelection shall take place within thirty days from the day of the voting on the basis of the provisions of articles 5 to 7 and this article. However, the proposal of a candidate on the basis of article 6(a) shall be submitted no later than seven days before the day of voting.

Declaration of
allegiance

9. The elected President shall make and sign the following declaration of allegiance in front of the Knesset:

"I pledge myself to bear allegiance to the State of Israel and to its laws, and to faithfully fulfill my office as President of the State".

Making the declaration
and commencement of
office

10. (a) The President-elect shall make his declaration upon the termination of the term of office of the previous President, or as close as possible beforehand, and shall begin to serve at the end of the term of office of the previous President.
- (b) Should the position of the President of the State fall vacant before the end of his term of office, the President-elect shall declare his allegiance as soon as possible after his election, and he shall start to serve from the moment that he made his declaration.

Responsibilities and powers (Amendments

11 (a) The President of the State -

Nos. 3 & 6)

- (1) Shall sign every law, other than laws relating to his powers;
 - (2) Shall fulfill the responsibilities assigned to him by Basic Law: the Government;
 - (3) Shall receive from the Government reports on its meetings;
 - (4) 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;
 - (5) Shall sign treaties with foreign states approved by the Knesset;
 - (6) Shall carry out every responsibility assigned to him by law in connection with the appointment and removal from office of judges and other office holders.
- (b) The President of the State has the power to pardon offenders and mitigate penalties by reducing or commuting them.
- (c) The President of the State shall carry out any other responsibility, and hold every other power assigned to him by law.

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| Countersignature
(Amendments 3 & 6) | 12. | The signature of the President of the State on an official document requires the countersignature of the Prime Minister, or of another minister assigned by the Government, except for a document connected with the formation of the Government or the dissolution of the Knesset. |
| Immunity in fulfillment of position | 13. | (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 to any legal action on this account.

(b) The President of the State is not obliged to disclose in giving evidence anything that came to his knowledge while fulfilling his office as President of the State.

(c) The immunity of the President of the State on the basis of this article shall continue to apply also after he has ceased to be the President of the State. |
| Immunity from criminal proceedings | 14. | The President of the State shall not face criminal charges. The period during which the President of the State cannot be prosecuted for an offence by force of this article, shall not be counted as part of the period of prescription of the said offence. |
| Evidence | 15. | Should the President be required to give evidence, the evidence shall be taken at such place and time as shall be determined in agreement with him. |
| Salary and other payments (Amendment No. 1) | 16. | The salary of the President of the State, and other payments paid to him during his tenure of office, shall be determined by a decision of the Knesset, and it is entitled to authorize the Finance Committee for this purpose. Decisions on the basis of this article shall be published in the Official Gazette. |
| Exclusivity of position | 17. | (a) The President of the State shall not serve in a post and shall not fulfill any position other than his post and position as President of the State, unless the Knesset |

House Committee has agreed to it.

- (b) The President of the State is except from any mandatory service.

Travel abroad

- 18. The President of the State shall not leave the State boundaries save with the consent of the Government.

Resignation
(Amendment No. 10)

- 19. 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 need not be countersigned. The position of the President shall become vacant after the letter of his resignation has reached the Speaker of the Knesset.

Removal of the
President from office

- 20. (a) The Knesset is entitled, by means of a resolution, to remove the President of the State from office, should it decide that he is unworthy of his office due to conduct that is unworthy of his status as President of the State.
- (b) The Knesset shall not remove the President of the state from office, save after a complaint was brought to the House Committee by at least twenty Members of the Knesset, and on the basis of a decision 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 House Committee shall not propose the removal of the President of the State from his office, unless he has been given the opportunity to contradict the complaint on the basis of the procedure laid down by the Committee with the approval of the Knesset, and the Knesset shall not decide to remove the President of the State from his office save after he has been given the opportunity to have his say on the basis of the procedure laid down by the House Committee with the approval of the Knesset.

- (d) The President of the State is entitled to be represented before the House Committee and before the Knesset by his council, as long as a Member of the Knesset shall not serve as council of the President. The House Committee and the Knesset are entitled to invite the President of the State to be present during the deliberations on the basis of this article.
- (e) The Knesset deliberations on the basis of this article shall be held in a sitting designated to this matter alone, or in successive sittings designated as stated. The debate shall begin no later than twenty days after the decision of the House Committee. The Speaker of the Knesset shall inform all the Knesset Members 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 convene the Knesset in order to hold the debate.

Vacancy the post for health reasons

- 21. (a) The Knesset is entitled, in a resolution taken by a majority of its members, to declare that for health reasons the President of the State is permanently unable to fulfill his office.
- (b) The Knesset shall not adopt the said resolution, save in accordance with a proposal of the House Committee, adopted by two thirds of its members, on the basis of a medical opinion submitted according to rules laid down by the Committee
- (c) Should the Knesset adopt a resolution as aforesaid, the office of the President of the State shall become vacant from the day of the resolution.

Temporary intermission (Amendment No. 6)

- 22.. (a) The President of the State shall temporarily cease to fulfill his office, and exercise his powers -
 - (1) Should he leave the borders of the State - from the time of his departure until his return;

(2) Should he notify the House Committee that he is temporarily unable to fulfill his office, and the House Committee has approved his notification by a majority of the votes - from the approval of his announcement until the end of the period, which the Committee has fixed, or until the President of the State has notified the House Committee that he is no longer unable to fulfill his office, whichever is the earlier date;

(3) Should the 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 determined by the Committee, that for health reasons the President of the State is temporarily unable to fulfill his office - from the adoption of the decision until the end of the period fixed by the Committee in its decision, or until it has decided that the President is no longer unable to fulfill his office.

(b) The House Committee shall not determine, on the basis of clause (a)(2) or (3), a period of over three months. It is entitled to prolong it, consecutively, for no more than three additional months. A prolongation of the period for above this period requires a resolution by the Knesset adopted by a majority of the Knesset Members, on the basis of a proposal by the House Committee.

Acting President and substitute

23. (a) Should the position of the President of the State be vacated, and as long as the new President of the State has not 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 fulfill his office, and exercise his powers, the Speaker of the Knesset shall substitute for the President of the State.

- (c) While serving as Acting President of the State, or as the replacement of the President of the State, the Speaker of the Knesset shall fulfill the functions assigned to the President of the State by law, and exercise the powers vested in the President of the State by law.
- Notices in the Official Gazette 24. (a) The Speaker of the Knesset shall publish a notice in the Official Gazette with regards to the following-
- (1) The commencement of the service of the President of the State;
- (2) The vacating of the position of the President of the State;
- (3) The commencement of the service of the Speaker of the Knesset as replacement of the President of the State, and the termination of this service, on the basis of article 22(a)(2) or (3).
- (b) The Prime Minister shall publish a notice in the Official Gazette regarding the departure of the President of the State from the borders of the State.
- Immutability of the law 25. Notwithstanding the provisions of any other law, Emergency Regulations cannot change, temporarily suspend, or condition this law.
- Repeal 26. (a) The following are repealed -
- (1) Articles 2(c), 6 and 7 of the Transition Law, 5709-1949;
- (2) The Office of the President of the State Law,

5712-1951.

- (b) The Law for Determining the Salaries of the President of the State, the Members of the Government, and the Chief Rabbis of Israel, 5711-1950, shall not apply to the salary of the President of the State, or to the payments due to him or his heirs.

Transitional provisions 27. The President of the State elected by the Knesset on 27 Iyar 5723 (21 May, 1963), shall be considered to have been elected on the basis of this law, and to have served in accordance with it.