



Adalah Briefing Paper

5 February 2015

Election Q&A: The 2015 Israeli Elections and Arab Parliamentarians

When and for what purpose is Israel holding elections?

Israel will hold parliamentary (Knesset) elections on 17 March 2015. The elections will determine the composition of the 20th Knesset, which has 120 seats.

Who will vote?

Israeli citizens aged eighteen and over have the right to vote. According to recent trends, Arab citizens are less likely to vote than Israeli Jewish citizens. In the last elections for the 19th Knesset (2013-2015), the voter turnout rate was approximately 65% overall and 54% among Arab voters.

Which main political parties are running in the election?

Twenty-six political parties have entered the race for the Knesset. Based on recent polls, it is likely that ten of these parties will win seats. The Israeli parties are considered to fall into four camps: the right wing camp, the religious, the center, and the left. The right wing camp includes the Likud, led by the current Prime Minister Binyamin Netanyahu; Jewish Home, led by Israel's Minister of Economy Naftali Bennett; and Yisrael Beiteinu, led by the Foreign Minister Avigdor Lieberman. The religious camp includes parties such as Shas and United Torah Judaism, which are likely to form coalitions with the leading party. The third camp includes the centrist parties, the Zionist camp led by Yitzhak Herzog and Foreign Minister Tzipi Livni, Yesh Atid led by Yair Lapid, and Kulanu led by Moshe Kahlon; and the fourth camp includes Meretz, headed by MK Zahava Gal On.

Are any Arab political parties running in the elections?

This election is seeing a joint united list, headed by Ayman Odeh, that is comprised of all the Arab parties' representatives in the 19th Knesset. They are the Arab-Jewish Democratic Front for Peace and Equality (Hadash/Jabha) party and the three Arab parties – The National Democratic Assembly (Balad/Tajammu'), The Islamic Movement (Ra'am), and The Arab Movement for Change (Ta'al). This election marks the first time that Arab political parties are running together for the Knesset within one joint list. The unification of the Arab parties came as a popular demand, and because of the raising of the election threshold from 2% to 3.25%. Many candidates in the Arab united list point out that the list is the best response to the ongoing attempts by the Israeli right wing to exclude Arab citizens from participating in the Knesset. They also argue that it will be the best response against the wave of discriminatory laws and policies that violate Arab citizens' rights.

Is fair representation for the Arab national minority guaranteed in the Knesset?

No. No seats are designated for Arab political party lists or candidates, and there is no quota system to ensure that Arab citizens are appropriately represented in the parliament. Since 1949, no Arab party has been invited to join or has been included in governmental coalitions. In the last Knesset, Arab parties held only 11 of 120 seats.

What is a disqualification motion and who can file it?

A disqualification motion is a request filed to the Central Elections Committee (CEC) to disqualify a political party list or an individual candidate from the Knesset elections. A simple majority of 51% percent of CEC members have to vote to approve the motion for it to be upheld. Any Israeli citizen aged eighteen and over can file a disqualification motion to the CEC. The Attorney General can also file such a motion.

What law governs the disqualification process?

The Elections Law (Consolidated Version) – 1969 governs the process of filing, deciding on and appealing against decisions on motions for disqualification. Article 7A of the Basic Law: The Knesset – 1985 (and subsequent amendments) enumerates the grounds on which a party or individual candidate can be disqualified from the elections.

Article 7A of the Basic Law: The Knesset, entitled “Prevention of participation in the elections,” provides that a candidate or a political party list may be disqualified from Knesset elections if their goals or actions: (i) deny the existence of the State of Israel as a Jewish and democratic state; (ii) incite to racism; or (iii) [offer] support of armed struggle to an enemy state or to a terrorist organization against the State of Israel. All disqualification motions filed against Arab parties and individual candidates in the past have relied on one or more of these provisions.

The vaguely-worded provisions of Article 7A are dangerous as they could be used to ban a political party that adopts political positions like supporting a one-state solution, for example, or a “state for all its citizens,” on the basis that such positions constitute some form of denial of the nature of the Jewish State. Further, the law does not define a “terror organization” or what acts would constitute offering “support” for an armed struggle. These provisions have been used to attempt to stifle free democratic debate and limit the political rights and freedoms of Arab citizens of Israel in particular.

What is the Central Elections Committee (CEC)?

The Knesset Elections Law (Consolidated Version) of 1969 establishes the Central Elections Committee (Va’adet HaBehirot HaMerkazit) in order to carry out the elections process for the upcoming Knesset. A Supreme Court justice, chosen by the Supreme Court, heads the committee. Supreme Court Justice Salim Joubran (the only Arab Supreme Court justice) is chairperson of the CEC for the current election cycle.

The functions of the CEC include: receiving the lists of candidates and party platforms and approving them; other technical duties related to facilitating the voting; training elections staff; collecting the elections results from each polling station; and tallying and publishing the elections results, among others. The CEC also holds hearings and decides on motions to disqualify political party lists and individual candidates from running in the elections.

Is there an appeal process from the CEC's decisions?

If the CEC votes to disqualify an individual candidate, it must forward its decision and arguments to the Supreme Court for approval. By contrast, a CEC decision to disqualify a political party list is binding; however, the list has the right of appeal to the Supreme Court against the CEC’s decision, under Article 64 of the Elections Law (1969). The Supreme Court has previously overturned CEC decisions to disqualify Arab political party lists and individual candidates. The CEC barred former MK Meir Kahane (Jewish Israeli-American) and his Kach political party from the Knesset in the 1980s for racism, and this decision was affirmed by the Supreme Court. Kahane and the Kach party

engaged in violent activities, and advocated for legislation to forbid sexual relations between non-Jews and Jews, to separate Jewish and Arab neighborhoods, and to prohibit meetings of any sort between Jewish and Arab young people.

Have any disqualification motions been submitted against Arab parties or candidates ahead of the 2015 elections?

Yes. To date, Yisrael Beitenu and the Likud party have asked to disqualify MK Haneen Zoabi. Their requests, which are all based on Article 7A of the Basic Law: The Knesset, variously cite the denial of Israel as a Jewish State and support for terrorism. The deadline for the submission of disqualification motions is 5 February 2015. Meanwhile, right wing actors have also announced their intention to file disqualification motions against the Joint List.

Have there been previous disqualification motions against Arab political parties and candidates?

Yes. In the 2013 elections, for example, right wing MKs asked the CEC to disqualify Arab parties Balad/Tajammu' and the United Arab List-Ra'am-Ta'al, and MK Haneen Zoabi, as an individual candidate, from the elections. The CEC approved the disqualification of MK Zoabi, but the Supreme Court cancelled the decision and MK Zoabi was allowed to run.

Adalah expects that the majority of the CEC will approve the current round of disqualification motions, since the CEC is composed of the political parties with representation in the previous Knesset. Most of these right wing parties are hostile towards the rights of Arab citizens to equal political participation.

Important election dates regarding disqualification motions:

- 5 February: Deadline for submitting disqualification motions to CEC
- 11 February: Deadline for responses to disqualification motions
- 15 February: CEC deadline to decide on disqualification motions
- 22 February: Deadline for Supreme Court's decisions in appeals on CEC's decisions
- 17 March: Election day

Historical background of Arab participation in Knesset elections

Palestinian Arab citizens of Israel have run in every election and been elected to every Knesset since the first Knesset elections in 1949. One Arab party, the Democratic List of Nazareth, won enough seats to cross the basic threshold in 1949, taking two seats. Until the 1960s, all Arab parties in the Knesset were affiliated with Mapai, the ruling party, a forerunner of the Labor party, which did not accept Arab members itself. In 1965, an independent Arab list attempted to run for Knesset elections, with the Al-Ard movement forming the United Arab List. However, the Supreme Court banned the list in the Yardor case on the ground that it "den[ied] the integrity of the State of Israel and its very existence." This decision was arbitrary as it was not based on any evidence or any law; it predated the enactment of Article 7A of the Basic Law: The Knesset.



ISRAELI ELECTIONS
The Disqualification Process

- **Disqualification motion:** A request to the CEC to disqualify a political party list or an individual candidate from the Knesset elections.
- **Central Elections Committee (CEC):** Carries out the elections process for the Knesset. Disqualification motions must be approved by a simple majority in the CEC to be upheld.
- **Supreme Court:** Accepts or rejects any CEC disqualifications.

ELECTION DAY: 17 MARCH 2015

