



In the Constitution

The following section conveys the spirit of the parts of the Constitution of the Fifth Republic setting forth the role of the President of the Republic, how he is elected, and his prerogatives. This is neither an official nor a complete text of the Constitution.

Article 5.

States that the President of the Republic shall ensure that the Constitution is observed, and that by his arbitration he is responsible for guaranteeing the proper functioning of the public authorities and the continuity of the State.

Article 6.

Stipulates that the President of the Republic is elected for five years by direct universal suffrage.

Article 7.

Deals with electoral procedures. The President of the Republic is elected by an absolute majority of votes cast. If this is not obtained on the first ballot, a second round of voting must be held, to take place two Sundays later. Only two candidates may stand for election on the second ballot, these being the two that obtained the greatest number of votes in the first round.

Voters are called by the Government to take part in the election.

The election of the new President shall take place not less than twenty days and not more than thirty-five days before expiration of the mandate of the president in office.

If for any reason the Presidency of the Republic should fall vacant, or if the Constitutional Council certifies that the President of the Republic is incapacitated, the duties of the President shall be temporarily exercised by the President of the Senate and, if the latter is in turn incapacitated, by the Government. In the event that the Constitutional Council declares the vacancy or the incapacity to be permanent, voting for the election of the new President shall take place, unless the Constitutional Council is forced by exceptional circumstances to decide otherwise, not less than twenty days and not more than thirty-five days after the declaration of permanent vacancy or incapacity. The Constitutional Council may postpone the election under certain conditions (for full details see official text of the Constitution).

If either of the two candidates in the lead in the first ballot dies or becomes unable to hold office, the Constitutional Council shall declare that the electoral procedure must be repeated in full; the same shall apply in the event of the death or incapacitation of one of the two remaining candidates standing for the second round of voting. All such cases shall be referred to the Constitutional Council.

The Constitutional Council may extend the time limits set, provided polling takes place no more than thirty-five days after the decision of the Council. If the elections are postponed beyond the expiration of the mandate of the



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President in office, the latter shall remain in office until his successor is proclaimed.

Article 8.

Stipulates that the President of the Republic shall appoint the Prime Minister and shall terminate his appointment when the latter tenders the resignation of the Government. The President shall appoint and dismiss the other members of the Government on the proposal of the Prime Minister.

Article 9.

States that the President of the Republic shall preside over the meetings of the Council of Ministers (Cabinet).

Article 10.

Provides that the President of the Republic shall promulgate Acts of Parliament within fifteen days following the final adoption of an Act and its transmission to the Government. He may, before the expiration of this time limit, ask Parliament to reconsider the Act or sections of it. Parliament is bound to accede to this request.

Article 11.

States that the President of the Republic may, on the proposal of the Government or of both Houses of Parliament, submit to a referendum any Government bill which deals with the organization of the public authorities, with reforms concerning the economic or social policy of the Nation and the public services contributing thereto, or which provides for authority to ratify a treaty which, although not contrary to the Constitution, would affect the functioning of existing institutions.

When a referendum is held in response to a proposal by the Government, the latter shall make a statement before each assembly which shall be followed by a debate.

If the Government bill is approved by referendum, the President of the Republic shall promulgate it within the two weeks following the proclamation of the results of the vote.

Article 12.

Provides that the President of the Republic may, after consulting the Prime Minister and Presidents of the two Houses of Parliament, dissolve the National Assembly. In this event, a general election shall be held not less than twenty days and not more than forty days after the dissolution. The new National Assembly shall convene as of right on the second Thursday following its election. If Parliament is in recess, an extraordinary session shall be called for a fifteen-day period. No further dissolution shall take place during the year that follows these elections.

Article 13.

Stipulates that the President of the Republic shall sign the regulations and decrees deliberated upon in the Council of Ministers.

He shall make appointments to the civil and military posts of the State.



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Conseillers d'Etat (Councillors of State), the grand chancelier de la Légion d'Honneur (Grand Chancellor of the Legion of Honour), ambassadors and envoys extraordinary, senior members of the State Audit Court, prefects, government representatives in the overseas territories, general Army officers, recteurs des académies (Heads of regional educational authorities), and heads of central government services shall be appointed by the Council of Ministers

Article 15.

Stipulates that the President of the Republic shall be commander-in-chief of the armed forces, and that he shall preside over the higher National Defense councils and committees.

Article 16.

Provides that, when the institutions of the Republic, the independence of the Nation, the integrity of its territory or the fulfilment of its international commitments are under serious and immediate threat and the proper functioning of the constitutional public authorities is interrupted, the President of the Republic shall take the measures required by these circumstances, after formally consulting the Prime Minister, the Presidents of the assemblies and President of the Constitutional Council.

He shall inform the Nation of these measures in a message.

These measures must be based on the desire to provide the constitutional public authorities, in the shortest possible time, with the means to carry out their duties. The Constitutional Council shall be consulted with regard to such measures.

Parliament shall convene as of right.

The National Assembly shall not be dissolved during the exercise of the emergency powers.

Article 17.

Gives the President of the Republic right to grant pardon.

Article 18.

Stipulates that the President of the Republic shall communicate with the two assemblies by means of messages, which he shall cause to be read and which shall not be the occasion for any debate. Outside sessions, Parliament shall be convened especially for this purpose.

Article 19.

Acts of the President of the Republic, other than those provided for under articles 8 (first paragraph), 11, 12, 16, 18, 54, 56 and 61, shall be countersigned by the Prime Minister and, where required, by the appropriate Ministers.

For the full text of the above articles, see: La Constitution, Journal officiel de la République Française, February 1995.

For translations of the French Constitution, see Olivier Duhamel, La Constitution Française: Français-anglais›allemand›espagnol›italien, Presses Universitaires de France (Collection "Que Sais-Je", n° 2525).

