

Twenty-Eight Seats and No Government

Why the party that comes first in Israel doesn't automatically form the government. For readers abroad. Tuesday 27 October 2026, after voting ended at 22:00.

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If you're reading this in Mumbai or Johannesburg, you may expect the party with the most seats to take office. Israel works differently. The question isn't who came first. It's who can win the confidence of 61 of the Knesset's 120 members.

Step 1: the official results

The Central Elections Committee counts the ballot boxes, including the soldiers' and diplomats' envelopes, and publishes the official results. Basic Law: The Knesset (section 11) gives it up to eight days after election day. For this election, that means by Wednesday 4 November 2026 at the latest.

Step 2: the President listens

Under Basic Law: The Government, section 7, the President consults the representatives of every list that won seats. Each list says whom it recommends to form the government, or recommends no one. The President then gives the task to a Knesset member who agrees to take it on, within seven days of the official results.

The law doesn't say "the leader of the largest party". It doesn't use the words "best chance" either. In practice Presidents choose the member they judge most likely to put together a majority, and the recommendations are the main evidence they have.

Step 3: the clock

- The member tasked has 28 days. The President may extend that by up to 14 more days in total (section 8).
- If no government is formed, the President has three days to give the task to a second member, or to tell the Speaker of the Knesset he sees no way to form a government (section 9). The second member has 28 days, with no extension.
- If that fails too, a majority of Knesset members, 61, can ask the President in writing within 21 days to task a member they name. That member has 14 days (section 10).
- If no one succeeds, the Knesset is treated as having dissolved itself, and new elections are held on the last Tuesday before 90 days pass (section 11).

A government exists only when it presents itself to the Knesset and the Knesset votes confidence in it (section 13).

Meanwhile: the outgoing government stays

Israel is never without a government. Under section 30(b), the outgoing government keeps working until the new one is formed. It's often called the transitional government. Ministers stay in office and the state keeps running.

The 2009 example

On 10 February 2009, Kadima, led by Tzipi Livni, won 28 seats. Likud, led by Benjamin Netanyahu, won 27. Kadima came first.

At the President's consultations, Likud, Yisrael Beiteinu, Shas, United Torah Judaism, the National Union and the Jewish Home recommended Netanyahu: $27 + 15 + 11 + 5 + 4 + 3 = 65$ members, a majority of 120. Kadima's 28 members recommended Livni. Labor, Meretz and the Arab parties recommended no one.

On 20 February 2009, President Shimon Peres gave the task to Netanyahu, the leader of the second-largest party. After an extension, Netanyahu presented his government, and on 31 March 2009 the Knesset approved it, 69 to 45. Labor, which had recommended no one, had joined. Kadima went into opposition.

So 28 seats came first and didn't govern. 65 recommendations did.

What to watch, in order

1. The official results, within eight days.
2. The recommendations at the President's residence, list by list. Add up the seats behind each name.
3. Whom the President tasks, and the 28-day clock.
4. The confidence vote in the Knesset. That vote, not election night, decides who governs.

All glory to the Ribono shel Olam · Errors are mine

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בעברית: עשרים ושמונה מנדטים ואין ממשלה

הרשימה הגדולה ביותר לא מרכיבה את הממשלה אוטומטית. השאלה היא מי יכול לקבל את אמון 61 מתוך 120 חברי הכנסת.

שלב 1: התוצאות הרשמיות. ועדת הבחירות המרכזית מפרסמת את התוצאות הרשמיות עד שמונה ימים אחרי יום הבחירות (חוק-יסוד: הכנסת, סעיף 11). בבחירות האלה: עד יום רביעי, 4 בנובמבר 2026.

שלב 2: הנשיא מתייעץ. לפי חוק-יסוד: הממשלה, סעיף 7, הנשיא מתייעץ עם נציגי הרשימות שנבחרו לכנסת, וכל רשימה ממליצה על מועמד, או על אף אחד. תוך שבעה ימים מפרסום התוצאות הנשיא מטיל את התפקיד על חבר כנסת שהסכים לכך. החוק לא קובע שזה יהיה ראש הרשימה הגדולה.

שלב 3: השעון.

- 28 יום, ועוד הארכות של עד 14 יום בסך הכול (סעיף 8).
- אם לא הצליח: תוך שלושה ימים הנשיא מטיל את התפקיד על חבר כנסת אחר, או מודיע ליו"ר הכנסת שאין אפשרות. לשני ימי 28 יום (סעיף 9).
- אחר כך: רוב חברי הכנסת, 61, יכולים לבקש בכתב תוך 21 יום להטיל את התפקיד על חבר כנסת מסוים, ולו 14 יום (סעיף 10).
- אם אף אחד לא הצליח: רואים את הכנסת כאילו החליטה להתפזר, והבחירות ביום שלישי האחרון שלפני תום 90 יום (סעיף 11).

בינתיים: הממשלה היוצאת ממשיכה בתפקידה עד שתיוון הממשלה החדשה (סעיף 30(ב)).

הדוגמה של 2009: ב-10 בפברואר 2009 קדימה בראשות ציפי לבני זכתה ב-28 מנדטים, והליכוד בראשות בנימין נתניהו ב-27. בהתייעצויות המליצו על נתניהו הליכוד, ישראל ביתנו, ש"ס, יהדות התורה, האיחוד הלאומי והבית היהודי: 65 חברי כנסת. על לבני המליצו 28 חברי קדימה. ב-20 בפברואר 2009 הנשיא שמעון פרס הטיל את התפקיד על נתניהו, וב-31 במרץ 2009 הכנסת אישרה את הממשלה ברוב של 69 מול 45.

28 מנדטים הגיעו ראשונים ולא הרכיבו ממשלה. 65 המלצות הרכיבו.

Sources (all checked 27 October 2026)

- Basic Law: The Government, sections 7, 8, 9, 10, 11, 13 and 30(b), Knesset English translation (unofficial; the Hebrew text is binding): <https://main.knesset.gov.il/EN/activity/Documents/BasicLawsPDF/BasicLawTheGovernment.pdf>
- Basic Law: The Knesset, section 11 (official results published within eight days of election day), Knesset English translation: <https://main.knesset.gov.il/EN/activity/Documents/BasicLawsPDF/BasicLawTheKnesset.pdf>
- 2009 results (Kadima 28, Likud 27, Yisrael Beiteinu 15, Labor 13, Shas 11, UTJ 5, National Union 4, Jewish Home 3), as listed from the official results: https://en.wikipedia.org/wiki/2009_Israeli_legislative_election
- 2009 recommendations (65 for Netanyahu, 28 for Livni; Labor, Meretz and Arab parties none): Ynet, "Peres tasks Netanyahu with forming government", 20 February 2009: <https://www.ynetnews.com/articles/0,7340,L-3674886,00.html>
- Tasking date and context: Washington Post, "Netanyahu to Form Israeli Government", 20 February 2009: <https://www.washingtonpost.com/wp-dyn/content/article/2009/02/20/AR2009022000219.html>
- Confidence vote 31 March 2009, 69 for, 45 against: https://en.wikipedia.org/wiki/Thirty-second_government_of_Israel (citing Ynet, 31 March 2009)