



Israel: April 2019 Elections and Probable Indictments Against Prime Minister Netanyahu

March 6, 2019

The closely contested Israeli national elections scheduled for April 9, 2019, will have significant implications for the country's leadership and future policies. Prime Minister Binyamin Netanyahu called for elections to take place seven months earlier than required by law, [partly in hopes of winning a popular mandate](#) to counteract legal allegations threatening his tenure. These allegations led to [Attorney General Avichai Mandelblit expressing his intent, on February 28, 2019, to indict Netanyahu](#) for bribery, fraud, and breach of trust.

If Netanyahu maintains political support from voters and coalition partners in the Knesset (Israel's parliament), [he can probably stay in office until the legal process ends](#), which could take months or years (see [Table 1](#) below). Netanyahu has been prime minister for the past decade (and served an earlier three-year term in the 1990s).

Congress actively follows issues relating to Israel, given [Israel's significance for U.S. policy in the Middle East](#). The outcome of the elections and government formation process—especially in light of the cases against Netanyahu—will be relevant for Members of Congress. Who leads the government and which parties comprise the coalition could affect Israeli approaches to the Palestinian issue, particularly in light of the [Trump Administration's stated intent to unveil a peace plan](#) after Israel's elections.

Congressional Research Service

<https://crsreports.congress.gov>

IN11068

Table I. Suggested Indictments Against Netanyahu and Estimated Time Between Legal Steps

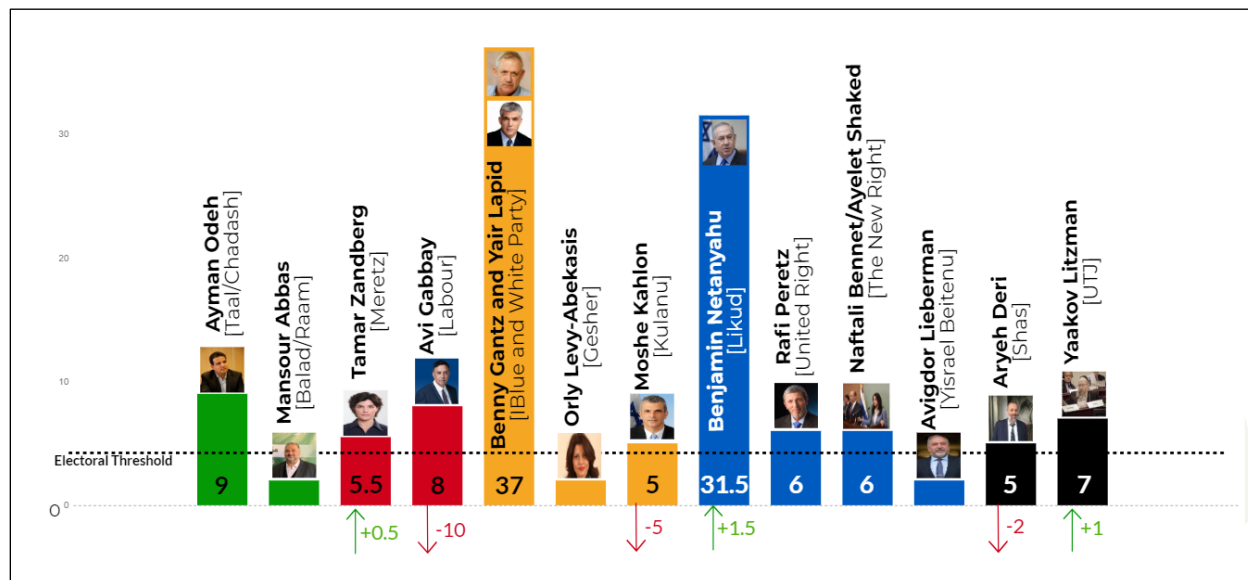
Suggested Indictments				
<p>Case 1000</p> <p>Netanyahu received gifts from Hollywood mogul Arnon Milchan, in return for political favors</p> <p><i>The charge:</i> Fraud and breach of trust</p> <p><i>From the draft indictment:</i> “There is enough evidence to prove that the gifts, given in large scale and in unusual ways, had been received in exchange for actions by Netanyahu.”</p> <p><i>Netanyahu’s defense:</i> It is acceptable to receive some gifts from friends, some decisions were against Milchan’s interests</p>	<p>Case 2000</p> <p>Netanyahu and Yedioth Ahronoth publisher Arnon Mozes struck a deal: Favorable coverage in return for legislation to damage Sheldon Adelson-owned newspaper Israel Hayom</p> <p><i>The charge:</i> Fraud and breach of trust</p> <p><i>From the draft indictment:</i> “Evidence allegedly shows that Netanyahu, in his conversations with Mozes, violated the trust he owes to the public, and severely hurt the image of public service and public faith in it.”</p> <p><i>Netanyahu’s defense:</i> Mozes and I fooled each other; there was never any intention to follow through</p>	<p>Case 4000</p> <p>As communication minister, Netanyahu took steps that benefited Shaul Elovitch who controlled Bezeq – in return for favorable coverage in Bezeq’s Walla News site</p> <p><i>The charge:</i> Bribery, fraud and breach of trust</p> <p><i>From the draft indictment:</i> “Based on ... actions and circumstantial evidence, the attorney general has reached a clear conclusion, by which corrupt, improper motives were at the core of Netanyahu’s actions.”</p> <p><i>Netanyahu’s defense:</i> Favorable coverage isn’t bribery</p>		
Estimated Time Between Legal Steps				
<p>Step 1.</p> <p>Attorney General (AG) decision to indict, pending a hearing</p> <p>3-9 months</p>	<p>Step 2.</p> <p>Pre-trial hearing</p> <p>3 weeks-4 months</p>	<p>Step 3.</p> <p>AG final decision</p> <p>3-7 months</p>	<p>Step 4.</p> <p>District Court trial (which could last about a year) and ruling</p>	<p>Step 5.</p> <p>Supreme Court appeal</p> <p>6-12 months</p>

Sources: *Ha’aretz* (verbatim text on suggested indictments) and [British Israel Communications and Research Centre \(BICOM\)](#) (on estimated timeline).

Even before Israel’s attorney general revealed his intent to indict Netanyahu, most observers’ assumptions that Netanyahu was the clear electoral favorite changed with the entrance of [former top general Benny Gantz](#) into politics and [the merger of his new centrist party](#) with that of popular opposition figure (and former Finance Minister) [Yair Lapid](#). Polls indicate that their Blue and White party could win the most seats in the Knesset (see **Figure 1** below). If Gantz and Lapid succeed at forming the next government, [their agreement](#) calls for Gantz to serve as prime minister for the first two-and-a-half years of the next government’s tenure, and Lapid to serve the remainder (up to two years).

As of early March, [Gantz and Netanyahu are running almost even](#) in most polls that ask for voters’ preferences for prime minister. Since 1986, all Israeli prime ministers have been at one point either a Likud party member or a top general.

Figure I. Estimated Knesset Seats by Party
(Based on aggregated polling from March 3-5, 2019)



Source: BICOM, with polls derived from various Israeli sources.

Notes: Party color-coding: Green=Arab, Red=Leans left, Orange=Centrist, Blue=Leans right, Black=Ultra-Orthodox. In Israel, a party's position on Palestinian issues generally determines its left-right orientation. Arrows indicate the projected gain/loss of Knesset seats, where applicable. The electoral threshold is 3.25% of the popular vote.

Key Considerations in Forming the Next Israeli Government

To lead a coalition, a party needs the support of other parties whose combined votes make a majority in the 120-seat Knesset. After the elections on April 9, [Israeli President Reuven Rivlin will determine](#) which Knesset member is in the best position to form a government, and give that task to him or her for a period that could last up to four weeks, with the possibility for a two-week extension.

For Netanyahu

A number of polls suggest that Netanyahu's Likud party could maintain an advantage in forming a government because Likud would still be close to a majority coalition if it can hold on to its partnerships with the right-leaning and ultra-Orthodox parties in its current coalition. One party that could swing the outcome is Kulanu—a center-right party currently in Netanyahu's coalition. [Kulanu](#) may be willing to serve in another Netanyahu-led coalition—at least until an indictment hearing takes place this year or next—but also may be open to joining a Gantz-led coalition.

In an effort to increase the share of Knesset votes for his natural coalition partners, Netanyahu encouraged a Jewish nationalist party [characterized as extreme by many mainstream Israeli observers](#) (known as Jewish Power or *Otzma Yehudit*) [to merge with another faction](#) (known as the Jewish Home or *Ha'Bayit Ha'Yehudi*). To help make the deal, [Netanyahu promised two cabinet ministries](#) to Jewish Home. By merging into a new party known as United Right, Jewish Home and Jewish Power became more likely to reach Israel's 3.25% electoral threshold for Knesset representation.

Netanyahu's efforts to bolster Jewish Power have stirred controversy [in Israel](#). Additionally, some [Members of Congress](#) and [American Jewish organizations](#) have expressed concerns about Jewish Power's possible inclusion in the Knesset and the government, while [others](#) and [Secretary of State Mike Pompeo](#) have characterized the matter as one for Israelis to resolve internally. Jewish Power is ideologically

related to Kach, a far-right party that was led in the 1980s by the [late Meir Kahane](#)—an American-born rabbi and activist who helped found the Jewish Defense League and was assassinated in 1990. In the 1990s, [Israel outlawed Kach and its offshoot Kahane Chai \(or Kahane Lives\)](#), and the [U.S. government placed both parties on its list of Foreign Terrorist Organizations](#)—a designation that still stands.

Netanyahu has defended his role in bolstering Jewish Power [by claiming](#) that the Gantz-Lapid alliance would form a coalition with Israeli Arab parties as part of a supposed left-wing effort to overtake the right. Historically, [no Israeli Arab parties have joined a government coalition](#), though the Labor-led government of Yitzhak Rabin [counted on Arab support in the Knesset](#) to advance the Oslo peace process in the early 1990s.

For Gantz and Lapid

In order to claim the advantage from Netanyahu, Gantz and Lapid would probably need some combination of [“soft right” voters](#) they might pull from Kulanu and Likud and deals with some of Netanyahu’s coalition partners. Gantz has sought to draw contrasts with Netanyahu less through policy specifics than by [presenting himself as a more unifying figure](#). Also, by citing his military experience, Gantz apparently hopes to [neutralize Netanyahu’s traditional advantage with voters on national security issues](#). Blue and White’s electoral list includes two other former top generals—Gabi Ashkenazi and Moshe Ya’alon (who was Netanyahu’s defense minister from 2013 to 2016) and [features both left- and right-leaning figures](#).

Questions surrounding Blue and White include whether [its appeal as an alternative to Netanyahu](#) can endure with voters and potential coalition partners, and translate into cohesive and effective governance. [According to one analysis](#), almost every Israeli election in the past two decades has featured a new centrist party, with most supplanted by newer centrist parties within the next one or two electoral cycles.

Author Information

Jim Zanotti
Specialist in Middle Eastern Affairs

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS’s institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.