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# **Elections in Tunisia**

## *2014 Presidential Election*

Frequently Asked Questions

Middle East and North Africa

International Foundation for Electoral Systems

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# Frequently Asked Questions

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*Disclosure:*

*These FAQs reflect decisions made by the Tunisian elections authorities as of November 18, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## **When is Election Day?**

Presidential elections will be held on Sunday, November 23, 2014. Polling stations open at 8:00 a.m. and voting ends at 6:00 p.m., after which counting starts at the polling station level and continues until all votes from the polling station are counted and transferred to tally centers.

## **How is the President elected?**

In the event that no candidate obtains an absolute majority of votes during the November 23 election, a second round will be held between the two candidates with the highest number of votes. It will take place within two weeks following the announcement of the final results of the first round.

## **Who are citizens voting for on Election Day?**

The November 23 vote will take place to select the next President of Tunisia under the new constitution adopted in January 2014. The current President, Moncef Marzouki, was elected by the National Constituent Assembly (NCA) in December 2011 following the October 23, 2011 NCA elections.

## **What are the powers of the President?**

According to the new Constitution, the President, along with the Prime Minister, is the head of the executive branch. The President of the Republic is the Head of State and the symbol of its unity. He guarantees its independence and continuity. The President of the Republic is constitutionally mandated to direct defense, foreign affairs and national security policy, after consultation with the head of government. She/he appoints the Prime Minister and is consulted in the choice of the Ministers of Foreign Affairs and Defense. The President chairs the Committee of Ministers that deliberates issues related to foreign affairs, defense and national security.

The President can dissolve the Assembly of the Representatives of the People (ARP) in accordance with the Constitution's provisions. She/he chairs the National Security Council and is the Commander-in-Chief of the armed forces. She/he declares war and establishes peace, upon the approval by a majority of three-fifths of the members of the ARP.

The President promulgates laws. In the event she/he refuses to sign a law, she/he can decide to send draft laws back to the ARP for a second reading. In such cases, the ARP has to adopt the law with a reinforced majority. In that event, the President can also decide to resort to a referendum.

## **What is the legal framework for elections?**

The new Constitution drafted by the National Constituent Assembly (NCA), adopted on January 26, 2014, affects all three branches of government, including the framework for presidential elections. The Constitution stipulates that the President of the Republic will be elected directly for a five-year term by an absolute majority of valid votes.

The president can only serve two terms, whether successive or separate. This constitutional provision cannot be amended.

In the event that no candidate receives an absolute majority (more than 50 percent of the votes) of valid votes on November 23, a second-round election will be held for the two candidates who received the highest percentage of votes. The same laws and regulations will apply to this election, which will occur before December 31, 2014 and within two weeks of the announcement of the final results from the first round. The candidate who secures the majority of votes in the second round is declared the winner.

The framework governing the presidential election involves the following laws and regulations:

- Organic Law No. 2012-23 governing the creation of the High Independent Election Authority or *Instance Supérieure Indépendante pour les Élections* (ISIE) as amended and supplemented by Organic Law 2013-44 (dated November 1, 2013)
- Organic Law 2014-16 (dated May 26, 2014) governing elections and referenda
- Joint decision between the Independent High Authority for Elections (ISIE) and the Independent High Authority for Audiovisual Communication (dated July 5, 2014)
- ISIE Decision 2014-18 (dated August 4, 2014) on the rules and procedures for candidate nominations for the presidential election
- ISIE Decision 2014-20 (dated August 8, 2014) related to rules, procedures and modalities of electoral campaign finance
- ISIE Decision 2014-26 (dated August 8, 2014) related to rules on the electoral campaign in print and electronic media
- Ministry of Finance Decree 2014-3038 (dated August 29, 2014) related to campaign finance ceilings for the presidential elections
- ISIE Decision 2014-30 on rules and procedures for voting and counting
- ISIE Decision 2014-28 (dated September 15, 2014) related to rules on the organization and procedures of the electoral campaign.
- ISIE Decision 2014-32 (dated October 14, 2014) on management of results, modified on November 6

## **Who can stand for the presidential elections?**

To be eligible as a candidate to the presidency, one has to be at least 35 years old, a Tunisian citizen by birth and be a Muslim. If a candidate holds citizenship outside of Tunisia, she/he must abandon it if elected. Additionally, ten members of the Parliament and 40 chairpersons of local councils must endorse each candidate, or the candidate must collect a total of 10,000 signatures by registered voters from at least ten constituencies, with a minimum of 500 signatures in each constituency. However, for the November 23 elections – in the absence of elected local councils – 10 members of the National Constituent Assembly or 10,000 voters can endorse presidential candidates. In addition to supporting signatures, candidates must provide a financial deposit of 10,000 Tunisian dinars.

In the event of the death of one of the candidates during the first or second round, all candidates' nominations shall be reopened and new dates for elections will be announced.

## Who are the presidential candidates?

Out of the original 70 applications<sup>1</sup> received on September 22, 2014, 27 candidates were approved by the Independent High Authority for Elections or *Instance Supérieure Indépendante pour les Élections* (ISIE), and will compete for this election.

Below are some prominent candidates as they appear on the ballot:

- Kalthoum Kannou, independent
- Abderrahim Zouari, candidate of Destourien Mouvement
- Kamel Morjane, candidate of The Initiative Party
- Abderrazek Kilani, independent
- Béji Caïd Essebsi, candidate of Nidaa Tounes Movement
- Slim Riahi, President of the Free Patriotic Union, or *Union Patriotique Libre* (UPL)
- Ahmed Néjib Chebbi, candidate of Al-Joumhouri Party
- Mohamed Frikha, independent
- Abderraouf Ayadi, candidate of the Wafa Mouvement
- Mustapha Ben Jaafar, candidate of Ettakatol
- Mondher Zenaïdi, independent
- Moncef Marzouki, incumbent President, candidate of the Congress for the Republic
- Hechmi Hamdi, candidate of the Current of Love
- Hama Hammami, candidate of the Popular Front

Abderrahim Zouari, Mohamed Hamdi, Mustapha Kamel Nabli and Nourredine Hached (the son of a notable union leader) have all withdrawn from the presidential race but they will still appear on the ballot as their withdrawals occurred after the deadline.

## What are the campaign rules?

The electoral campaign period for the presidential elections began on November 1, 2014 and will end on November 21 at midnight. In case of a second round, the electoral campaign begins the day after the announcement of the final results of the first round.

The Electoral Law contains many prohibitions on the types of campaigning and locations where campaigning can take place. The law stipulates that campaigning must comply with fundamental principles such as the neutrality of public administrative offices, places of worship and the national media as well as a transparency of funding, equality between candidates and non-incitement to violence, hatred or discrimination. It prohibits campaigning and distributing campaign materials at the premises, as well as by members, of public administrative facilities, public institutions, or private institutions not open to the public. The use of state administrative resources is forbidden. Furthermore, it prohibits campaigning in “educational, academic, and vocational institutions.”

The Electoral Law was designed to ensure equality of access to public media for all candidates. The national media must be neutral. Candidates may use national and electronic media for campaigning, but

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<sup>1</sup> Out of 70 candidates, only six women applied to enter the presidential race, with only one female candidate’s application being accepted.

not foreign media. According to an Independent High Authority for Elections decision, dated September 8, 2014, all candidates competing for the first round will receive equal media coverage in both electronic and print media; the same equality applies for the two candidates qualified for the potential second round. All candidates are entitled to free airtime on national television and radio.

Political publicity, defined as any free and/or paid form of campaigning using marketing methods and techniques in support of one candidate with the intent of obtaining voters' support, is prohibited by the Electoral Law during the entire election period. However, exceptions exist for partisan newspapers, which may post advertisements for their candidates and for stationery and mobile advertising tools such as billboards and ad campaigns on buses and taxis. That said, these exceptions will not be allowed during the electoral silence period, beginning at midnight on the November 21.

## **What are the rules for campaign finance?**

As stipulated by the Electoral Law, campaigns can be funded by private and public sources. Candidates are allocated a grant as public assistance to his/her campaign. Each candidate will receive about 79,200 Tunisian dinars (or \$40,000 [USD]) for the first round (15 dinars per 1,000 registered voters). The two candidates qualified for the second round will each receive an additional 52,800 Tunisian dinars or \$30,000 (USD) for the second round (10 dinars per 1,000 registered voters). Decree 2014-3038 of August 29, 2014 stipulates the ceiling of private funds raised for each round of the presidential elections at ten times the amount of public subsidy received. Additionally, private funding cannot exceed eight-tenths of the total amount of funds.

For the first round of elections, half of the grant is provided seven days before the launch of the electoral campaign. The other half is disbursed within seven days after the announcement of the final results of the elections, provided that the candidate obtained at least 3 percent of the valid votes nationwide. A candidate who receives less than 3 percent must return the public subsidy. In case of no reimbursement, the candidate will not be entitled to receive a public subsidy in future elections.

For the second round, the two qualified candidates receive the first half of the grant within three days after the announcement of the final results of the first round and the second half no later than seven days after the announcement of the final results of the second round.

The Electoral Law allows, but limits to 30 times the minimum wage, (approximately 9,000 Tunisian Dinars or \$5,000 [USD]), private donations from individuals. The Electoral Law also prohibits foreign funding for electoral campaigns. Vote buying and anonymous donations are also prohibited. Political parties are not allowed to finance the campaign of their presidential candidates.

The Independent High Authority for Elections (ISIE) and the Court of Accounts, in coordination with the Central Bank and Ministry of Economy and Finance, are responsible for controlling campaign finance. All funds received and disbursed must be disclosed to the Court of Accounts within 45 days of the date of the final announcement of election results. Candidates must also publish their financial statements in a Tunisian daily newspaper within two months of the final results announcement.

Candidates found noncompliant with campaign finance regulations will face financial, political or penal sanctions depending on the violation. Sanctions include the following:

- In the case of non-submission of campaign accounts, the Court of Accounts pronounces financial sanctions amounting to up to 25 times the spending limit.
- In the case of the rejection of campaign accounts, the Court of Accounts pronounces financial sanctions amounting to 10 times the expenditure limit.
- If a party exceeds the electoral expenditures ceiling, the Court of Accounts imposes financial sanctions proportional to the excess.
- If candidates receive funding from foreign sources, she/he is sentenced to five years in prison. In addition, the Court of Accounts can impose a financial sanction ranging from 10 to 50 times the estimated value of the foreign funding. Finally, the sanctioned candidates cannot run for the next presidential elections.
- If vote buying occurs, the Court of Accounts imposes a financial sanction (a fine of 1,000-3,000 Tunisian Dinars) and a penal sanction (6 months to 3 years of imprisonment) on whomever sold their vote.

The Court of Accounts is required to prepare a report on the results of its monitoring of campaign finance within six months of the final results announcement, and it will publish this report in the Official Gazette of the Republic of Tunisia and on its website.

## **Who can vote in the country?**

According to the Electoral Law, any Tunisian citizen at least 18 years of age on the day preceding Election Day and who is on the voter list is eligible to vote, with the exception of:

- Persons sentenced to a complementary penalty, under Article V of the Penal Code;
- Military personnel, as defined by the General Basic Law for Military Personnel and Agents of the Internal Security Forces, including:
  - Officers of the Internal Security Forces,
  - Officers of the National Guard,
  - Officers of the Civil Protection,
  - Officers of the Prisons and Juvenile Detention Centers, and
  - Officers of the Security Forces for the President of the Republic and Official Personalities;
- Persons who are placed under legal guardianship on the grounds of insanity, so long as guardianship is effective.<sup>2</sup>

## **How many registered voters are there?**

There were 5,285,136 Tunisians registered to vote for both the parliamentary elections, including 359,530 out-of-country voters. Of those registered, 50.5 percent are women and 49.5 percent are men. This figure will slightly change for the presidential election as the ISIE opened the possibility for citizens holding valid receipts proving their voluntary registration in 2014 to be included on the voters' list. This process was conducted from November 2-8. In addition, Tunisians living abroad could select a new polling station. As a result, the ISIE received 9,452 requests, of which only 1,618 were accepted and most of them (1,415) in relation with Tunisians residing abroad wishing to change their polling station (1,129). Only 489 requests related to inclusion in voter lists.

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<sup>2</sup> See Resources section for full-text versions of relevant laws and regulations.

## **What is the election management body? What are its powers?**

The election management body in Tunisia is known as the Independent High Authority for Elections or *Instance Supérieure Indépendante pour les Élections* (ISIE). The ISIE is a permanent commission entrusted with conducting democratic, free, pluralistic, fair and transparent elections and referendums. It is composed of nine “independent, neutral, competent and honest” members elected by Assembly of the Representatives of the People for a single six-year term, with one-third of the membership being replaced every two years. In addition to the Board of Commissioners, the ISIE is made up of an executive secretariat and regional commissions in each electoral constituency. Further information on its structure and powers can be found in IFES’ Frequently Asked Questions published on January 24, 2014: [“Elections in Tunisia: 2014 Independent High Authority for Elections Selection.”](#)

## **What is a polling center? What is a polling station?**

A polling center is a group of one or more polling stations. Each polling center has a President and one or more Information Officers, depending on the number of polling stations in the center. The purpose of polling centers is to coordinate logistical operations and facilitate the work of polling stations.

A polling station is the place where voting and counting will take place on Election Day. Each polling station will have a President and three additional poll-workers.

## **How many polling stations are set up on Election Day?**

There are 10,569 polling stations in Tunisia and 405 stations outside of the country for Tunisians living abroad. The polling stations have been distributed so that no station has over 600 registered voters.

## **Is out-of-country voting allowed?**

Yes, Tunisian citizens living abroad are allowed to vote. Four hundred and five polling stations will be set up in countries that have at least 50 registered voters. Out-of-country voting will take place on November 21-23. In the case of a second-round election, out-of-country voting will take place on the two days preceding Election Day as well as on Election Day itself.

## **How will voters with disabilities cast their ballots?**

According to the Electoral Law, all voting stations must be equipped to accommodate voters with disabilities. Voters who are blind or have a physical disability that prevents writing may be accompanied by a spouse or blood-relative that is an eligible voter. If no escort is available, the chairperson will ask one of the voters present in the voting station to assist the voter. Escorts may not assist more than one voter and cannot influence the choice of the voter. If a voter is accompanied during the voting process, the companion will dip his or her finger in ink. Each polling center will be equipped with a folder in braille that will assist persons with visual disabilities. A guide about voting procedures, including in braille, was prepared and disseminated by civil society organizations to encourage the participation of persons with disabilities who represent 13.5 percent of the Tunisian population.



During the October 26, 2014 parliamentary elections, some polling centers did not provide adequate access to persons with disabilities and some polling stations were on the second floor of the center, which made it difficult for persons with disabilities to cast their ballots. The Independent High Authority for Elections had plans to build ramps in 43 polling centers to increase accessibility for the presidential election.

## **What technology will be used?**

While voting, counting and tabulation will be completed by hand for the presidential elections, the Independent High Authority for Elections created a SMS system by which voters can confirm their registration status and polling station via text message. Prior to Election Day, voters can also check to see if their signature to endorse a presidential candidate is listed. This was created after widespread claims of forged signatures on the applications for presidential candidates. If a voter uses the texting service and sees his or her name listed in support of a candidate she/he did not support, she/he can report the fraud to the authorities.

## **Will the election management body use a media center?**

The Independent High Authority for Elections (ISIE) will open an Elections Media Center on November 20. The Media Center will be the focal point of communication between the ISIE, journalists and the public regarding the parliamentary elections. The Media Center will be located at the *Palais des Congrès* in Tunis and remain open until the preliminary results are announced by the ISIE.

Accredited media, observers, agents, ISIE staff and guests of the ISIE will be allowed to visit the Media Center. Visitors must show accreditation cards to gain access and can apply for accreditation through the ISIE.

Through the Media Center, the ISIE will be able to provide timely information concerning the electoral process and announce election results. This will increase the transparency, trust and credibility of the electoral process in Tunisia.

## **Where is voting, counting and tabulation held?**

Voting and counting will take place at polling stations. Counting will begin immediately after polling closes on Election Day and votes will be counted publicly and in the presence of observers and representatives of candidates. Results from each polling station will be posted in a publicly accessible place at the polling station. Results will then be transmitted to the relevant tally centers in tamper-evident bags. Results from each of the 33 constituencies will be sent to a national tally center in Tunis where nationwide results will be compiled.

## **Who will observe during Election Day? How can they get accreditation?**

Observers will include representatives from Tunisian civil society and international organizations, agents of candidates, and foreign and domestic media representatives. Those wishing to observe the elections can submit an application to the Independent High Authority for Elections' (ISIE) Accreditation Office. The

ISIE will then provide accreditation cards to approved applicants. The ISIE has so far accredited 779 international observers and 20,610 local observers.

## **When will official results be announced?**

As stipulated in the Electoral Law, the Independent High Authority for Elections (ISIE) will announce preliminary results for the presidential election within three days of the conclusion of vote counting. Detailed results per polling station will be published at the ISIE premises as well as on its website.<sup>3</sup>

The ISIE will announce the final results within 48 hours of the Plenary Judicial Session of the Administrative Court issuing its final ruling on appeals, or after expiration of the appeal period. The final results will be published on the ISIE website and in the Official Gazette of the Republic of Tunisia.

## **How will election disputes be adjudicated?**

A presidential candidate can contest the preliminary results before the Appellate Circuits of the Administrative Court within three days of the posting of the results by the Independent High Authority for Elections (ISIE). The appeal must be filed by the candidate with the help of a cassation lawyer.

If a candidate submits a complaint, the First President of the Administrative Court will assign it to an Appellate Circuit, which will schedule a hearing with the court within three days of the submission of the complaint. The Circuit will then refer the case to deliberation and pronouncement of the ruling within three days of the date of the pleading session, and will advise the parties of the ruling within 48 hours from the date of pronouncement.

The ISIE or a candidate has 48 hours to appeal the rulings of the Appellate Circuit. The Appeal will be assigned to the Plenary Session of the Administrative Court and a pleading session will be scheduled within three days of the date of submission. The Plenary Session will refer the case to deliberation and pronouncement of the ruling within five days of the pleading session, and the court will notify the parties of the ruling within two days of the pronouncement. The decisions of the Plenary Session are final and cannot be appealed.

Appeals for the second round of the presidential elections are only open to candidates who participated in the first round. The same time frames and procedures as in the first-round presidential election apply.

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<sup>3</sup> The ISIE website address is [www.isie.tn](http://www.isie.tn).

## Resources

The texts of the following resources can be found on the Independent High Authority for Elections' (ISIE) website in their original language ([Arabic](#)):

- 2014 Fundamental Law in Elections and Referenda
- ISIE Rules and Regulations
- Joint decision between the ISIE and the Independent High Authority for Audiovisual Communication (dated July 5, 2014) relating to setting the regulations and procedures of electoral campaigns and the referendum campaign in audiovisual media and means of communication
- Decision of the ISIE 2014-14 (dated July 18, 2014) relating to the calendar of the parliamentary and presidential elections of 2014, as amended and supplemented by Decision 2014-17 (dated August 1, 2014)