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# **Elections in Tunisia**

## *October 26 Parliamentary Election*

### Frequently Asked Questions

Middle East and North Africa

International Foundation for Electoral Systems

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# Contents

When is Election Day? .....	1
Who are citizens voting for on Election Day? .....	1
What is the election management body that will manage the election process? .....	1
What electoral system will be used to elect the Assembly? .....	1
Who can vote? .....	2
When did voter registration take place? .....	2
How many registered voters are there? .....	2
What are the measures to encourage women's participation? What is the gender balance within the candidate lists? .....	3
Who is competing in these elections? .....	3
What are the rules on campaigning? .....	3
What are the rules for campaign finance? .....	4
What is a polling center? What is a polling station? .....	5
How many polling stations are set up on Election Day? .....	5
What will the ballots look like and how should they be marked? .....	5
What are the polling procedures on Election Day? .....	5
How will voters with disabilities cast their ballots? .....	6
How will illiterate voters cast their ballots? .....	6
Where are voting, counting and tabulation held? .....	6
When will official results be announced? .....	6
Who will observe during Election Day? How can they get accreditation? .....	7
Will the election management body use a media center? .....	7
Can election results be contested? .....	7
Resources .....	8

## Disclosure:

These FAQs reflect decisions made by the Tunisian elections authorities as of October 20, 2014, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

## When is Election Day?

The parliamentary elections will be held on October 26, 2014. Out-of-Country Voting (OCV) will last for three days and will take place from October 24-26, 2014.

## Who are citizens voting for on Election Day?

Tunisian citizens will vote for the Assembly of the Representatives of the People (ARP). The new parliament will replace the National Constituent Assembly (NCA), which was elected on October 23, 2011 and has since acted as both a constitutional drafting body and a transitional legislative body. According to the new Constitution passed on January 26, 2014, members of the ARP will hold office for five years. One week after the announcement of the final parliamentary election results, the President of the Republic shall ask the head of the winning political party or coalition to form the government. The head of the political party or coalition that wins the largest number of seats in the ARP will have to form a government within a month, with the possibility to extend this deadline once.

The ARP will have 217 members, the same size as the NCA.

## What is the election management body that will manage the election process?

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. By law, it is composed of nine independent, neutral and competent members elected by the 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 electoral system will be used to elect the Assembly?

The Assembly of the Representatives of the People (ARP) will be elected on a regional, closed-list proportional representation system with the largest remainder method.<sup>1</sup> Because candidate lists are closed, voters are not allowed to express a preference and change the order of candidates on the lists. The Electoral Law requires gender parity on the lists, and all candidate lists presented must alternately rank women and men. The law also requires youth representation by stipulating that candidate lists in

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<sup>1</sup> Seats are allocated to the candidate lists that obtain the electoral quotient that is calculated by dividing the number of valid votes by the number of seats allocated in the constituency. Lists receive the number of seats equivalent to the number of times they reach the electoral quotient. Remaining seats will be allocated to lists with the largest number of remaining votes after the first allocation of seats based on the electoral quotient.

any constituency that has at least four seats must include a male and a female candidate no older than 35 among the first four candidates. The electoral system remains unchanged from 2011.

The 217-member parliament will be elected in 33 electoral constituencies divided between in-country and out-of-country districts:

- Twenty-seven in-country constituencies, and
- Six out-of-country constituencies: two in France, one in Italy, one in Germany, one for the Americas and the rest of Europe not represented, and one for the Arab world and the remainder of the world not represented.

## **Who can vote?**

According to the Electoral Law, any Tunisian citizen at least 18 years of age on the day preceding Election Day and who is on voters 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:
  - 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>

## **When did voter registration take place?**

In 2014, voter registration occurred in two phases: Phase I took place from June 23-July 29 and Phase II from August 5-26. Voter registration was initially scheduled to end on July 22 but was extended by the Independent High Authority for Elections (ISIE) due to low turnout. The ISIE announced that those who registered to vote in Phase II could not be nominated as candidates for the parliamentary or presidential elections.

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

There are 5,285,136 Tunisians registered to vote for both the parliamentary and presidential elections, including 359,530 out-of-country voters. Of those registered, 50.5 percent are women and 49.5 percent are men. The 4,242,548 Tunisians who registered for the 2011 National Constituent Assembly elections were not required to register a second time; they could confirm their registration status via an SMS system and change their voting center online if necessary.

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

## **What are the measures to encourage women's participation? What is the gender balance within the candidate lists?**

The 2014 Constitution states, "The State works to attain parity between women and men in elected Assemblies" and the Electoral Law states that candidate lists must have gender parity and alternately rank men and women on the list. In case of non-compliance, the candidate list is rejected. However, there is no gender parity required for the heads of candidate-lists in all constituencies from the same party or coalitions. As a result, out of 1,327 candidate lists, only 145 are headed by a woman.

## **Who is competing in these elections?**

One thousand three hundred and twenty-seven candidate lists will compete in the election, with 97 lists competing abroad. Of the lists competing in Tunisia, 810 are made up of political parties, 170 are from coalitions and 347 are independent-candidate lists.

## **What are the rules on campaigning?**

The official campaign period is from October 4-24, 2014, and the campaign period for candidate lists in the electoral constituencies abroad is October 2-22, 2014. The Electoral Law contains many prohibitions on the types of campaigning and locations where campaigning can take place. The Election 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 transparency of funding, equality between candidates and non-incitement to violence, hatred and discrimination. It prohibits campaigning and distributing campaign materials at the premises, or 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" as well.

The Electoral Law was designed to ensure equality of access to public media for all candidate lists. Candidate lists may use national and electronic media for campaigning; however the use of foreign media is prohibited except when it addresses out-of-country voting. Political publicity, defined as any free of charge and/or paid campaigning means 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,<sup>3</sup> except for partisan newspapers which may "conduct propaganda" in the form of publicity advertisements for its party or candidate list. The joint decision between the Independent High Authority for Elections (ISIE) and the Independent High Authority for Audiovisual Communication (HAICA), dated July 5, 2014, decrees that candidate lists will be provided media coverage proportional to the number of candidate lists in that constituency (i.e. candidate lists in 26-33 constituencies shall have 30-40 percent of the campaign media programs distributed equally among them, candidate lists in 18-25 constituencies shall have 20-30 percent of the campaign media programs, etc.). Candidate lists will each receive three minutes of free broadcast airtime on national radio and television stations.

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<sup>3</sup> By law, the electoral period starts three months before the official campaign period, i.e. July 4, 2014.

The Electoral Law prohibits any broadcast or publication of opinion surveys that are directly or indirectly related to the election during the electoral campaign period, as well as the day preceding the election. This prohibition extends to studies and journalistic commentaries on such surveys.

All forms of campaigning are prohibited on October 25, the day preceding Election Day, and on Election Day.

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

Electoral campaigns, as stipulated by the Electoral Law, are to be funded by private and public funding, and self-funded. Each candidate list is allocated a grant as public assistance to electoral campaign funding. The public subsidy is not fixed across all constituencies, but is instead determined based on criteria including the size of the constituency, the number of voters and the cost of living. It ranges from 2,250 Tunisian Dinars (approximately \$1,250 [USD]) to 5,850 Tunisian Dinars (approximately \$3,250 [USD]). The total amount of campaign expenditures allowed for each candidate list is five times the level of public funding they were provided.

Any list that receives less than 3 percent of valid votes and/or does not win any seats must return the entire public subsidy. Half of the grant is provided seven days before the launch of the campaign, and the second half is disbursed within one week after the announcement of the final results of the elections, provided the campaign list presents evidence and transfer account ledgers to the Court of Accounts verifying that the first installment was spent on campaign expenses.

The electoral law allows, but limits to 20 times the minimum wage, (approximately 6,000 Tunisian Dinars or \$3,330 [USD]), private donations from individuals only. The Electoral Law prohibits foreign funding for electoral campaigns, except foreign funding that contributes to campaigns in overseas constituencies. Vote buying and anonymous donations are also prohibited.

The Independent High Authority for Elections (ISIE) and the Court of Accounts, in coordination with the Central Bank and Ministry of 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. Candidate lists must also publish their financial statements in a Tunisian daily newspaper within two months of the final results announcement.

Candidate lists and parties found noncompliant will face financial, electoral 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 and the dismissal of the elected candidate.
- If a party exceeds the electoral expenditures ceiling, the Court of Accounts imposes financial sanctions proportional to the excess. If it exceeds the ceiling by 75 percent, financial sanctions are accompanied with the dismissal of the elected candidate.
- If candidates receive funding from foreign sources and they are not a qualified overseas constituency candidate, the Court of Accounts imposes penal sanctions (3-5 years of imprisonment) and dismisses the elected candidate.

- If vote buying occurs, the Court of Accounts imposes a financial sanctions (a fine of 1,000-3,000 Tunisian Dinars) and a penal sanction (6 months to 3 years of imprisonment) to whoever attempts to buy votes.

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

## **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 entrusted with different tasks and responsibilities.

## **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.

## **What will the ballots look like and how should they be marked?**

Each ballot will show the name of the party as well as the party symbol next to a box where the voter will mark the ballot. The ballot will be in color with security features. It was published on the Independent High Authority for Elections (ISIE) website so that voters can get acquainted with the ballot. Voters will mark their vote in the box next to their choice. Only one choice can be marked on each ballot. Marks that do not clearly express the voter's will shall not be considered a valid vote. Posters will be available in each polling station showing how to mark the ballot and what constitutes an invalid ballot.

## **What are the polling procedures on Election Day?**

Polling stations will open at 7:00 a.m. and close at 6:00 p.m. on October 26, 2014. Polling stations abroad will be open on October 24, 25 and 26. Voters still in line at closing time will be allowed to cast their ballots. Voters must bring a state-recognized identification document, like a national identity card or a passport, to the polling station where they are registered to vote.

Upon entering the polling station, voters will be checked for traces of voter ink and asked for his or her identification documents. A poll worker will check that the voter is registered on the voter list and ask the voter to sign next to his or her name on the voter list. The voter will dip his or her left index finger in ink.

Voters will then be given a ballot paper stamped on its back in each of the four corners. Each voter will be guided to an empty polling booth where the voter will mark one candidate list and fold the ballot paper so that the mark is kept secret and the stamp is visible. Poll workers will confirm the marked ballots are folded and stamped and direct the voter to place the ballot paper in the ballot box.

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

According to the Electoral Law, all voting stations must be equipped to accommodate disabled voters. Voters who are blind or have a physical disability that prevents writing may be accompanied by a spouse or blood-relative who 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 left little finger in ink. Each polling center will be equipped with a folder in braille that will assist persons with visual disabilities. Each polling station will receive a flyer explaining how to setup the polling stations in order to ensure that persons in wheelchairs can enter and move around the polling station easily. 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.

## **How will illiterate voters cast their ballots?**

The ballot will be in color and will contain party symbols next to their candidate lists in order to assist illiterate voters. Illiterate voters are not allowed to be assisted when casting their ballot, however the Independent High Authority for Elections (ISIE) has produced posters and voter information videos with drawings detailing each step of the voting procedure. The posters will be posted in each polling station.

## **Where are 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 the candidate lists. 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.

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

The Independent High Authority for Elections (ISIE) will announce the preliminary results of the parliamentary election within three days of Election Day, i.e. by October 29, 2014. Detailed results per polling station will be published on its website.<sup>4</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 the 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.

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<sup>4</sup> The ISIE website address is [www.isie.tn](http://www.isie.tn).



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

Observers of the parliamentary elections will include representatives from Tunisian civil society and international organizations, agents of candidates and parties, 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 between June 20 and October 19, 2014. The ISIE will then provide accreditation cards to approved applicants. As of October 16, the ISIE has accredited 463 international observers from nine organizations and 9,142 local observers.

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

Yes, the Independent High Authority for Elections (ISIE) will open an Elections Media Center on October 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.

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.

## **Can election results be contested?**

Yes, the preliminary results can be contested 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 head of the candidate list, one of its members, or the legal representative of the party.

If a party 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 party 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.

## 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 on 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