

## **Carter Center Preliminary Statement on**

**Nov. 25, 2014**

*This statement is preliminary; a final report will be published four months after the end of the electoral process.*

### **Statement of Preliminary Findings and Conclusions**

#### ***Political Background***

Tunisians expressed their will in a competitive and peaceful presidential election. For the first time since independence, Tunisians were offered the opportunity to choose among a diverse group of presidential candidates in a genuine election. The Nov. 23 presidential polls, the second

professional and neutral manner. Tunisia is the only country in the Arab world to have successfully pursued a consistent path of democratic reform after the 2011 revolutions. As such, Tunisia could serve as a model for other countries in the region struggling to establish democratic institutions.

The results of the October legislative elections helped to shape the dynamics of the presidential campaign. A broad-based party, Nidaa Tounes, emerged as the largest winner with 86 seats, while the Islamist movement Ennahdha was second with 69 seats. In a positive step, all political parties announced before the ISIE officially released the preliminary results that they would accept the outcome of the polls.

#### ***Legal Framework***

International best practices indicate that the legal framework for the organization of an election should be readily accessible to the public, be transparent, and address all the components of an electoral system necessary to ensure democratic elections.<sup>1</sup> for presidential elections is generally in alignment with international standards.<sup>2</sup>

The electoral process is governed by the January 2014 constitution, the 2014 electoral law and the implementing regulations issued by the Independent High Authority for Elections (ISIE), the

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<sup>1</sup> OSCE/ODIHR, Guidelines for Reviewing a Legal Framework for Elections, page 4.

<sup>2</sup> These include: the

law on the ISIE, and the law related to the freedom of audiovisual communication that created the Independent High Authority for Audiovisual Communication.<sup>3</sup> Certain areas of the legal framework could be improved, including by establishing adequate timeframes for the different stages of the electoral process and appropriate sanctions for those who violate the legal framework. In addition, campaign provisions, including those on the use of advertising and posters, are too restrictive for candidates to fully respect them. The legal framework is dispersed across several laws and regulations, which makes it difficult for electoral stakeholders to access all applicable rules in one consolidated location and to understand them. The law would benefit from consolidation of all provisions into one comprehensive electoral code.

### ***Electoral system***

The purpose of an electoral system is to translate the will of the people into a representative government. International standards do not prescribe a specific electoral system.<sup>4</sup> electoral system respects the principles of genuine and periodic elections and guarantees universal suffrage, the secrecy of the vote, and freedom from intimidation, as well as equality of the vote and fair representation of all citizens.

According to the constitution, the president is elected for a five-year mandate, in line with international commitments and best practices.<sup>5</sup> If no candidate receives an absolute majority of valid votes cast in the first round, a second round between the two candidates who received the largest number of votes will be held within two weeks of the announcement of the final results of the first round.

The constitution guarantees the right to vote to all citizens who are 18 or older with full en



four cases are still pending in the court, and their examination will not be finalized until after the presidential electoral process is completed. Losing candidates could be prosecuted. If it is proven that the president-president would benefit from immunity while in office, which could impact the legitimacy of the office.

### ***Election Administration***

An independent and impartial electoral authority, functioning transparently and professionally, is the only effective means of ensuring that citizens are able to participate in genuine democratic elections.<sup>14</sup> The Tunisian electoral administration implemented its duties in 2014 in an independent and impartial manner and made commendable attempts to correct deficiencies and address concerns after the legislative elections.

The requirement that both the legislative and presidential elections take place before the end of 2014 meant that electoral authorities had a limited time period in which to organize two separate elections with three possible rounds of voting. The electoral periods of the two elections overlapped by two months and presidential candidate registration took place at the same time as the complaints and appeals period for the legislative candidate registration process. Although the ISIE delegated some of its authority for the legislative elections to the Regional Authorities for Elections (IRIEs), it had to perform a difficult balancing act to ensure that each electoral process would not affect the other. This was compounded by managerial deficiencies because there was no clear division of labor within the ISIE Council and no executive director for much of the electoral period.

With only one week between the election day for the legislative elections and the start of the official campaign period for the presidential election, the election administration had little time to take stock of the first round of elections and prepare for the next one.

Despite these challenges, the ISIE engaged in a laudable lessons-learned exercise with a variety of stakeholders, including the IRIEs and the regional administration offices, citizen observer organizations, and campaign managers. This led to changes in the procedures related to the voting, counting, and results tabulation processes, as well as other administrative issues.<sup>15</sup>

Because of the

The ISIE also replaced approximately 3 percent of the poll workers in the interim period for allegedly having performed poorly and/or not in a neutral and impartial manner during the legislative elections. The ISIE released the list of poll workers for the presidential election on its website on Nov. 11 to give the presidential candidates the opportunity to object to any they



raised the specter of despotism and dictatorship if a former official of the Ben Ali regime were to win the presidential election.

Some presidential candidates received the support of parties whose nominees were rejected during the registration process or who had decided to withdraw. After other parties rejected , decided not to endorse any candidate and urged their voters to cast their votes for the person who is best able to lead the democratic transition. The incumbent president received the support of six parties considered to have close links with Ennahdha.<sup>26</sup> Al Massar endorsed several candidates, leaving the final choice for the voters to make, while Afek Tounes threw its support behind Beji Caid Essebsi.<sup>27</sup>

The official campaign period for the presidential election was slow to begin. Most candidates and parties, even those who did not have a candidate in the race, took the time to reflect upon the results of the legislative elections. Only a few candidates held rallies during the first week. Others, in particular independent candidates, held press conferences to announce their electoral platform. The rhythm of the campaign intensified in the last 10 days of the campaign as events and public outreach increased. The Carter Center observed rallies with between 6,000 and 10,000 attendees the weekend before election day.<sup>28</sup>

As in the legislative elections, candidates did not consistently notify the IRIEs of their campaign events, and the election administration had difficulties in monitoring them. The ISIE reported more than 1,900 cases of campaign violations, the overwhelming majority of which stemmed from the illegal display of campaign posters and a failure to provide notification of campaign events. Nineteen of the violations were transferred to the prosecutor general.

Unlike in the legislative campaign, the use of commercial billboards was predominant throughout the country during the presidential campaign.<sup>29</sup> Candidates also relied on posters, flyers, door-to-door ve ve (h be)ieJETBT1 0 0 1 287.71 435.93 Tm[(doo)-JETBT1 0 0 1 290.712135.93 Tm[(d

Against the backdrop of a persistently tense security environment, the media reported that several candidates had received death threats, leading some to cancel their electoral meetings.



Tunisian civil society and political parties took an active part in observing the legislative and presidential electoral processes.

The ISIE accredited an additional 13,000 citizen observers for the presidential election.<sup>36</sup> Many prominent CSOs published their observation findings from the legislative elections, demonstrating the seriousness of their undertakings and a real interest in contributing to improving the electoral process. These included Mourakiboun, Chahed Observatory, ATIDE, Civilian Pole for Development and Human Rights, League of Tunisian Women Voters, Ofyia-Center for Studies of Islam and Democracy, Youth without Borders, I-Watch and Tunisian League for Human Rights.

Article 143 of the electoral law grants the ISIE wide powers to cancel electoral results of the winner, even before any alleged violations are confirmed by a court ruling if it finds that electoral infractions have been committed.

minutes were either not filled out or only partially filled out before polling began, which violates the regulations.

Carter Center observers visited 380 polling stations during election day and assessed the overall election environment and process as positive in the overwhelming number of stations visited. They also assessed the implementation of procedures by polling staff as good in nearly all cases. Polling station staff were rated as competent and cooperative in an overwhelming majority of cases. The turnout was reported by the ISIE as 64.6 percent in Tunisia.

There were a few minor irregularities observed, including the failure to check voters for ink before allowing them into the station, and inadequate supplies of paper for voters to dry the ink on their fingers. One issue that carried over from the legislative elections was the absence of voter instructions given to voters by poll workers as required by the regulations. The instruction was assessed as inadequate or not given at all in 20 percent of observed polling stations. Despite these gaps, Carter Center observers rated voter understanding of the voting procedures as adequate in 98 percent of stations visited

