

**Sept. 17, 2019**

*This statement is preliminary*



## **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>6</sup> Tunisia's 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 five years, in line with international commitments and best practices.<sup>7</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 and who are not subject to any cases of disenfranchisement foreseen under the electoral law. The law was amended in 2017 to allow military and security personnel to vote in the municipal elections, though it still prohibits them from voting in legislative and presidential elections, a restriction not in keeping with international standards.<sup>8</sup> Citizens in health care facilities, penitentiaries, and detention centers were not able to exercise their right to vote, as no mechanism for doing so exists in the law, contrary to Tunisia's constitution and international commitments.<sup>9</sup>

## **Candidate Registration**

The right of individuals to participate in public affairs is an obligation under international law.<sup>10</sup> While the right to be elected is a widely recognized principle in both regional and international treaties, it is not an absolute right and may be limited on the basis of objective and reasonable criteria established by law.<sup>11</sup> The Tunisian legal framework allows for an inclusive candidate registration process and is generally in line with international and regional standards.<sup>12</sup> Presidential candidates must be Tunisian by birth, 35 years old, and Muslim. Constitutional requirements regarding the candidate's faith should be reviewed for conformity with international standards.<sup>13</sup>

All nominees are required to pay a deposit of 10,000 dinars (US\$3,508) refundable if the candidate secures at least three percent of the valid votes cast. Furthermore, in order to appear on the ballot,

---

Using the Tunisian flag or the emblem of the republic in electoral posters, is sanctioned by 500 to 1000 TND (articles 61 and 150 of the electoral law).

<sup>6</sup> U.N., International Covenant on Civil and Political Rights; Art 25(b); United Nations Human Rights Council, General Comment 25, para. 21.

<sup>7</sup> ICCPR, Article.25(b); General Comment 25, para.9 and 19; Universal Declaration of Human Rights, Article.21(3); Council of Europe Code of Good Practice in Electoral Matters, sec. I.1.6.

<sup>8</sup> See ICCPR, Article .25: "Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic elections...." Also, General Comment 25, para. 14: "The grounds for denying suffrage rights to citizens have to be objective and reasonable and must be prescribed by law."

<sup>9</sup> Right to universal suffrage on the basis of equal treatment before the law: ICCPR, Article 25(b); African Charter on Democracy, Elections and Governance, art.3(3).

<sup>10</sup> ICCPR, Article 25(a); ICCPR, Article 21; UNHRC General Comment 25, para. 26.

<sup>11</sup> ICCPR, Article 25; AU, ACHPR, Article 13; Arab Charter on Human Rights, Article 24

<sup>12</sup> ICCPR, Article 25 "Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic election." See also Article 13 of the African Charter of Human and Peoples' Rights.

<sup>13</sup> ICCPR, articles 2 and 25; UNHRC General Comment 25, para. 15.

presidential candidates must be endorsed either by 10 members of the parliament (Assembly of People's Representatives), 40 presidents of elected local municipal councils, or at least 10,000 registered voters from at least 10 constituencies with at least 500 voters per constituency.<sup>14</sup>

Candidate nomination for this election took place from Aug. 2 to 9, just seven days after the death of the president. Despite the quick timeframe, ISIE staff implemented the registration procedures

Given that the president's death shortened the time period for holding elections, the ISIE carried out its duties to manage the overall process efficiently. In particular, the management of the operational aspects of the election were handled in a professional manner.

The ISIE council is composed of nine members elected by parliament for a single period of six years, and an executive body at the central and regional levels. The mandate of each member of the council is different, according to the date s/he has been elected.<sup>19</sup> The law allows the ISIE to create regional branches, Independent Regional Authorities for Elections (known by their French acronym, IRIE) to assist the ISIE in the fulfillment of its mission. They also coordinate with the regional administrations of the ISIE.

The organizational chart of the ISIE has not been updated since 2014 and does not reflect the current structure. The legal and training department head positions are vacant

finance rules. Carter Center long-term observers reported that these monitors were very active in the field.

**Voter registration**

Voter registration and the establishment of a complete, current, and accurate vot

that they lacked funds to conduct a comprehensive voter-education campaign leading up the election day. CSOs have in general received less funding for election-related activities such as voter-education and election observation, but the early presidential elections also prevented them from mobilizing additional funds quickly.

The limited ISIE campaign aimed to inform registered voters about the voting

For the first time, the campaign period included live television debates. Three sets of debates were organized on three consecutive days, two of which featured nine contestants and one of which featured eight. A lottery was held to determine what day the candidates would appear in the debates. There was controversy, however, over the fact that







the shortened time limits provide



**Tabulation**

Carter center observers were present in all 27 tally centers. The tabulation process was significantly delayed by the late delivery of election material from the polling centers to the tally centers by the army. Some observers reported that tally center staff restricted their observation to locations that were too far away from the process. Nevertheless,