

The Carter Center Commends

draft legislation meets this litmus test in areas including that of the restriction of rights for persons convicted of committing a crime, members of the military and security services, and persons with mental incapacities.³

The draft electoral law modifies the 2011 electoral legislation in that restrictions based on incapacity

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Recommendations

The Carter Center encourages the NCA to consider taking the following actions as it revises the draft electoral law:

Remove or narrow restrictions on voting rights for members of the military and security forces, so as to allow the broadest participation possible in the polls;

Consider measures to assist illiterate voters, including increased voter education and continued use of symbols on the ballot, rather than voter accompaniment. While voter accompaniment is discouraged, if incorporated into the law, legislators should ensure steps to protect the secrecy of the ballot and electoral authorities should undertake civic education efforts to make illiterate voters aware of the guarantee of impartial assistance;

Refine requirements for gender parity among heads of lists to clarify that the measure applies only to parties and coalitions nominating candidate lists in at least two constituencies;

Ensure freedom of expression and communication by providing for media freedom in the pre-election period, and consider regulating advertising rather than banning political advertising;

Eliminate or refine the exclusion from candidacy rights of persons who held positions in the former ruling party in order to ensure that only those who pose a clear danger to Tunisian democracy if elected are excluded. Establish a means of consideration of individual circumstances for potential candidates;

Consider regulations governing the publication or discussion of opinion polls during the electoral period rather than prohibiting those activities;

Grant the ISIE authority to define criteria for voter registration, including residency requirements;

Campaign finance regulations in Article 78 should refer to the electoral period rather than the electoral campaign, in order to ensure reporting of expenses incurred during the entire

Adopt the draft legislation in a timely manner so as to allow electoral preparations to proceed in earnest.

The Carter Center urges Tunisian authorities to prioritize measures to provide the ISIE with adequate premises and materiel resources, so that the election commission may take immediate steps to organize the polls.

Following its observation of the October 2011 National Constituent Assembly elections, The Carter Center has monitored the constitution-making process and developments related to the establishment of institutional and legal frameworks for subsequent elections. The Center assesses these processes

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