



Dec. 22, 2014

Carter Center Preliminary Statement on Tunisia's Second Round of Presidential Elections

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

Statement of Preliminary Findings and Conclusions

Political Background

Tunisian voters demonstrated their ongoing commitment to a democratic transition as they went to the polls to vote in the second round of the presidential election, the third election in three months. This one comes nearly three years after the ouster of an authoritarian regime and represents a key step in Tunisia's democratic transition. Following the successful completion of the electoral process, the election of a president and legislature for a five-year mandate lays the groundwork for the implementation of the new constitution and establishment of stable and legitimate democratic institutions. The Tunisian people overcame significant challenges to reach these milestones, which are critical to the consolidation of its democratic transition.

The two candidates who won the largest percentage of votes in the first round of the presidential election on Nov. 23, Beji Caid Essebsi and Mohamed Moncef Marzouki, participated in the second round. They received 39.46 percent and 33.43 percent of the vote, respectively.¹ Tension between the two candidates and their support

Following the legislative elections, the

Between the two rounds of polling, the ISIE made efforts to improve the electoral administration. Electoral authorities organized a series of lessons-learned sessions with key staff, including the Regional Authorities for Elections (IRIEs), polling staff trainers, the heads of polling centers, and poll workers. It introduced several procedural changes to improve electoral operations for the second round, including improving access for voters with disabilities and introducing the use of a ruler at the tabulation level to avoid errors when transcribing numbers onto the results sheets. Because of delays caused by inefficient delivery of sensitive ballot materials experienced during the tabulation process in the previous two rounds of polling, the ISIE discussed with the army ways to speed up the transfer of material from the polling stations to the tabulation centers. Reporting from Carter Center observers through Dec. 22 suggests that these efforts were largely successful.

Fear of tensions in the runoff led the ISIE to increase its efforts to ensure the full neutrality of the electoral process on election day. As in the first round, the IRIEs replaced those poll workers who performed poorly or were deemed to be politically partial.⁸ The IRIEs also assigned poll workers to different polling stations within the same polling center.

In response to complaints from civil society organizations (CSOs) and candidate representatives during the first round that groups of people attempted to influence voters in polling centers and in the waiting lines at the polling stations, the ISIE directed polling center presidents to apply the law and regulations strictly, allowing only one representative per candidate in each polling station and polling center.⁹ In addition, the ISIE gave special instructions for polling center presidents and security forces to prevent and report cases of attempts to influence voters outside the polling centers. Closer to the election day, the ISIE also issued an instruction prohibiting observers and candidate representatives from standing in the courtyard of the polling center, and instructed polling center presidents to break up gatherings and ensure that voters leave the polling center premises after(n)-10(g)JTJ 0.2 T41J -0.004(ons)6(s)-.6a79/ge sround

Voter Education

To be effective, voter registration must be accompanied by voter education campaigns enabling an informed community to effectively exercise its right to vote.¹² As in the previous elections, the ISIE’s voter education campaign was passive. Instead of making an effort to target voters who did not turn out in the first round, the ISIE simply adapted existing campaign tools. It did not launch its voter education campaign for the runoff until after the announcement of the final results.

After the first round of the presidential election, the ISIE released data showing that young people under 21 represented only 4.59 percent of all registered voters, while those under 30 years reached barely 20 percent. According to TCC observers, very few CSOs engaged in voter education activities between the first and the second round of the elections. The few who launched a campaign in the interim period encouraged youth to participate in the second round.¹³

Campaign Environment

“To translate the free expression of the will of the electors into representative government, [...] it is necessary for all parties and candidates to be able to freely distribute their manifestos — their political issues and proposed solutions — to the electorate during the electoral campaign.”¹⁴ As during the first round, candidates were able to run their campaign freely. Amid increasing tension between the candidates and polarizing rhetoric, the ISIE took measures to stem aggressive and tense discourses and reprimanded all statements that could be perceived as questioning the credibility and integrity of the elections.

Even though the campaign for the second round did not officially begin until Dec. 9, both candidates continued to be present in the public arena. The day after the first round, candidates appeared through appearances on television, radio, and social media. The day after the first round, candidates appeared through appearances on television, radio, and social media.

Audiovisual Communication (HAICA), Tunisia's National Union of Journalists, and CSOs intervened and called on both candidates to refrain from acrimonious rhetoric during the campaign. The heightened rhetoric carried on until the official start of the campaign, though to a lesser extent, with representatives of both candidates from

Essebsi's favor.²¹ Marzouki continued to enjoy the support of several parties that had supported him in the first round.²²

Some parties and presidential candidates did not clearly ask their supporters to vote for either of the candidates.²³ Popular Front leader

observe the second round of presidential voting, provided they were accredited for one of the candidates running in the second round.

While electoral authorities generally supported the role of citizen observers and candidate representatives, and facilitated their access to polling stations, its last minute directive prohibiting them from standing in the courtyards of polling centers restricted their observation of the overall polling environment. Tunisian observer groups were critical of the instructions, citing concerns that it curtailed their movements and reduced the overall transparency of the elections. The directive appeared unduly restrictive to accomplish its stated goals.

Electoral Dispute Resolution

The credibility of the electoral process is determined to a large degree by the capacity of the state to resolve electoral disputes effectively. Challenges to election results, or to the conduct of elections, should not be considered a weakness of the electoral system but a sign of its resilience.³³

On the last day for filing complaints, Marzouki submitted eight challenges to the results of the first round of the presidential elections. The complaints alleged violations in different polling centers in Tunis 1 and 2, Bizerte, Siliana, Nabeul 1, Sousse and Ben Arous. In addition, the president of the party "Allaou Aza Wazal" filed a complaint against the two front runners and the ISIE, alleging they did not obtain enough votes to participate in the runoff and that they did not present any political programs. Since the complainant was not a candidate in the presidential elections, the court ruled that he did not have legal standing to file a complaint against the results under Article 145 of the electoral law.

The court mobilized all chambers to examine the cases in a coordinated effort to conduct an efficient and speedy process. The court held hearings on Dec. 1 and 2, 2014.

Candidate agents were present in all but nine polling stations visited. Agents representing Caid Essebsi were present in 86 per cent of the stations visited while Marzouki's representatives were present in 80 per cent. TCC observers noted a lower participation rate for citizen observers compared to the first round with no observers present in 43 percent of observations.

Carter Center delegates observed that 16 percent of polling stations were not accessible to physically challenged persons, mostly in locations with stairs at the entrance that lacked a ramp or alternative entrance.

Closing and Counting

The overall assessment of the election environment and process during the closing was very good or reasonable in nearly all of the locations observed; closing procedures were followed in 23 of 26 observations. In isolated cases, the minutes of the closing procedures were not adequately completed. Candidate representatives were present in all of the observed polling stations. Observers from the Carter Center reported that they were allowed full access to the process.

Counting procedures were assessed as very good or reasonable in 22 of 25 observed polling

The objectives of the Center's observation mission in Tunisia are to provide an impartial assessment of the overall quality of the electoral process, promote an inclusive process for all Tunisians and demonstrate support for its democratic transition. The electoral process is assessed against the Tunisian legal framework, as well as Tunisia's international obligations for genuine democratic elections.

The Center wishes to thank Tunisian officials, political party members, civil society members, individuals and representatives of the international community who have generously offered their time, energy and support to facilitate the Center's efforts to observe the presidential election process.

The Center's observation mission is conducted in accordance with the declaration of principles for International Election Observation and Code of Conduct that was adopted in the United Nations in 2005 and is currently endorsed by 49 organizations.