



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.<sup>1</sup> Tension between the two candidates and their supporters increased immediately after the first round as both campaign teams made polarizing statements in local and international media discrediting and attacking their opponent, which generated a divisive and tense electoral atmosphere. The environment affected the candidates' campaigns later on as Marzouki cancelled and curtailed campaign events while Caid Essebsi traveled with a large security presence to some locations.

Although Caid Essebsi and Marzouki emerged as the clear frontrunners who would advance to the second round, Marzouki filed eight complaints with the judiciary challenging the results. After the plenary assembly of the Administrative Court rejected Marzouki's complaints and appeals, the Independent High Authority for Elections (ISIE) set the date of the second round of the polls for Dec. 21.

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<sup>1</sup> ISIE, Decision on the proclamation of the final results of the first round of the presidential election, <http://www.isie.tn/index.php/fr/elections-presidentielles.html>.

Following the legislative elections, the so-called National Dialogue mediation mechanism met to negotiate the terms of the nomination of Tunisia's next government.<sup>2</sup> The group interpreted the constitution to mean that only the newly elected president should request the largest party in the Assembly of the Representatives of the People (ARP) name a prime minister and form a government. Despite this political agreement, interim President Marzouki insisted that the letter of the constitution be followed and called on Nidaa Tounes to name a prime minister.<sup>3</sup> The interim president later withdrew his request after Ennahdha leader Rached Ghannouchi intervened on behalf of the National Dialogue.

The ARP held its inaugural session Dec. 2, and two days later elected the president of the assembly. As the sole candidate for the office, Mohamed Ennaceur, Nidaa Tounes deputy and former minister under President Habib Bourguiba, received 176 of 214 votes cast.<sup>4</sup> Ennahda deputy Abdelfatah Morou was elected as First Vice President with 157 votes, and Free Patriotic Union deputy Fawzia Ben Fodha was elected as Second Vice President with 150 votes. Nidaa Tounes indicated that it would consult with the National Dialogue's Quartet before naming a prime minister and forming a government.

### ***Legal Framework***

International best practices indicate that the legal framework for the organization of an election should be readily accessible to the public, transparent, and address all the components of an electoral system necessary to ensure democratic elections.<sup>5</sup> Tunisia's legal framework for presidential elections is generally in alignment with international standards.<sup>6</sup> The legal framework for the presidential elections remained unchanged during the elections. No new regulations were adopted by the ISIE.

### ***Election Administration***

Interpretive sources of international treaties explain that an independent electoral authority should be established to "supervise" the electoral process and ensure that it is conducted fairly, impartially, and in accordance with established laws that are compatible with the said treaties.<sup>7</sup> As in the legislative elections and the first round of the presidential election, the ISIE has conducted the electoral process to date in an independent and impartial manner. The electoral process will conclude with the completion of tabulation, the resolution of any legal complaints and appeals, and the announcement of final results. The Carter Center's core staff and long-term observers will continue to assess post-electoral developments through the end of this process.

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<sup>2</sup> The National Dialogue is led by what is known as the Quartet, namely Tunisia's main workers' union (UGTT), the Union for Industry Trade and Handicraft (UTICA), the League for Human Rights (LTDH) and the Bar Association

<sup>3</sup> Article 89 of the constitution.

<sup>4</sup> The total number of ARP members is 217. Ennahda Deputy Abdelfatah Morou was elected first deputy president with 157 votes, and Fawzia Ben Fodha, from the Free Patriotic Union, was elected second deputy president with 150 votes.

<sup>5</sup> OSCE/ODIHR, Guidelines for Reviewing a Legal Framework for Elections, page 4.

<sup>6</sup> These include: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention against Torture, Inhuman or Degrading Treatment (CAT), the Convention on the Rights of Persons with Disabilities, and the African Charter on Human and Peoples' Rights (ACHPR).

<sup>7</sup> International Covenant on Civil and Political Rights, General Comment 25, para. 20.

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.<sup>8</sup> 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.<sup>9</sup> 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 casting their ballots.<sup>10</sup> The directive appeared unduly restrictive to accomplish its stated objectives. As the ISIE did not communicate about it in a clear way, it created confusion among observers and poll workers responsible for its enforcement.

Following an open letter from several CSOs on Dec. 4 calling on the ISIE to release all election-related data, including the minutes of its council's meetings as required by the ISIE law and the body's rules of procedures, the ISIE released the minutes of the meetings it held between May 15 and Aug. 21. The ISIE also released the summary of an audit performed on the voter registration system.<sup>11</sup> However, this information was limited and contained only the terms of reference and the list of actions undertaken by the ISIE following the audit recommendations.

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<sup>8</sup> This resulted in the replacement of 1.2 percent of approximately 50,000 poll workers.

<sup>9</sup> According to the ISIE, those responsible for gatherings inside the polling centers included candidate representatives, citizen observers and voters. There were also people unauthorized to be on the premises of polling centers.

<sup>10</sup> The instructions targeted candidate representatives, domestic observers, voters and others people not authorized to stay for longer periods in the polling centers.

<sup>11</sup> The signatory CSOs included ATIDE, Touensa, Tunisia Votes, Democratic Lab, Nawat, Mourakiboun, OpenGov TN, 23\_10, I-Watch, and Al Bawsala. See: at <http://www.opengov.tn/fr/lettre-ouverte-aux-membres-de-lisie/>

### ***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.<sup>12</sup> 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.<sup>13</sup>

### ***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.”<sup>14</sup> 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 public in the days following the first round, particularly through appearances in foreign media.<sup>15</sup> The candidates were also present on social media, where they rebroadcast campaign video clips from the first round underscoring two opposing visions of Tunisia.<sup>16</sup>

Caid Essebsi gave an interview Nov. 24 to a French radio station in which he described those casting their votes in favor of Marzouki as Islamists and Jihadist Salafists, and belonging to parties which he categorized as extremist and violent.<sup>17</sup> These comments sparked demonstrations in the central and southern parts of the country, where Marzouki enjoys a larger support base.<sup>18</sup> Several actors, including the National Dialogue, the ISIE, the High Authority for

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<sup>12</sup> United Nations Convention against Corruption (UNCAC), article 13.

<sup>13</sup> These included I Watch, Youth decides, International Debate Institute and Sawty.

<sup>14</sup> International IDEA, *International Obligations for Elections: Guidelines for legal frameworks*, 2014, page 214.

<sup>15</sup> In the period preceding the official campaign for the run-off the candidates gave interviews to French broadcasting and print media, such as France 24, RFI, RMC, Le Monde, Le Point and Le Parisien, as well as Al Jazeera and Jeune Afrique.

<sup>16</sup> See: [https://www.youtube.com/watch?v=5HiUn\\_mntPc&list=UUY0NMzgINOyw4AqecyI1TzA](https://www.youtube.com/watch?v=5HiUn_mntPc&list=UUY0NMzgINOyw4AqecyI1TzA), posted on November 20 2014 that films the family of a young man who has died in Syria voting for Beji Caid Essebsi as the solution to fight terrorism; and the video at <https://www.youtube.com/watch?v=B5VSETI2nRw>, posted on November 12, showing pictures of martyrs of the revolution, dead and injured people, and orphans, with a voiceover of Caid Essebsi mocking the existence of snipers.

<sup>17</sup> See: <https://www.youtube.com/watch?v=W5OP5qQufZA>. Demonstrations took place Nov. 27-29 in Mednine, Ben Guerdène Tataouine, Gafsa and Kebili.

<sup>18</sup> One person was killed when he fell off a building.

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 accusing the other of being divisive.

TCC observers noted some instances in which both candidates had to make alterations to their campaign program as a result of the tensions.<sup>19</sup> However, for the most part, the heightened tensions did not seem to have any adverse effects on the candidate's ability to campaign freely.

The two candidates employed very different campaign strategies. Marzouki toured governorates and organized campaign appearances in and around public places such as markets, mosques and sports palaces. He presented himself as the rampart against the return of the old regime, while championing national unity and the fight against poverty. Caid Essebsi staged smaller and more intimate gatherings, mainly around Tunis, with targeted groups of voters and selected media. Some of these events appeared to be tailored to break with the image of an elitist candidate and to portray Caid Essebsi as a unifier of all Tunisians, regardless of background. Caid Essebsi also formed committees of support throughout the country consisting of like-minded parties, civil society groups, and personalities that enabled him to show that he was the candidate of more than one party.

Overall, the candidates focused more on disparaging each other than on their respective programs. Caid Essebsi released his platform just six days before election day. It amalgamated those of the political groups that had announced support for him and contained eight measures touching upon socioeconomic, diplomatic, and security issues.<sup>20</sup> Marzouki reintroduced his party's electoral program from the first round, which targeted the eradication of poverty, improvement of Tunisia's security environment, and implementation of education reforms.

From early on, Marzouki called for a televised public debate with his opponent. Caid Essebsi refused the invitation. Both candidates, however, agreed to take part in separate interviews that were broadcast on the two national television channels in the last days of the campaign.

Losing presidential candidates announced their support for one or the other remaining candidates immediately following election day. Abderraouf Ayedi from the Wafa Movement made a clear statement of support for Marzouki, while independent candidates Mondher Zenaidi and Mustapha Kamel Nabli, as well as Slim Riahi from the Free Patriotic Union, announced their support for Caid Essebsi. The latter were joined by other former presidential candidates and seven more parties a week before the election day as part of a "support committee" in Caid

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<sup>19</sup> For example in Kebili, Caid Essebsi's campaign supporters were advised to avoid certain areas to avoid confrontation, and when Moncef Marzouki appeared at a campaign event in Siliana, he was met by an agitated group of protesters, some of whom were trying to throw objects at the incumbent president. Marzouki also chose to cancel a visit to Mateur, allegedly because of rumors that Caid Essebsi supporters were gathering to protest against him.

<sup>20</sup> These included: a special development plan for border regions, fight against pollution and waste management plan, additional financial support to students, cancellation of tourism tax for Maghreb-based travelers, review of the drug consumption law, calls for 25 percent representation of women and youth in the new government, and a draft law to enable spouses to enjoy a special tax regime to import vehicles.

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

Some parties and presidential candidates did not clearly ask their supporters to vote for either of the candidates.<sup>23</sup> Popular Front leader and former presidential candidate Hamma Hamammi who garnered 7.82 percent of the vote in the first round, initially asked his supporters to refrain from voting for Mazourki without endorsing Caid Essebsi. However, during the last days of the campaign, while renewing his call not to vote for Marzouki, he instructed voters to vote either for Caid Essebsi or to leave their ballots blank. In spite of calls from Marzouki for their endorsement, Ennahdha, the party that received the second-highest number of seats in the ARP, again decided not to support any candidate, leaving its members and supporters to choose the candidate they considered most suited for the role of president.<sup>24</sup> In anticipation of this announcement, former secretary general of Ennahdha and former PM Hamadi Jebali announced his resignation from the party on Dec. 12, paving the way for a split among Ennahdha voters as demonstrated by the subsequent call of two other Ennahdha leaders to vote for Moncef Marzouki.<sup>25</sup>

Concerned with the necessity of containing the risk of violence and convinced of its unique prerogative to protect the integrity and the credibility of the elections, the ISIE Council took restrictive measures to encourage a clean campaign environment. In addition to their instructions to polling center chairman to prevent gatherings in the vicinity of polling stations, the ISIE also took action to calm the rhetoric between the two candidates, reminding them of their commitments to a candidate charter of honor signed in July to ensure democratic, free, pluralistic, fair, and transparent elections. When Marzouki stated at a campaign rally that his competitor could not win without falsification, the ISIE warned him not to make statements that could undermine the integrity of the electoral process. The ISIE also ordered the removal of billboards from a private ad company that referred to the three years of the interim government in negative terms. The ISIE judged that the billboards amounted to hidden campaigning and could disrupt public order and the elections.<sup>26</sup>

### ***Campaign finance***

“Where legislation allows for public funding, private funding, or a mix of the two, legislation should ensure that all political parties and candidates are treated equitably with respect to campaign finance and expenditures.”<sup>27</sup> As in the legislative elections, some interlocutors, both in

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<sup>21</sup>These included Samir Abdelli, and Ali Chourabi, as well as the National Salvation Front, the Al-Massar, the Free Patriotic Union (UPL), Afek Tounes, the Patriotic and Democratic Labour Party and Al-Moubadara. The committee also included personalities who until then belonged to other parties, e.g. Taieb Houidi from Al Jomhuri.

<sup>22</sup> These were Democratic Stream, Congress for the Republic, Development and Reform Party, National Movement for Justice and Development and National Construction Party

<sup>23</sup> This was the case of Hechmi Hamdi who left the final choice to his supporters while asking them to vote for the candidate who would defend the values of the revolution of Dec. 17.

<sup>24</sup> See: <http://www.tap.info.tn/en/index.php/politics2/presidential-elections/23321-ennahdha-does-not-endorse-any-candidate-for-the-presidential-runoff>.

<sup>25</sup> See: <http://www.businessnews.com.tn/Habib-Ellouze-et-Sadok-Chourou-pr%C3%83%C2%A9parent-1%C3%82%E2%80%99explosion-de-la-cocotte-d%C3%82%E2%80%99Ennahdha,520,51982,3>.

<sup>26</sup> The publicity billboards displayed in Tunis used slogans such as “provisional poverty”, “provisional buckshots”, “provisional dirt”, “provisional poverty”, “provisional violence” and “provisional expensiveness”.

<sup>27</sup> Commonwealth Secretariat, Reference Guide for Election Observers, p. 24.

campaign offices and among CSOs, expressed concerns that both the public funding and the overall spending ceiling were too low for a candidate to be able to mount an effective nationwide campaign.

According to the decree on campaign financing for the presidential elections, public funding for the second round of the presidential election is distributed equitably based on the number of registered voters; 10 TND per 1000 voters. The total public funding per presidential candidate in the second round amounts to TND 52,851 (USD 28,000), and the ceiling for the total expenditure per candidate is TND 528,513 (USD 284,400).

Out of 27 candidates running in the first round of the presidential election, only five received more than 3 percent of the votes and were therefore entitled, based on article 78 or the electoral law, to receive the full state funding. Among the remaining 22 candidates, three did not request public funding, while the other 19 are required to return the public funding received.<sup>28</sup>

### *Citizen and Candidate Observation*

Regional treaties recognize that the participation of citizen observers may enhance all aspects of the electoral process, while State practice sources suggest that candidates and their agents should be guaranteed access to monitor all aspects of the electoral process.<sup>29</sup> In their reports, CSOs found that the first round of the presidential election was conducted without major problems and that the electoral administration had performed better than in the legislative elections.<sup>30</sup>

Several CSOs including ATIDE and Mourakiboun launched initiatives against the use of violence in the second round campaign. They handed out flyers and organized meetings between representatives of the two candidates in several regions of the country. On Dec. 16, five CSOs who had observed the first round, held a press conference to present recommendations based on their observations to the electoral administration, candidates, voters and the media with a view to ensuring a smooth and quiet process on election day.<sup>31</sup>

As during the previous two rounds of polling, CSOs deployed a large number of observers, with more than 29,000 citizen observers. The ISIE reported that close to 59,000 candidate representatives were accredited on behalf of the two candidates for the run-off.<sup>32</sup> Those candidate representatives with an accreditation did not need to re-apply for one in order to

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<sup>28</sup> Candidates that did not request at all public funding included Destourian Movement candidate Abderrahim Zouari, Democratic Alliance candidate Mohamed Hamdi, and People's Voice candidate Larbi Nasra.

<sup>29</sup> African Union, African Charter on Democracy, Elections and Governance, arts. 19–22; Commonwealth of Independent States, Convention on Democratic Elections, art. 1(2); Organisation for Security and Co-operation in Europe, Copenhagen Document, para. 8; Organization of American States, Inter-American Democratic Charter, articles. 23–25; and United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, art. 5; U.N., CRPD, art. 9

<sup>30</sup> These included: Mourakiboun,, ATIDE, and Ofyia. For its part, Chahed Observatory noted multiple violations facilitated by the weakness of the ISIE and restrictions imposed on its observers.

<sup>31</sup> The five CSOs included the Center for the Study of Islam and Democracy (CSID), Mourakiboun, Ofyia, Chahed Observatory, Youth without Borders (JSF). ATIDE had initially planned to be part of this initiative, but the ATIDE president decided against it claiming that one of the other CSOs was not neutral.

<sup>32</sup> The ISIE reported 27,869 representatives accredited on behalf of Beji Caid Essesbis and 31,054 representatives accredited on behalf of Moncef Marzouki.

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.<sup>33</sup>

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 commendable effort to conduct an efficient and speedy process. The court held hearings on Dec. 1 and issued decisions the same day. Seven of the eight complaints filed by the incumbent president were rejected on the grounds that they requested the partial cancellation of results in specific polling centers. The court reasoned that because presidential elections are carried out in one nationwide constituency, only challenges to the entire results are admissible. Further, Mazouki did not have an interest in seeking the annulment of the results, because he had indicated his intention to participate in the runoff and, even if his challenges were successful, they would not have changed the result.

One of Marzouki's complaints was examined on the merits but rejected. It requested the cancellation of results obtained at the national level by Essebsi. However, the court found that the violations mentioned would not change the results as the difference in votes between the two candidates was almost 200,000 votes and the maximum number of votes in the affected polling stations amounted to 64,166 votes. Marzouki filed appeals against the decisions of the tribunal to the plenary assembly of the court. These were rejected on Dec. 7.

The ISIE president reported that the ISIE transmitted a total of 113 electoral offenses committed during the two rounds of the presidential elections to the general prosecutor's office. The majority concerned violations of the electoral silence period and illegal campaigning. He also stated that the violations did not influence the results of the first round as they mostly concerned

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<sup>33</sup> UN, ICCPR, art. 26.



isolated cases of aggression towards polling center agents, illegal campaigning and attempts to influence the voters during the electoral silence period.

The HAICA sanctioned five audiovisual media between the rounds of the presidential elections including two radio stations (Shems FM and Mosaique FM) and three television channels (Mutawasit, Tunesna and Nessma). Mosaique FM and Mutawasit TV were sanctioned on the Dec. 5 for broadcasting information about opinion polls. Both were fined 20.000 dinars. The HAICA sanctioned Nessma TV for broadcasting a report about Beji Caid Essebsi on Dec. 17, which was considered political publicity. They sanctioned Nessma TV with a 10,000 dinar fine.

### **Election Day**

The fundamental objective of polling is to ensure the execution of the Right to Vote, and to do so by secret ballot or any other equivalent, free and secret procedure, in respect of the free expression of the will of the electors.<sup>34</sup>

### ***Opening and Voting***

Carter Center observers reported that the opening of polling stations was smooth and well-organized. The overall environment was considered to be very good or reasonable in all cases. As in the first round, several observers reported however that the procedures for completing the ballot inventory were not followed.

All observed polling stations opened on time.<sup>35</sup> Carter Center observers noted an increased presence of security forces inside polling centers for the second round; reports did not indicate that they were interfering with the process in any way. At least one candidate representative was present during the opening in all polling stations observed, while domestic observers were present in half.

With respect to voting, Carter Center observers reported that the voting process proceeded calmly and without major disturbances throughout the country. Observers assessed the implementation of procedures during polling was very good or reasonable in all 282 polling stations visited. Ballot boxes were sealed properly, voters were able to cast their ballots in secret and no irregularities related to voter fraud were observed.

As in the first round, the most frequent procedural irregularity noted by Carter Center observers was the failure of poll workers to provide voter instructions when distributing ballot papers. This shortcoming however did not appear to affect voters' ability to cast their ballots. Observers assessed voter understanding as adequate in 98 percent of polling stations visited.

The majority of polling center presidents in those locations visited by TCC observers strictly enforced the ISIE instruction prohibiting people from standing in the polling center premises. However, the instruction caused confusion in some centers as to whether it applied to citizen and international observers and was not consistently applied in all centers visited.

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<sup>34</sup>UN, ICCPR Art. 25, International IDEA, International Obligations for Elections: Guidelines for Legal Frameworks 2014, page 238.

<sup>35</sup> The ISIE announced on Dec. 18 that 124 polling stations in the north and central west of the country would have shorter hours, from 10:00 to 15:00, because of security concerns.

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 stations. Observers noted three negative assessments which resulted from a lack of transparency in the counting process and a failure to agree on what should constitute an invalid ballot. Results protocols were posted outside the polling station as required in 24 locations observed.

### ***Tabulation***

Carter Center observers visited twenty collection offices and assessed that so far it was an efficient and orderly process. The process of receiving and verifying results was also better organized and more efficient compared with the first round. The overwhelming majority of observers reported that the ISIE had provided far better access to the proceedings than in the previous round and that they were able to make meaningful observations of all parts of the process. TCC observers rated the implementation of procedures and the electoral environment positively for all centers visited. Furthermore, in 19 out of 20 collection offices visited tabulation staff was cooperative, provided information and answered questions. Candidate agents were present and actively participated in the process in all but three of the stations visited by the observers. The tabulation process is still ongoing.

**Background:** The Carter Center was accredited by the ISIE to observe the election and deployed over 60 observers who visited 282 unique polling stations as well as 20 tabulation centers. The mission was co-led by international human rights lawyer Ambassador Audrey Glover, and former Prime Minister of Yemen Abdulkarim al-Eryani. More than 19 nationalities were represented on the observation mission.

The Center has had a presence in Tunisia since 2011 and observed the 2011 National Constituent Assembly elections, as well as the constitution-making process that culminated in the adoption of the constitution in January 2014. The electoral observation mission was launched in June 2014 with the deployment of 10 long-term observers across the country and a core team of technical experts based in Tunis. The electoral process will conclude with the tabulation of results, the resolution of electoral complaints, and the announcement of final results by the ISIE. The Carter Center's core team and long-term observers will continue to assess post-electoral developments through the end of the process.

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.