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Elections in Tunisia

2018 Municipal Elections

Frequently Asked Questions

Middle East and North Africa

International Foundation for Electoral Systems

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Frequently Asked Questions

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Disclosure:

These FAQs reflect decisions made by the Tunisian authorities as of April 23, 2018 to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

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When is Election Day?

After multiple delays and postponements, on December 19, 2017, the Tunisian President Beji Caid Essebsi signed a decree calling voters to the polls on May 6, 2018, stressing the commitment of Tunisian authorities to conduct the long-awaited municipal elections. The military and security forces personnel¹ will vote early on April 29, 2018, one week earlier than other voters.

Who are citizens voting for on Election Day?

Tunisian voters will elect municipal council representatives for the 350 municipalities across the country, including 86 new municipalities that were created between 2015 and 2016. According to Article 117 *bis* of the electoral law, there will be between 12 and 60 municipal council representatives per municipality based on number of inhabitants. For the 2018 municipal elections, there are 7,212 available council seats in the 350 electoral constituencies.

These are the first municipal elections to take place since the 2011 popular uprising that ousted President Zine El Abidine Ben Ali. Municipalities are the first level of governance in the system of decentralization enshrined in Chapter VII of the 2014 Tunisian Constitution pertaining to local authorities.

What are the role and prerogatives of municipal councils?

The role, prerogatives and competencies of municipal councils are defined by the Code of Local Authorities (CLA) that is still under consideration by the Parliament at the time of writing. It is expected to be adopted prior to the conduct of the municipal elections.

According to the draft CLA, the municipal council is the main decision-making body at the municipal level. It deliberates and makes decisions on local affairs, except on matters falling within the jurisdiction of the mayor (president of the municipal council) and expressly assigned to her/him by law. The municipal council is responsible for, among others:

- The creation and management of municipal public services (e.g. construction and maintenance of roads; layout and maintenance of gardens, parks and green spaces; collection and sorting of household waste; public lighting; etc.);
- The approval of the municipality's budget; and
- The approval of investment and municipal equipment programs, urban development plans and the adoption of regulations relating to cleanliness and protection of the environment.

¹ According to the Tunisian legislation (Article 4 of the law n° 82-70 dated 6 August 1982 and Article 10 of the Law n° 88-60 dated 2 February 1988), the following categories are considered as belonging to internal security forces:

- the National Safety,
- the National Police,
- The National Guards,
- Civil Protection,
- Prison and Rehabilitation Guards,
- Presidential Guards (they also ensure the security of other imminent personalities).

The municipal council may also perform functions that are transferred by the central government, especially in terms of construction and maintenance of schools as well as any health, educational, cultural and sports structures.

What is the election management body that will organize the elections?

The management of elections is entrusted to the High Independent Authority for Elections (ISIE), a permanent public institution independent of the executive power. This body was created by organic law n° 2012-23 of December 20, 2012, and was established as an independent constitutional body in the 2014 Constitution (Article 126).

Under the constitution and organic law, the ISIE is responsible for the organization and supervision of regular, genuine and transparent national elections (presidential, parliamentary and referendums) and local elections (municipal and regional).

The ISIE consists of a decision-making body (the Council) and an executive branch (the Executive Secretariat). The Council is made up of nine members, including the president, elected by the Assembly of the Representatives of the People by a two-thirds majority for a non-renewable six-year term. Council members must be independent, neutral and have proven experience in their respective professional fields. The Council adopts all necessary regulation to implement election legislation and takes all appropriate measures to carry out all assignments conferred to the ISIE. It is also charged with ensuring the integrity and transparency of the electoral process, and announcing results. The Council has regulatory authority in its field of competence. The Executive Secretariat is composed of several departments responsible for administrative, financial and technical affairs. It is headed by an executive director appointed by the ISIE Council.

The ISIE has 27 permanent regional administrations reporting to the executive body and led by regional directors. In addition to the regional administrations, the ISIE Council may, during each election, decide to set up regional electoral decision-making bodies (commonly known as the IRIEs). These temporary regional bodies depend directly on the ISIE Council. Their members are appointed by the Council and must meet conditions of independence, neutrality and competence. For the May elections, the IRIE Councils are composed of up to four members and will have the following powers delegated by the ISIE Council:

- Make decisions on applications for accreditation of representatives of candidates lists and complaints concerning voters' lists and candidate nominations;
- Represent the ISIE before the courts in voter registration and candidate nomination cases;
- Monitor and control the electoral campaign;
- Recruit election officials for voting, polling and tabulation centers; and
- Ensure the proper conduct of voting, counting, compilation and determination of results, etc.²

² Cf. ISIE Decision, n° 2017-5 dated 11 April 2017, pertaining to the conditions and procedures for the establishment of regional bodies for elections and determining their prerogatives and the modalities of their operation. .

How will the ISIE disseminate information about the elections to the public?

The High Independent Authority for Elections (ISIE) will open a media center at the Palais des Congrès located in downtown Tunis. It will be open from May 3, 2018, until the announcement of the preliminary results of the elections no later than May 9. The media center will be open to journalists, observers, guests, diplomatic missions, and election officials. The media center will be the main point of communication between the ISIE and journalists, allowing information on election to be disseminated in real time.

Thematic discussions on elections will also take place during the opening days of the media center. In the run-up to the elections, the ISIE shared information with the public through the use of its website (www.isie.tn) and its social media network. Also, it organized regional meetings with political parties, candidate lists and civil society organizations on different aspects of the electoral process. These meetings and ISIE official press conferences will offer sign language interpretation to make electoral information accessible to hard-of-hearing voters.

What is the main legal framework governing the conduct of the municipal elections?

The rules governing the municipal elections are included in the Constitution, the electoral law and regulatory decisions.

Article 133 of the 2014 Constitution provides that "municipal and regional councils are elected by universal, free, direct, secret, honest and transparent suffrage."

Organic law n° 2017-7 of February 14, 2017, provides the rules for the municipal elections. It modified and completed organic law n° 2014-16 of May 26, 2014, which initially contained only the rules applicable to legislative and presidential elections as well as referendums. The electoral law sets the rules for each phase of the electoral process.

In addition to the electoral law, the High Independent Authority for Elections (ISIE) adopted several decrees and regulatory decisions that contain provisions that complement and explain provisions of the electoral law. They relate, in particular, to the organization and functioning of the ISIE structures, districting, the electoral calendar, voter registration, candidate nominations, the accreditation of observers, the electoral campaign and its financing and media coverage, the procedures for voting, counting, and tabulation and the proclamation of results.³

What electoral system will be used for the municipal elections?

Municipal council members will be elected using a closed-list proportional representation system through one round of voting. The voter will choose one candidate list without the possibility of changing

³ All regulatory decisions are available on the ISIE website at the following address:
<http://www.isie.tn/elections/elections-municipales-2018/cadre-juridique/>.

the order of the candidates on the list or selecting candidates from two different lists. The number of candidates on each list must be equal to the number of seats in the constituency, plus at least three members constituting a complementary list in case of death or impeachment of a candidate on the main list.

Seats are allocated proportionally at the level of each constituency (municipality) based on the largest remainder method. The electoral law foresees an electoral threshold of 3 percent – the number of valid votes a candidate list must receive in the given electoral constituency to obtain seats. Each candidate list is allocated as many seats as the number of times it obtains the electoral quotient, calculated by dividing the number of valid votes by the number of seats available in the given constituency. Neither blank ballots nor the votes obtained by lists which received less than the electoral threshold (3%) are taken into account in the calculation of the electoral quotient.

Once seats have been distributed on the basis of the electoral quotient, the remaining seats are distributed on the basis of the largest remainder (of votes). Thus, the candidate lists are ranked in descending order according to the number of votes remaining after the first distribution until all seats are allocated. Each list can receive only one seat from the second distribution.

The seats obtained by each candidate list are allocated to its members according to their ranking on the list, starting at the top of the list.

How are mayors for each municipality elected?

The mayor, who is president of the municipal council, is not directly elected by the voters. According to the electoral law (article 117 *quinquies*), the municipal council representatives elect the mayor during their first meeting. Only the council members who were head of their candidate list can run for the presidency of the municipal council.

The mayor is elected through a free, secret, genuine and transparent election by an absolute majority in two rounds. If none of the candidates obtain an absolute majority in the first round, a second round is held between the two candidates who obtained the highest number of votes in the first round. The candidate who receives the most votes in the second round is elected mayor. In case of a draw, the youngest candidate prevails.

Who can vote in the municipal elections?

To vote in these elections, citizens must have Tunisian nationality, be at least 18 years old on Election Day, and be registered on the voters list with an address of effective residence. Voters must provide proof of their effective address of residence, which can be:

- The address indicated on the voter's national identity card;
- The voter's habitual residence, if different from the ID card;
- The address of the voter's business/company; or
- The address where the voter pays property local tax.

In contrast to the legislative and presidential elections, and since electoral reforms in 2017, military and national security personnel will be allowed to vote in municipal and regional elections for the first time.

Finally, the electoral law provides for two situations when a citizen cannot vote. Each case must be confirmed by a court decision:

- Persons given a criminal sentence that expressly revokes their right to vote as a complementary sentence; and
- Persons assigned a legal guardian due to continuous dementia.

When did voter registration take place and how did voters register?

The High Independent Authority for Elections (ISIE) opened three voter registration periods for the municipal elections – the first from June 19, 2017, to August 10, 2017, the second from October 2, 2017, to November 25, 2017, and the last from December 19, 2017, to January 6, 2018. The first two registration periods corresponded to previously scheduled dates for the elections, which were originally planned for December 17, 2017, then postponed to March 25, 2018, and again postponed to the current date of May 6, 2018.

Voters registered on the electoral register since 2014 were not asked to re-register unless they wanted to change their constituency or polling place. Voters not yet registered were required to register at a registration office – either fix or mobile – to present proof of their effective residence, age and nationality. While in principle, registration is done in person, the electoral law also authorized registration by proxy, including spouses and relatives. Tunisians residing abroad and wishing to vote in the municipal elections were also required to register directly with an in-country registration office, or use a proxy, as there is no out of country voting for this election. The ISIE checked voters registered in 2014 to ensure deceased citizens were removed from the voters list.

In accordance with the electoral law, voter registration is voluntary.

How many registered voters are there?

The final voter lists were made public on February 7, 2018. According to the figures published by the High Independent Authority for Elections, the total number of registered voters who will be able to vote in the 2018 municipal elections is 5,369,843, up slightly from approximately 5,262,000 in-country voters registered for the 2014 presidential and legislative elections. They represent approximately 63.5 percent of the total eligible voters based on the estimates of the Institute of National Statistics. They are distributed as follows:

Breakdown by gender:

- Women = 2,561,746 (48%)
- Men = 2,808,097 (52%)

Breakdown by age group:

- 18 to 35 years old = 1,753,788
- 36 to 40 years old = 590,280
- 41 to 60 years old = 2,005,452
- 60+ years old = 1,020,323

There are 36,044 registered military and internal security forces. They represent nearly 0.67 percent of all registered voters.

What are the requirements for candidate lists in the municipal elections?

The law allows for the nomination of partisan lists, lists of electoral coalitions and independent lists. Any candidate list must fulfill several conditions.

The following conditions must be met for each candidate list:

- The number of candidates must be equal to the number of seats to be filled, plus a minimum of three additional candidates;
- The list must respect the principle of vertical parity, alternating between male and female candidates, resulting in a list with an equal number of male and female candidates;
- Parties and coalitions presenting lists in multiple constituencies must respect the principle of horizontal parity, presenting the same number of female and male head of lists;
- One of the first three candidates and one member on the list in each series of six consecutive members must be 35 years old or under; and
- Parties and coalition must use the same name and symbol for all candidate lists.

Each candidate on the lists must meet the following requirements:

- Be a registered voter in the electoral constituency (municipality) in which s/he intends to run as a candidate;
- Be of Tunisian nationality;
- Be 18 years old at the time of submission of the candidacy application;
- Not be in the military and security forces or be convicted of a crime by judicial ruling that expressly removes the right to be elected at the time of submission of the candidacy application;
- Not hold another elected office, such as a member of parliament;
- Not be a magistrate, governor, delegate, or municipal employee in the municipality the candidate is running; and
- Have paid any state and local taxes due.

What is the total number of candidate lists that will be contesting these elections?

The candidate nomination period began on February 15, 2018, and closed on February 22, 2018. The number of applications submitted was 2,173 (1,099 partisan lists, 177 coalition lists and 897 independent lists), with 57,020 candidates across all proposed lists.

On March 3, 2018, the High Independent Authority for Elections (ISIE) announced that 2,068 candidate list applications had been accepted, and on April 5, following the complaints and appeals process, the ISIE announced that 2,074 candidate lists with 53,668 candidates, had been accepted. There are divided as follows:

- Total number of party lists: 1055
- Total number of independent lists: 860
- Total number of coalition lists: 159

What are the measures taken to encourage the representation of women?

The 2014 Constitution enshrines the representation of women in elected assemblies and councils:

- Article 34 provides that the government ensure that women are represented in elected assemblies; and
- Article 46 stipulates that the government shall strive to ensure parity between women and men in elected assemblies.

Pursuant to these two Articles, the electoral law provides measures to increase the number of women elected as municipal council representatives and to ensure a certain parity in the composition of municipal councils (Article 49 *nonies* of the electoral law). As noted above, candidate lists must respect the principles of vertical and horizontal parity; lists must alternate between male and female candidates resulting in an equal number of male and female candidates on each list (vertical parity). In addition, each political party and electoral coalition must have an equal number of male and female head of lists across all constituencies they are running in (horizontal parity).

Failure to comply with the condition of vertical parity results in the rejection of the candidate list. On the other hand, if a political party or an electoral coalition does not respect the principle of horizontal parity before the close of the candidacy application period, the High Independent Authority for Elections will reject the number of lists in violation of this provision. The rejected lists are selected based on the order of precedence in the submission of applications, so that the rejected lists are those whose application files have been filed or completed last.⁴

⁴ Article 26 of the ISIE decision n° 2017-10 of 20 July 2017, on the rules and procedures of candidacy for municipal and regional elections: "When partisan or coalition lists do not respect the principle of parity with heads of lists and do not proceed to the regularization, the ISIE determines the canceled lists based on the anteriority of the deposit

The vertical parity was almost fully accomplished across the candidate lists, with 50.7 percent of men and 49.3 percent of women. However, a significant difference is noted at the level of heads of lists (horizontal parity) with overall 30.3 percent of lists headed by women and 69.7 percent by men. This disbalance is coming from independent lists with 3.5 percent of them headed by women against 49.5 percent for party lists and 48.4 percent for coalitions.

What are the measures taken to encourage the representation of youth?

Article 133 of the constitution states that "the electoral law guarantees the representation of young people on local authority councils." As part of the implementation of this constitutional provision, the electoral law provided for a set of rules and measures encouraging the participation of young people in elections and their representation on municipal councils:

- The minimum age for candidacy in municipal elections has been set at 18 years of age at the date of submission of the application (Article 49 *bis*);
- Each candidate list for municipal elections must contain at least one person aged between 18 and 35 among its first three members and one such candidate in each series of six consecutive candidates for the rest of the list (Article 49 *decies*). Failure to comply with this condition will result in the rejection of the application for the list concerned; and
- In the election of the president of the municipal council (the mayor), and when a second round is organized and the two candidates for the second round obtain the same number of votes, it is the youngest person who will be elected president (Article 117 *quinquies*).

Overall, 52 percent of all the candidates running for the municipal elections are between 18 and 35 years old, while 24 percent are between 36 and 45 years old.

What are the measures taken to encourage the representation and participation of persons with disabilities in these elections?

To encourage persons with disabilities to participate in the elections as candidates, candidate lists must include among the first 10 members of the list a candidate who has a physical disability and holds a disability card issued by the Tunisian authorities (Article 49 *undecies* of the 2014 Electoral Law). Candidate lists that do not meet this condition are permitted to participate in the elections, but cannot be reimbursed by the state for their electoral expenditures.

Overall, 18 candidates with disabilities head a list of whom five are women and 13 men.

The High Independent Authority for Elections (ISIE) made special efforts to encourage the participation of persons with disabilities that complemented other actions by civil society. First, the ISIE prepared one

of the candidatures. To do so, the ISIE must take into account the date and time of the submission of the application or its update during the candidate nomination period in accordance with what has been mentioned in the register of candidatures."

specific two-dimensional (2D) spot dedicated to voters with disabilities explaining the voting procedures. Second, the ISIE aired 2D awareness spots that are dubbed in sign language. Finally, an inclusive video was filmed combining both actors with disabilities and without disabilities for voter mobilization.

In front of each polling station, the ISIE will display a poster on voting procedures translated into sign language to inform hard-of-hearing voters. In addition, voting procedures were summarized and translated into Braille to assist low vision voters to get acquainted with voting mechanisms. The ISIE will distribute the document through disabled people's organizations.

In order to assist low vision voters, the ISIE will post audio on its website with the names of the lists and their numbers on the ballot in each of the 350 municipal constituencies. It aims to inform voters with disabilities of the candidate lists in the constituencies where s/he will cast a ballot.

Can decisions on candidate nominations be appealed?

Decisions concerning the acceptance or rejection of candidate list applications in the municipal elections may be challenged before a court. Complaints must be filed within three days from the date of notification or posting of High Independent Authority for Elections (ISIE) decisions concerning applications in the first instance. In turn this decision can be appealed within three days from the date of notification of the first instance judgments. The complaint may be brought only by the head of the list, or by the representative of a candidate list, before the appropriate administrative chamber of first instance (the Tunisian Administrative Court has 15 chambers of first instance in Tunis and 12 chambers in the regions). Judgments rendered at first instance may be appealed to the appeal chambers of the Administrative Tribunal (the Tribunal has 10 appeal chambers, all located in Tunis) whose decisions are final.

The complaints and appeals period on candidate nominations cannot exceed 31 days from the date of publication of the preliminary candidates lists by the ISIE or from the notification of the decisions on candidate nominations.

At the end of the litigation period for the 2018 municipal elections, seven candidate lists rejected by the ISIE were eventually accepted by court decision and one candidate list was rejected by court decision after being admitted by the ISIE.

What are the differences between the election campaign, the pre-election campaign and the electoral period?

The electoral period includes the pre-election campaign phase, the election campaign phase and the period of silence. The period of silence includes the day of before Election Day and polling day until the closing of the last polling station in the constituency. For the May 6 elections, the electoral period runs from February 13, 2018, to May 6, 2018.

The pre-election campaign starts two months before the start of the election campaign. For this election, this period started on Tuesday, February 13, 2018, and ended on Friday, April 13, 2018. During this period, neither candidate-lists nor media outlets are allowed to run political ads or publish the

results of opinion polls in relation to the elections. Audiovisual media must guarantee equal access to the media for all candidate lists.

The election campaign refers to all the activities conducted by candidates lists or their supporters to publicize their platform and encourage voters to vote in their favor. It begins 22 days before Election Day and closes 24 hours before polling day. For the municipal elections, the election campaign will begin on Saturday, April 14, 2018, and will end Friday, May 4, 2018.

What are the principles and rules governing the election campaign?

The election campaign is governed by the following key principles, as defined in the electoral law:

- Neutrality of public administration and places of worship;
- Neutrality of the national media;
- Transparency of the election campaign;
- Equal opportunities between all candidates;
- Respect for the physical integrity, honor and dignity of candidates and voters;
- Respect for privacy and personal data of candidates; and
- No incitement to hatred, violence, intolerance and discrimination.

During the election campaign, public meetings, demonstrations, marches and electoral rallies are allowed. Candidate lists have the right to use national and electronic media to make their case to the public. Nevertheless, political advertising⁵ is prohibited during the electoral period, except for partisan newspapers, which have the right to canvas only in favor of the party they support. Electoral propaganda in all shapes and forms is prohibited in schools, universities and vocational training centers, as well as in places of worship.

Distributing party documents, chanting slogans and delivering partisan speeches are prohibited in public administration and public enterprises. This prohibition also applies to private companies not open to the public. It is also forbidden to use public resources for the benefit of a candidate list.

What are the financing rules for the electoral campaign?

The electoral campaign is funded through self-financing, private funding and public funding. Private donations are permitted from individual citizens while those from legal entities (such as companies, associations, etc.) are prohibited. Foreign financing is strictly prohibited.

In 2017, Tunisia adopted a reimbursement system in place of an allocation system. The state reimburses election expenses for candidate lists that have received 3 percent of the valid votes cast in the electoral

⁵ The electoral law defines political advertising as "any advertising or propaganda against material countervalue or free of charge, using the methods and techniques of commercial marketing, intended for the public, and aimed at promoting a person, an opinion, a program or political party, with a view to attracting voters or influencing their behavior and choice, through the audiovisual media, written or electronic, or through fixed or mobile advertising media installed in places or public or private property."

district. The Court of Account fixes the amount of reimbursement for each candidate list, which cannot exceed the amount of self-financing of the candidate list.

The main conditions for reimbursement are as follows:

- Submission of campaign finance accounts with the Court of Accounts and their publication in one of the Tunisian daily newspapers. The submission and publication must be done within two months following the proclamation of the final results of the elections; and
- Adherence to the candidate nomination requirement related to the participation of persons with disabilities.

The maximum amount of reimbursement per candidate-lists has been fixed by a governmental decree for the municipal elections, and varies between 940 TND and 7,756 TND (\$388 USD-\$3,209 USD) depending on the electoral constituency. The ceiling of expenditure corresponds to five times the amount of the public subsidy.

Who controls campaign finance and when?

Campaign finance oversight is exercised by the High Independent Authority for Elections (ISIE) and the Court of Accounts. During the election campaign, the ISIE deployed nearly 1,400 field control agents distributed among the 350 constituencies. The agents attend campaign activities, evaluate the costs of these events, and note possible violations. The ISIE also monitors compliance with the rules and means of campaign finance in collaboration with the Central Bank of Tunisia, the Court of Accounts and the Ministry of Finance. For its part, the Court of Accounts performs a control of the resources and expenses allocated to the campaign of each candidate list following the elections. It determines the amount that each candidate-list will be reimbursed by the state budget.

What are the principles and rules governing media coverage of elections?

Throughout the election campaign, all media are required to:

- Be neutral;
- Respect the principle of equality and ensure equal opportunities between candidates;
- Respect the integrity, honor and dignity of candidates and voters;
- Respect the privacy of candidates and their personal data;
- Respect the requirements of public security and national defense, particularly regarding media coverage of voting by the military and internal security forces; and
- Not broadcast or publish calls for hatred, violence, fanaticism and discrimination.

During the entire electoral period, the media is also forbidden from broadcasting or publishing political ads (except in the case of partisan newspapers) or producing any media coverage that can be construed as supporting one candidate list.

During the election campaign and the period of silence, the media is prohibited from broadcasting or publishing the results of opinion polls directly or indirectly related to the elections. The media is also forbidden to make any announcement of election results before the closing of the last polling station in the electoral district.

The use of foreign media by candidate lists is prohibited.

Which bodies monitor the conduct of different types of media during the election campaign?

The main body responsible for monitoring the conduct of broadcast media during the election campaign is the High Independent Authority for Audiovisual Communication (HAICA). The HAICA guarantees the pluralism and diversity of broadcast media during the election campaign. The High Independent Authority for Elections sets up a media monitoring unit during the election campaign period and is charged with monitoring print and online media.

What is a voting center? What is a polling station? How many are there?

The High Independent Authority for Elections (ISIE) defines the number and location of voting centers and polling stations. For the municipal elections, the ISIE will open 4,552 voting centers, which consist of one or more polling stations. Each municipal constituency will have one or more voting centers. The voting center staff consist of a president and one or more information agents appointed by the ISIE. The president of the voting center is responsible for maintaining order in the center. S/he coordinates among polling stations and conducts logistical operations, while facilitating the work of polling station presidents and polling staff.

A total of 11,185 polling stations will be available to voters to cast their ballots. Each polling station staff include a president and members, the number of which is not defined in the law or in the ISIE regulations. However, ISIE decision n° 2014-30 provides that the number of the members of the polling station must in no case be less than two. The total number of polling station staff will near 56,700. The president ensures smooth voting and counting operations inside the polling station. The members of the polling station are responsible for checking the voters' identity, handing-over ballot papers to voters and supervising the ballot box. Members also participate in the counting process.

How do citizens know where to vote?

According to the electoral law, the High Independent Authority for Elections (ISIE) must ensure that the number of voters assigned to a single polling station does not exceed 600 voters. Citizens can learn which polling station they are assigned to by dialing *195* followed by their ID number# and they will receive a text message with the address of their voting center and the number of their polling station. In case they cannot read, write or do not have a mobile phone they can call the ISIE call center at 1814.

What will the ballots look like and how should they be filled out?

For the municipal elections, there will be 350 different ballots corresponding to the 350 constituencies. Each ballot shall contain the names, symbols and numbers of the candidate lists in the municipality concerned. Candidate lists are ranked vertically. In front of the name of each candidate list there will be a box in which the voter must clearly mark his/her choice, knowing that s/he can choose only one list; otherwise the ballot will be considered null.

What are the voting procedures?

The vote begins at 8:00 a.m. and closes at 6:00 p.m.

Upon entering the voting center, the voter must go to the polling station to which s/he is assigned. The voters' lists are posted in the voting centers or polling stations to help voters identify the correct polling station where s/he is registered. In front of each polling station, an election official is responsible for managing the queue. Priority access is given to persons with disabilities, the elderly and pregnant women.

When the voter enters the polling station, a poll worker verifies the voters' identity and the national ID number or passport number and ascertains the presence of the voter's name on the list. The voter must sign the voters' list, ink her/his left-hand's index finger, before another polling official hands him/her the ballot bearing the stamp of the president of the polling station (the ballot must be stamped on the back of each its four corners). On April 15, 2018, the ISIE Council decided to use indelible ink only during voting on May 6, 2018. Military and security forces personnel voting on April 29 will not use indelible ink.⁶

The voter marks the ballot in a voting booth to guarantee the secrecy of the vote. Before leaving the booth, the voter must fold the ballot in four so that the choice is not disclosed to others. If the voter makes a mistake, s/he is entitled to ask for another ballot only once. In this case, the voter must return the spoiled ballot to the president of the polling station, who puts it in a dedicated envelope. Finally, the voter puts the marked ballot paper in the ballot box under the scrutiny of those present in the polling station (observers, representatives of candidate lists, polling station agents, etc.). The voter must then immediately leave the polling station.

Voters who are inside the polling station at closing time are allowed to vote.

Where and according to what procedures will the soldiers and agents of the internal security forces vote?

The military and agents of internal security forces will participate in an election for the first time. They will vote on April 29, 2018, one week before the public. The electoral law does not provide many details

⁶ According to the electoral law, the use of the electoral ink is not systematic. The ISIE decides for each election whether or not to resort to the ink.

about the voting and counting procedures for this category of voters. They are expected to be similar to that provided for other voters, with the exception of a few specificities:⁷

- The prohibition of publicly displaying the lists of these voters in the voting centers and polling stations;
- The prohibition on ascertaining the opinion of these voters as they exit the polling stations, or around the voting centers and polling stations; and
- The obligation to count their votes concurrently as the votes of the rest of the electors in the municipality are counted. For example, the ballot boxes containing military and security force ballot papers must be kept and secured until May 6. These ballot papers will be mixed with those of the other voters after the closing of polling stations and before counting begins on May 6.

However, the legal texts do not provide details about the location of voting centers and polling stations for the military and internal security forces, or the procedure to be followed for the transportation, the storage and the security of the ballot boxes between April 29 and May 6.

How will voters with disabilities vote?

The electoral law enshrines the principles of personal and secret voting for all voters, including voters with disabilities. To this end, it stipulates that polling stations must be set up in such a way as to enable persons with disabilities to access them and to exercise their right to vote (Article 131). The law permits the adoption of specific measures and procedures for the benefit of voters with disabilities, especially those that are blind or have low vision and those with a physical disability that prevents them from writing. On Election Day, these two categories of voters have the right to assistance from a voter of their choice who can assist them to vote if the following requirements are met (Article 33 of the decision of the High Independent Authority for Elections n° 2014-30):

- The voter presents a handicap card;
- The assistant must be a voter;
- The assistant must be either the spouse, or a relative of the voter with a disability. In addition to the national identity card, the assistant must also present an official document proving the relationship to the voter. The voter may also, in the absence of such an assistant from his/her family, ask the president of the polling station to instruct one of the voters present at the polling station to assist him/her in voting; and
- The same assistant may not accompany more than one voter with a disability.

Braille ballot folders containing the ballot paper will be available in each voting center for blind voters and voters with low vision. They will not bear the names of the lists but only the number of the

⁷ The electoral law and the ISIE decision No. 2014-30 dated 8 September 2014 on rules and procedures for voting and counting as modified by ISIE decision No. 2018-2 dated 2 January 2018.

candidate lists. The braille folder will be accompanied by a note in Braille that will allow voters to match the name and the number of each candidate list in the electoral constituencies.

Polling station staff should be equipped with guidelines on how to welcome, accommodate and assist voters with different disabilities in the best possible way.

How will illiterate voters vote?

The electoral law prohibits illiterate voters from using assistants to help them vote. However, the law encourages the High Independent Authority for Elections (ISIE) to carry out sensitization campaigns to explain voting procedures to illiterate voters. The ballot will be designed in color and will contain the symbol and number corresponding to each candidate list to facilitate its use by illiterate voters. The ISIE will prepare and disseminate videos, flyers and posters to explain the voting procedures step by step in a simplified manner to enable illiterate voters to cast their ballots independently.

Where will voting, counting and compilation of results take place?

Voting and counting will take place in the polling stations. The president and members of the polling stations will count and tabulate the ballots immediately after polling stations close in the presence of observers and representatives of candidate lists. When counting is complete, a copy of the results protocol of the counting process for each polling station is posted in the voting center. Election observers do not receive a copy. These protocols must also be published on the High Independent Authority for Elections' (ISIE) website.

At the same time, 27 tabulation centers will be opened to compile the results from all polling stations in a given region. The consolidated results from each of the 27 tabulation centers are then forwarded to the ISIE Council for verification and proclamation of the election results.

When and how will the preliminary and final results be proclaimed?

The High Independent Authority for Elections (ISIE) Council announces preliminary election results no later than three days after Election Day. According to the electoral calendar, the announcement of the preliminary results will take place no later than May 9, 2018. Detailed results by polling stations must be posted on the ISIE website and at the ISIE headquarters.

Once the litigation period for the results is over, the ISIE has 48 hours to proclaim the official results. According to the electoral calendar, the final results must be officially announced by June 13, 2018. They will also be published on the ISIE website and in the Official Gazette of the Republic of Tunisia.

The municipal councils will hold their inaugural session at the latest 21 days after the official announcement of the final results. They will elect presidents of the councils with an absolute majority over two rounds. The first session will be called by the governor and presided over by the oldest elected municipal council representative.

Who will observe the municipal elections? How can they obtain accreditation?

The electoral law permits observation of the elections by national observers, foreign observers, and representatives of candidate lists competing in the elections. To undertake their duties, observers apply for and obtain official accreditation from the High Independent Authority for Elections. Applications for accreditation are closed at the latest one week before Election Day.

Can election results be contested?

The preliminary results of the elections may be appealed to the Appeal Chambers of the Administrative Tribunal (located in Tunis) within three days of the date of their official proclamation by the High Independent Authority for Elections (ISIE). The right of appeal is open only to the heads and members of candidate lists and representatives of political parties. They can appeal only against the results of the constituency to which they are candidates. The request for appeal must be presented to the Appeals Chamber by a cassation lawyer accompanied by evidence and proof of the notification of appeal to the ISIE and to any other party concerned.

The Appeals Chamber conducts a hearing within a maximum of three days from the submission date of the appeal. The judgment must be pronounced within five days following the hearing and the parties must be notified within a maximum of three days after the decision is made.

Judgments rendered by the Appeals Chamber may be appealed before the administrative court's plenary session by one of the concerned parties (the ISIE, a candidate list or a political party). The appeal must be lodged within three days from the notification of the judgment of first instance. The first president of the Administrative Tribunal sets the date of the hearing within three days. The judgment on appeal shall be rendered within seven days of the date of the hearing and the parties shall be notified within two days of the judgement. The judgment rendered on appeal is final and cannot be challenged further.

Resources

- 2014 Constitution of Tunisia
- Compendium of all election related legal and regulatory documents on the municipal elections, compiled by IFES, March 2018 (French only)
- Analysis of the legislation related to the municipal and regional elections, drafted by IFES, March 2017 (French and Arabic only)
- ISIE Website, www.isie.tn