



**PRELIMINARY STATEMENT OF THE NDI OBSERVER DELEGATION
TO TUNISIA'S 2014 PRESIDENTIAL RUN-OFF ELECTION**

Tunis, December 22, 2014

I. EXECUTIVE SUMMARY

The December 21, 2014 presidential run-off election in Tunisia marks the culmination of a constitutional and electoral phase that has lasted nearly four years. The third and final contest in a series of votes organized in recent months, this election provided citizens with the opportunity to freely select their president for the first time in the country's history. The election commission ensured a smooth and well-organized process, election officials were highly competent, and voters demonstrated a strong familiarity with election day procedures.

Significant numbers of Tunisians participated in the election as voters, candidates, campaigners, observers, and election administrators. Estimates from Mourakiboun, a Tunisian organization that conducted a parallel vote tabulation, place turnout for in-country districts at approximately 62 percent, comparable to the November 23 first-round vote. Young people were not well-represented among voters, but along with women constitute a high proportion of polling officials and citizen observers.

Both campaigns pointed to the occurrence of violations on election day, alleging that their opponents unduly influenced voters or attempted to commit fraud. As in past rounds, there were allegations of vote-buying; the National Democratic Institute's (NDI) delegation would encourage people with such information to present it to the administrative tribunal. The delegation witnessed a small number of minor irregularities during the voting process that are unlikely to impact the overall outcome of the election.

Through its constitutional process and series of well-run elections, Tunisia has outlined a framework—relevant for the rest of the Arab world and beyond—for how to transition from a revolution to a new and legitimate political system. The country's elected leaders should now strive to create a model for prudent, democratic governance that represents all citizens and effectively produces concrete changes. Tunisia's leaders should protect the liberties that have been claimed in the past four years, preventing a return to authoritarian governance while ensuring the security necessary for equitable economic development. Incorporating diverse voices in governance would send an important signal of the new government's commitment to political pluralism. Tunisians will look to future municipal elections as proof that democracy is taking root in their country, and can begin to deliver basic improvements at the local level.

The winner of this election should take into account the sizable portion of the population that voted for his opponent or chose not to vote at all. Young people in particular have the most at stake in how the country is governed in the next five years but remain skeptical about how election results will translate into concrete change. It is incumbent on Tunisia's new leadership to engage this segment of society and demonstrate that youth have a say in the decisions that affect their lives.

The NDI delegation consisted of 45 international observers who visited more than 180 polling stations across 18 of 27 in-country districts on election day. At this time, it is not possible to render final conclusions on the entire electoral process. The official tabulation of results is not complete and any complaints that may be lodged have yet to be adjudicated. The statement offered below is therefore preliminary in nature; the Institute will continue to monitor the aftermath of the electoral process and issue reports as appropriate.

II. BACKGROUND

NDI's delegation included observers from 21 countries and was led by: Darrell Dexter, former premier of the province of Nova Scotia in Canada; Ken Dryden, former Minister for Social Development in Canada; Zakia Khattabi, member of the Belgian Parliament; and Leslie Campbell, NDI's Senior Associate and Regional Director for the Middle East and North Africa. A full list of observers is included at the end of this document. The mission's objective was to observe impartially every aspect of the election process—including the campaign, the casting and counting of ballots on election day, and the post-election period. The delegation visited Tunisia from December 18 to 23. The mission follows delegations organized by NDI to observe the October 26 legislative elections and November 23 first-round presidential election. Seven long-term election observers were also deployed across Tunisia to follow the lead-up to the elections. NDI's observation mission was conducted in accordance with Tunisian law and the Declaration of Principles for International Election Observation, which has been endorsed by 47 intergovernmental and international nongovernmental organizations worldwide. NDI also cooperated with other international observer missions and Tunisian non-partisan citizen observation groups, particularly with the Institute's local partner, Mourakiboun, which trained and deployed more than 4,000 monitors.

The delegation expresses its appreciation to the U.S. Department of State's Middle East Partnership Initiative (MEPI) and the Canadian Department of Foreign Affairs, Trade, and Development (DFATD), which have funded the work of this delegation and, along with the U.S. Agency for International Development (USAID), have supported NDI's democracy assistance programs in Tunisia. Beyond its international mission, NDI has assisted Tunisia's democratic transition and electoral process by supporting the election monitoring efforts of several local organizations and the long-term development of political parties.

III. ELECTORAL CONTEXT

The December 21 run-off presidential election is the third and final in a series of polls following the adoption of Tunisia's new constitution in January. A well-organized first-round presidential election in November drew positive reviews from Tunisian and international observers. All

candidates accepted the outcome, and no single candidate received a simple majority of the vote. The two leading candidates competed in the run-off: Moncef Marzouki, President of the Republic since his nomination by the National Constituent Assembly (NCA) in 2011, and Béji Caïd Essebsi, leader of the Nidaa Tounes political party who held the position of interim prime minister from March to December 2011.

As prescribed by the new constitution, the president handles the country's defense, national security, and foreign policy, working in concert with the head of government and legislature. The president will also review laws passed by the newly elected parliament, ratify treaties, and appoint senior state officials. After four years of transition that featured moments of both euphoric national unity and poignant tragedy and discord, the president is now positioned to cement the democratic gains achieved since 2011. By demonstrating a steadfast commitment to respecting the democratic principles of Tunisia's new constitution, the future president can help to ease fears that the country could return to its authoritarian past. He can begin by uniting Tunisians of all backgrounds around a clear agenda to realize a peaceful and prosperous future.

IV. OBSERVATIONS

Pre-Election and Campaign Period

Election Administration. The election commission (High Independent Authority for Elections or ISIE) again convened a nationwide evaluation session to identify and remedy shortcomings of the previous elections, an important step to improve internal communication with regional election branches. Though no significant changes to election day procedures were made, the ISIE committed to re-training polling station staff across the country. A small share of polling station staff was replaced due to poor performance or alleged political partiality. In response to requests made by Tunisian and international observers, the ISIE also released turn-out data for the first-round presidential election. While the format was more user-friendly than information previously released for the legislative elections, some figures continue to be absent, such as turnout by demographic (age, gender) as a percentage of registered voters.

Election Campaign. The official campaign ran from December 9 to 19 with an electoral silence day on December 20. Both candidates held campaign-like events prior to the opening of the official campaign period, effectively taking advantage of a loophole in the electoral law concerning the pre-campaign period. The legal provisions governing the election campaign mirrored those for the first round. Election authorities and civil society groups pointed to violations committed by both campaigns. The most common was a failure to provide 48 hours' notice before campaign events to local election authorities; campaigns argued that the security situation impeded their ability to confirm events in advance. Marzouki campaign events in Kef and Siliana were interrupted by protests.

Civil society groups raised concerns about the negative tone employed by candidates, which some organizations described as violent or inflammatory speech. Some civil society groups launched a joint initiative to advocate for a peaceful campaign. Both candidates used negative rhetoric to describe their opponents and incite fear about how they would govern if elected. The

election administration warned Marzouki and his campaign over comments suggesting he would only lose the election if fraud was committed.

Campaign Finance. Candidates received public campaign funds and are required to limit private expenditures within a fixed ceiling. As in the first-round election, the first allotments of public campaign funds were not delivered to candidates by the legal deadline.

Voter Education. The ISIE refrained from conducting a widespread voter education campaign in the period between the first- and second-round elections. One week before election day, the ISIE released web-based spots that described voting procedures. Unlike in prior rounds of elections, billboards were not used. Regional Independent Authorities for the Elections (IRIEs) across the country noted that, due to a budget shortage at the national level, they did not receive voter education material from the ISIE as they had during the first two elections. There were no indications of the ISIE partnering with civil society on voter education.

Media. An independent oversight body known as the High Independent Authority for Audiovisual Communication (HAICA) continued to issue fines to television and radio outlets for violating the electoral law. In particular, outlets were penalized for broadcasting the results of public opinion surveys or airing publicity favoring a certain candidate. Some political contestants and civil society groups criticized the HAICA for not adequately punishing violations and ensuring more balanced coverage of both candidates.

A state-run national TV channel and at least one private TV channel considered organizing candidate debates. Essebsi declined an invitation from Marzouki to take part in a national televised debate. A televised debate between the two candidates would have provided a unique opportunity for citizens to hear the candidates discuss their campaign platforms in a structured setting.

Security. Campaigns asserted that security concerns prevented them from campaigning in certain areas of the country. The security situation remained volatile in western regions of the country and became increasingly unstable along the Libyan border.

Election Day

General Environment. For the third time this year, NDI observers reported that election day was marked by an orderly and calm atmosphere. Voters, observers, and polling staff approached the voting process with confidence and a sense of duty. Observers witnessed isolated irregularities that are unlikely to affect results. Concern from both candidates' campaigns about the potential for fraud led to a higher degree of tension among candidate agents and some voters.

Participation. Preliminary voter turnout estimates indicate a rate comparable to that of the first-round presidential election. As with previous elections, youth turnout appeared low. Lines at observed polling stations were shorter compared to those during previous elections, with voting most concentrated in the morning. For the first time, polling staff used forms to track the number of male and female voters, as well as voters with disabilities.

Voting Procedures. The voting process was identical to that of the first-round presidential election, and both polling staff and voters showed a strong familiarity with the procedures. Voting flowed smoothly in nearly all polling stations observed. A small proportion of voters sought assistance from polling staff in completing the process. There were significant discrepancies in whether officials held voters' phones or identification cards while voting, but these variances did not appear to affect the integrity of the process.

Polling Station Officials. Polling station staff demonstrated seriousness and professionalism in performing their responsibilities on election day, following procedures accurately and efficiently while ensuring a friendly and cooperative environment inside polling stations. Their reception of observers and candidate agents indicated a commitment to transparency. Women and youth were well represented as election officials; in the majority of polling stations visited by NDI observers, at least two of the four polling staff present were women.

Campaigning. The delegation did not witness campaigning in or around polling stations. Local election authorities and civil society observers reported a small number of instances of campaigning on the electoral silence day. Campaign-like messages were prevalent on social media networks during the electoral silence period and on election day itself.

Counting Procedures. With a streamlined ballot and experienced polling staff, the counting process in observed polling stations was efficient and transparent. NDI delegates noted some variation in counting procedures but these deviations did not appear to adversely impact the integrity of the results.

Observation. Approximately 59,000 candidate agents and 29,000 non-partisan citizen observers received accreditation from the ISIE to observe on election day, again demonstrating the commitment of Tunisian citizens to oversee the election. In an effort to prevent overcrowding and potential tension among candidate agents, the ISIE decided to allow only one agent per candidate in each polling station and to prevent candidate agents and observers from occupying the polling center courtyard. Certain non-partisan observer groups criticized this decision for impinging on transparency and regretted that it was not communicated earlier and more clearly. The delegation found on election day that the restriction caused confusion or tension in a few instances, but did not result in significant issues.

Access for Persons with Disabilities. Many observed polling stations were only accessible by stairs, limiting access to disabled and elderly voters who often received assistance from polling staff and other voters. Voters with disabilities were provided assistance to cast their ballots if they had the appropriate identification.

Security. Members of the Tunisian military were consistently professional in providing security for the voting process. The ISIE decided to restrict the opening hours of 124 polling stations in three western governorates due to security concerns, an increase from the 50 polling stations that featured similar restrictions during the first round.

V. RECOMMENDATIONS

The delegation respectfully offers the following recommendations, in addition to those issued by NDI's observer delegations to the legislative and first-round presidential elections:

- Building on its evaluations of each phase of the elections, the ISIE should soon undertake a broad assessment of the administration of the electoral process by convening political contestants, civil society representatives, and members of the international community, along with national- and regional-level election authorities. The process can identify lessons learned to shape upcoming municipal elections and future national elections. In advance of subsequent elections, the ISIE can also benefit from its achievements by taking steps to develop as a permanent institution.
- Tunisian citizens must continue to be politically engaged to hold their leaders accountable. The continuing participation of citizens in political life—including individuals engaging their elected representatives and civil society groups monitoring and reporting on government performance—is essential.

VI. THE DELEGATION AND INTERNATIONAL OBSERVATION

When conducted in accordance with accepted principles for impartial assessments, international election observation seeks to enhance the integrity of election processes by encouraging best electoral practices and deterring misconduct, as well as by identifying problems and irregularities, which can lead to effective redress. International election observation has become widely accepted by countries around the world and it now plays an important role in informing citizens and the international community about the nature of each country's electoral process. This mission builds on NDI's 30 years of experience observing more than 200 elections around the world, including delegations in Jordan, Morocco, Egypt, Lebanon, Mauritania, Algeria, the West Bank and Gaza, and Yemen.

The delegation is grateful for the welcome and cooperation it received from voters, election officials, candidates, political party leaders, government officials, and representatives of media and civil society. NDI was officially accredited to conduct an international election observation mission by the ISIE. The delegation offers this election statement in the spirit of supporting and strengthening democratic institutions and processes in Tunisia.

NDI Observer Delegation to Tunisia's 2014 Presidential Run-Off Election

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