



PRELIMINARY STATEMENT OF THE NDI OBSERVER DELEGATION TO TUNISIA'S 2014 FIRST-ROUND PRESIDENTIAL ELECTION

Tunis, November 24, 2014

I. EXECUTIVE SUMMARY

Tunisia's November 23, 2014 presidential election represents another positive achievement that builds on the October 26 legislative elections to further consolidate the country's development of a democratic political system. When taken as a whole, the constitutional and electoral processes to date constitute a monumental feat for the country as it faces intense economic challenges, mounting security concerns, and continued violence along its borders. No matter the outcome of this election, all Tunisians should take great pride in the success of the process.

In their first opportunity to freely select their president, Tunisians turned out in meaningful numbers as voters and observers, demonstrating their confidence in the integrity of the electoral process. Voting was administered in a smooth and professional manner by a well-trained staff and took place without any significant security incidents. Election authorities showed a determination to improve the organization of the election after examining challenges faced in the October vote.

On election day, the National Democratic Institute's (NDI) delegation of 64 international observers visited more than 220 polling stations across 21 of 27 in-country districts. The delegation stresses that 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 electoral process and issue reports as appropriate.

Preliminary estimates by election authorities and citizen observers indicate a turnout rate around 64 percent, relatively comparable to that of last month's legislative elections. Notwithstanding, NDI observers noted a relatively low turnout among young voters, in contrast to the significant roles that young people played within citizen observer groups and as pollworkers.

Election day featured isolated issues that are unlikely to affect the overall result of the vote. Election officials effectively handled situations where individuals reportedly attempted to influence voters as they waited on lines. Some campaign material remained posted outside polling centers and there were a few reported cases of altercations among candidates' supporters. Overall, however, voters and election officials alike demonstrated a more confident and knowledgeable approach to the voting process than in October.

Depending on the final outcome of the vote tally, a run-off election could be held in late December between the two leading candidates. Should a run-off vote occur, election authorities, political contestants, and civil society groups may consider certain immediate steps. These include: clear and detailed policy platforms from the candidates that better engage citizens, especially young people; televised candidate debates; the timely provision of public campaign funding and clarification of campaign regulations by electoral authorities to encourage equal opportunity for both candidates; and further efforts by the High Independent Authority for Elections (ISIE) and civil society partners to educate citizens and mobilize voters to participate.

More importantly, once the overall electoral process is completed, new leaders must illustrate how democracy can deliver positive change for the people of Tunisia. They will need to translate their elected legitimacy into credible and responsive governance that can address economic, security, and other issues that are of great concern to citizens. Tunisians can draw on their experience with national dialogue and inclusive debate that led to the adoption of the new, democratic constitution and the convening of these elections that form the foundation for the country moving forward.

II. BACKGROUND

NDI's delegation included observers from 27 countries and was led by Olivia Chow, former member of Parliament of the Official Opposition of Canada; Ana Gomes, member of the European Parliament from Portugal; U.S. Representative David E. Price, D-NC; and Shari Bryan, vice president of NDI. A full list of the observers is included at the end of this document. The mission's objectives were 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—and to demonstrate the interest of the international community in the development of a democratic political process in Tunisia.

The delegation visited Tunisia from November 19 to 25. The mission follows a 51-member delegation organized by NDI to observe the October 26 legislative elections, as well as a pre-election assessment conducted by NDI in collaboration with the International Republican Institute (IRI) in early September. The delegation was also informed by the analysis conducted by NDI's seven long-term election observers, who have been deployed across Tunisia since June, and have followed the run-up to the legislative and presidential elections throughout the country. These long-term observers held more than 1,100 meetings with representatives of political parties and campaign teams, the media, civil society, and election authorities in all of Tunisia's 27 in-country districts. 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. In addition, NDI 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 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

Tunisia's presidential election presents citizens with their first real opportunity to freely select their head of state. For decades, Tunisia's presidential elections held little importance or meaning. Under the authoritarian regimes of Habib Bourguiba and Zine El Abidine Ben Ali, the results of presidential elections were pre-determined and incumbent presidents often won by extraordinary margins. The votes were organized by the Ministry of Interior (MOI) and characterized by a severe lack of transparency and restrictions on opposition figures standing as candidates. After the 2011 uprising, an elected constituent assembly nominated former opposition politician and human rights activist Moncef Marzouki as interim president.

Tunisia's new democratic constitution, adopted in January after protracted negotiations, outlines a semi-presidential political system with a president and legislature each directly elected to a five-year term. The respective powers of the president and the legislature were the subject of intense debate among the constitution's drafters, some of whom argued for a strong head of state to steer the country through its transition, while others worried that an over-empowered presidency could presage the return to authoritarianism. Lawmakers ultimately opted to limit the scope of the president's mandate to three areas—defense, national security, and foreign affairs—and he or she is only permitted to serve two terms. Among other responsibilities, the president is also tasked with reviewing laws passed by the legislature, known officially as the Assembly of the Representatives of the People, as well as ratifying treaties and appointing senior state officials, including members of the supreme court and constitutional court. Under certain conditions, the president also reserves the right to dissolve the legislature and call new elections.

The power of Tunisia's future president will be checked by the legislature, whose members were elected on October 26, 2014. These elections set a positive precedent for the presidential polls: turnout of registered voters was higher than many anticipated; voting proceeded in a calm and peaceful manner; and, despite minor irregularities and administrative shortcomings, the election administration succeeded in organizing a credible process whose results were accepted by all leading political contestants.

This election alone will not remedy the grievances that provoked the popular uprising nearly four years ago. It will, however, provide a foundation for the future president to set an agenda to stabilize the country and bolster national security, a high priority among Tunisian citizens. The president will also represent Tunisia's nascent democracy on the international stage, working to develop new partnerships around the globe that can contribute to revitalizing the economy at home. The extent to which the president commits to adhere to the principles of Tunisia's constitution and works with the head of government and legislature can serve to reassure citizens that the country will stay on its democratic path and establish a precedent for the peaceful alternation of executive power.

IV. OBSERVATIONS

Pre-Election and Campaign Period

Election Administration. The election commission, or ISIE, took significant steps to address shortcomings during the legislative elections that were the subject of observers' recommendations. The ISIE's decision to hold evaluation sessions with Independent Regional Authorities for Elections (IRIEs) was a valuable step in reducing internal communications deficits that led to earlier weaknesses. The ISIE reviewed polling officials' performance and political neutrality, dismissed unsatisfactory officials, and retrained 15,000 polling center and polling station presidents. Several procedural adjustments were made by the ISIE to increase efficiency on election day; these changes were sometimes not communicated by the ISIE to IRIEs in a consistent and detailed manner.

Although a small number of political contestants and civil society groups continued to allege that the election administration failed to act in an impartial manner, the delegation did not observe such bias. The ISIE undertook further efforts to work transparently, such as releasing a considerable amount of information about the electoral process on its website. Presidential campaigns expressed confusion over the regulations on campaign activities and financing, and could have benefited from more regular and thorough communication and explanation from the ISIE.

Voter Registration. The ISIE failed to publish a final voter list prior to the legislative elections, though voters could confirm their registration online or by SMS. A final list would have served as a valuable tool to ensure proper enfranchisement and efficient administration. Some voters who had registered in 2011 and 2014, particularly in overseas districts, did not find their names on the voter registry during the legislative elections. In response, the ISIE announced that from November 2 to 8 already registered voters could change their polling stations or add themselves to the voter list at their IRIEs if they could produce receipts from their original registration. The commission received 9,452 total requests, most of which were filed by unregistered voters who were ineligible to participate. Only 1,618 requests were accepted—most of them in overseas districts—with just 489 new additions to the registry. While the added names were published by the ISIE, they were not subject to the public review and complaints process that was conducted at the end of the formal registration periods this summer.

Candidate Registration. The ISIE received 70 submissions during the presidential candidate registration period, which ran from September 8 to 22. Twenty-seven eligible candidates, including the first woman to stand, remained after the ISIE's review and a subsequent appeals process. To be confirmed as eligible, the electoral law stipulated that each applicant be: over 35 years of age, a registered voter, a Tunisian national since birth, and a Muslim. Candidates were also required to submit signatures of either 10,000 registered voters from 10 or more electoral districts or from 10 members of the National Constituent Assembly (NCA).

While reviewing submissions, the ISIE announced that it had evidence to suggest that some candidates submitted signatures on behalf of citizens without their knowledge or approval. The ISIE asserted that the electoral law only authorized the commission to confirm that the submitted

signatures met legal requirements, for example, that signatories are registered voters and that the same voters do not sign for multiple candidates. The law, however, did not empower the commission to review the authenticity of signatures. At the commission's request, the public prosecutor initiated an investigation into the falsification of signatures.

The ISIE created an SMS-based system for citizens to confirm whether their names were included in support of a presidential candidate and encouraged citizens to file complaints through their local courts. NDI received many reports from citizens across the country that their names were used without their knowledge. The controversy damaged the public's trust in the field of candidates. Beyond this issue, citizen observer groups found further shortcomings in the lists of signatures, such as duplicate names and names of deceased citizens.

Election Campaign. The official campaign period ran from November 1 to 21, with a one-day silence period preceding voting. After a quiet beginning that saw only a few candidates campaigning in the first week, the campaign gained limited momentum toward its conclusion. Well-resourced candidates, some of whom also benefited from political party support and infrastructure, were generally able to mount large-scale campaigns. In contrast, independents criticized the process for failing to offer an equal chance to all competitors. Most candidates campaigned on similar, broad platforms, focusing on: security and the fight against terrorism; the economy and unemployment; regional development and infrastructure; and foreign relations. Candidates rarely offered details on specific policies that they would pursue as president. Civil society groups and some candidates noted increasingly negative and inflammatory campaign rhetoric. In certain cases, candidates claimed that they were threatened with violence and hate speech.

As with the legislative elections, the law did not clearly distinguish between permitted and banned campaign activities, which led to varied interpretations across districts by political contestants and electoral authorities. IRIEs and civil society organizations (CSOs) cited campaign violations including posting advertisements in unauthorized places and destruction of candidate posters. Restrictions that had been imposed on candidate lists in the legislative elections were loosened for the presidential contest, during which candidates were permitted to purchase advertising space for billboards and posters. One common violation documented by IRIEs was candidates' failure to give advance notice of campaign events; candidates viewed their campaign plans as fluid and referred to security constraints that required them to change or cancel events at short notice.

Campaign Finance. The 2014 electoral law imposed stricter limits on campaign spending, tightened requirements on campaigns to document their expenditures, and elevated the penalties for violations. Presidential campaigns were eligible to receive public funding and to spend from private donations and personal assets within a fixed ceiling. The first allotment of public funds was due to be distributed by the Central Bank to candidates no more than seven days before the campaign period; the funding was not delivered until two weeks into the campaign period—a 21-day delay. Many candidates strongly criticized this delay, particularly independents who tended to have fewer resources and were thus disproportionately affected. Some candidates who dropped out of the race highlighted concerns that their opponents were exceeding spending limits. The ISIE and Court of Accounts' efforts to examine candidates' expenditures and

penalize over-spending will be an important aspect of the post-election period. Some candidates and parties were accused by competitors of vote-buying; the delegation did not receive any first-hand evidence to confirm this.

Voter Education. Initiatives to improve voters' understanding of election day procedures were led by the ISIE, with local efforts being pursued separately by civil society organizations. Observers of the legislative vote noted that given Tunisia's limited experience with competitive elections, voters could have benefited from more widespread voter education. While a consistent and thorough voter education campaign launched immediately after the legislative elections could have served to further reduce voter confusion, unfortunately the ISIE-led campaign was effectively suspended for the two weeks following the legislative contest. Resumed after the first week of the presidential campaign, the initiative was again limited to web-based spots, billboards, and distribution of leaflets and other promotional materials. In contrast to the legislative elections, the ISIE did engage CSOs to assist with distributing official voter education material, a useful move in trying to reach more citizens. CSOs also led independent initiatives to target voters in some rural areas.

Media. The High Independent Authority for Audiovisual Communication (HAICA) monitors TV and radio outlets' adherence to provisions in the electoral law concerning coverage of the presidential campaign, while the ISIE is responsible for monitoring newspapers. As in the lead-up to the legislative elections, the HAICA issued fines to television and radio stations for violating articles of the electoral law that forbid the airing of publicity in favor of candidates or information related to public opinion surveys. Television channels also received HAICA warnings to ensure equal coverage of all candidates, in accordance with the law.

Security. Several candidates reported that the MOI had relayed information about assassination plots targeting them, which some said led them to alter their campaign strategies. Campaigns made use of private security firms and security details offered by the government. There were also isolated incidents of violence targeting campaigns and civil society groups. In eastern and central regions of the country, Tunisian security forces continued to face violent attacks from extremist groups.

Election Day

General Environment. Observers witnessed a calm and orderly election day characterized by professionalism and transparency. Polling officials, voters, and citizen observers appeared committed to the democratic process rather than a particular partisan outcome, and all seemed to approach the process with a positive attitude. The legislative elections last month helped pave the way for smooth presidential voting, with some observers describing the atmosphere within polling stations as business-like. Observers did note in many instances the genuine excitement that voters expressed in participating in the polls.

Participation. Preliminary estimates of voter turnout indicate a rate comparable to that of last month's legislative elections. Across polling stations observed by NDI, women comprised slightly less than half of observed voters. In virtually every district where NDI observed voting, however, observers reported low youth turnout throughout the day. Lines in the morning tended

to be long in many districts, but polling staff were able to process voters relatively quickly and efficiently. Observers noted that the majority of voters early in the day were older, with noticeably more men than women turning out in the morning in most districts.

Voting Procedures. Overall, voting proceeded smoothly and efficiently. Almost all observed polling stations opened on time, and voting took place in an orderly and well-managed fashion. Both polling officials and voters demonstrated increased confidence in their understanding of procedures. In some cases, polling station officials did not follow official procedures, such as verifying that voters' fingers were not already inked or holding voters' phones while they marked their ballots, but these discrepancies did not seem to affect voting outcomes or have been intentional attempts to violate procedures.

Polling Station Officials. The ISIE's efforts to retrain polling staff appeared successful, with voters and observers alike noting a marked improvement in the smoothness of election day compared to the legislative elections. This was partially reflected in shorter voter wait-times and more efficient ballot counting. Polling staff were professional and appeared dedicated to ensuring that the voting and counting were transparent and impartial. In comparison to the legislative elections, polling station staff appeared more confident in their roles and specific procedures. Several questions that arose during the legislative elections—such as when to provide assistance to voters and how to follow specific procedures for opening and closing the polling station—were largely resolved for the presidential vote. NDI observers noted that youth made up a significant proportion of polling staff and that nearly half of staff in observed polling stations were women, including many polling station presidents.

Campaigning. NDI observers did not witness any major campaign events during the silence period in advance of election day or on November 23. In several districts, observers did note that campaign posters and other materials remained affixed outside polling centers. Some political party offices and cars displayed pictures of candidates on election day outside of designated areas. Observers witnessed a small number of cases of individuals speaking about certain candidates with voters waiting in line inside polling centers; polling staff were able to remove these individuals from the premises, with the support of the military when necessary.

Counting Procedures. Polling station staff appeared better-versed in closing and counting procedures than during last month's legislative elections. As a result, they completed the count more quickly where observed. Procedures were generally followed in an efficient, professional, and transparent manner. Polling station presidents were able to clarify procedures and address minor mistakes made during the count. Civil society observers and candidate agents, who were present in all polling stations where counting was observed by NDI, agreed with polling staff judgments about which ballots should be invalidated and did not contest posted results.

Observation. As with the October legislative elections, citizens played an active role in monitoring the voting process, with election authorities indicating that accreditation had been issued to approximately 27,000 nonpartisan citizen observers and 65,000 candidate agents. Nonpartisan citizen observers representing a number of different monitoring initiatives were well represented in nearly all polling stations observed by NDI, and candidate agents were present in virtually all stations observed.

Access for Persons with Disabilities. NDI observers noted fewer challenges for persons with disabilities in accessing polling stations compared to the legislative polls. There were indications that election authorities made efforts to address concerns raised in October by national and international observers, such as through the construction of ramps to cover steps and clearer instructions for polling agents on how to assist such voters. NDI observers noted these improvements in several polling stations and, while infrastructure continued to present challenges in some cases, did not observe any accessibility challenges that deterred voting. The ISIE also distributed braille ballot-holders to assist blind voters; while seen by NDI observers in at least one case, it is unknown to what extent the materials were distributed or utilized.

Security. The delegation found that security forces behaved in a consistently professional manner. Members of the police and army were present outside of all observed polling centers, and in certain cases entered inside the polling center, though this did not appear to intimidate or disrupt voters. Citing security concerns, the government and election authorities decided to limit the hours of operation at 50 polling stations in three governorates in western Tunisia. Observers noted a heightened security presence at one of these polling stations. To avoid delays seen in the legislative elections, the ISIE and military made adjustments to routes for delivering election materials before election day and transporting materials to tabulation centers after the closing of the polls.

V. RECOMMENDATIONS

In the spirit of international cooperation and on the basis of these pre-election and election-day observations, NDI's delegation respectfully offers the following recommendations:

In the event of a run-off election:

- Acknowledging Tunisians' active participation in the electoral process thus far, the two run-off candidates should seek to better engage citizens during the campaign. In particular, campaign efforts should more directly target and involve young people and address their policy concerns. Echoing a recommendation made by NDI's delegation to the legislative elections, televised debates between candidates are one potential means to inform voters of candidates' platforms and to encourage civil political discourse.
- To allow voters to make informed choices, candidates should present clear and detailed policy platforms. A substantive run-off campaign would help to reduce voter fatigue and ensure sustained participation, whereas a lack of attention to concrete issues could risk disillusioning the electorate and exacerbating the challenge of governing the country.
- The time period before the run-off election presents an opportunity for a sustained voter education and mobilization campaign that should begin immediately. The delegation encourages the ISIE to organize such initiatives in close collaboration with civil society, and with particular attention to encouraging the participation of young voters.
- The delegation encourages the ISIE to continue its positive trend of communicating more regularly and openly with political contestants, civil society, and the broader public. The

commission should ensure early on that candidates' campaigns are thoroughly informed about regulations on campaign activities and finance.

Over the longer term:

- These elections grant Tunisia's new political leadership the opportunity to demonstrate that democratically elected institutions can be responsive to citizens. Critically, elected officials must show a commitment to listening and responding to the collective priorities of constituents, particularly young people. This will constitute an important step in bolstering youth confidence and engagement in the democratic process over the long term. A failure to demonstrate how these institutions can improve peoples' lives could erode confidence in democratic gains to date.
- As they have demonstrated by participating throughout the electoral process, citizens must continue to be politically engaged to ensure that their leaders are held accountable. The continuing participation of citizens in political life—ranging from individuals engaging their elected representatives to CSOs monitoring and reporting on government performance—is essential.
- With the likelihood that local elections will present the next electoral opportunity after the potential run-off, political leaders should give serious consideration to how those polls can serve as an avenue for meaningful public engagement. In particular, local elections can offer a pathway for Tunisian youth to access positions of political responsibility.
- In an effort to expand the participation of more eligible voters, the delegation reiterates its prior recommendation that the ISIE: conduct a comprehensive review of the voter register; consider prolonging the registration period; and, evaluate various registration systems that could expand the electorate, such as an approach based on an updated national identification database.
- The international community should take extraordinary steps to ensure that this nascent democratic transition can be successful in a global climate of economic and political insecurity. This can be accomplished through a range of multilateral and bilateral tools, including economic support, technical assistance, and good governance mechanisms.

VI. THE DELEGATION AND INTERNATIONAL OBSERVATION

An accurate and complete assessment of any election must take into account all aspects of the process, and no election can be viewed in isolation from the political context in which it takes place. Among the factors that must be considered are: the legal framework for the election, including electoral and related laws; the ability of citizens to seek and receive sufficient and accurate information upon which to make political choices; the ability of political competitors to organize and reach out to citizens in order to win their support; the conduct of the mass media in providing coverage of parties, candidates, and issues; the freedom that citizens and political competitors have to engage in the political and electoral process without fear of intimidation,

violence, or retribution for their choices; the conduct of the voter registration process and integrity of the final voters' register; the right to stand for election; the conduct of the voting, counting, results tabulation, transmission, and announcement of results; the handling of election complaints; and the installation to office of those duly elected. It should also be noted that no electoral framework is perfect, and all electoral and political processes experience challenges. Ultimately, in a democratic election the electorate is able to freely express its will, and the final results reflect how voters cast their ballots.

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. International election observation, when done in accordance with accepted principles for impartial assessments, 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 observers are welcomed by countries in all stages of democratic development. The 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 First-Round Presidential Election

Ruba Abdelkarim, Jordan	Dareen Al-Khoury, Jordan
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Raed Al Adwan, Jordan	Nafissa Lahrache, Algeria
Mohammed Amer, United States	Vera Lourenço, Portugal
Nour El Assaad, Lebanon	Greg Lyle, Canada
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