

NDI TUNISIA PRELIMINARY ELECTION STATEMENT
OCTOBER 24, 2011



I. EXECUTIVE SUMMARY

Tunisia's Oct. 23 constituent assembly election will choose the body that will draft Tunisia's post-revolution constitution and create the country's new government. The significance of the election was not lost on Tunisian voters or the international community as an unprecedented number of voters descended on polling stations in the presence of more than 10,000 local and international observers.

The National Democratic Institute's (NDI) international observer delegation noted a positive, sometimes festive atmosphere at polling centers, trained poll workers, adequate procedures, and orderly lines in most locations. While a number of administrative problems emerged – mostly related to the desire of unregistered voters to cast a ballot – the NDI delegation would characterize Tunisia's 2011 constituent assembly elections as an extraordinary achievement and a milestone that is especially significant coming so shortly after emerging from decades of authoritarian rule.

Many observers commented on the spirit of Tunisian voters – described variously as joyful, proud and spirited. There was a clear sense of catharsis – one observer described the act of voting as akin to burying the country's authoritarian past by throwing millions of ballots on a figurative grave.

As election day grew closer, the sense of anticipation and excitement surrounding the first election of the "Arab Spring" seemed to grow. On election day itself, early voter turnout was high and by the end of the day, reports pointed to an overall turnout of at least 70 percent of registered voters, and participation surpassed 90 percent in some areas. These are impressive figures for any election and an enormous increase over previous Tunisian elections where as few as 10 to 15 percent of eligible voters cast ballots.

Tunisia's first democratic election will also see a number of women elected to constituent assembly seats. While official figures have not been released, early indications suggest that Tunisia's "zipper" system of requiring that every second name on an electoral list be a woman

may result in the largest percentage of women elected to a national body in the Arab world – and a proportion matching or exceeding that of many established democracies.

NDI observers also noted a strong presence of domestic election observers and party pollwatchers throughout the country. Domestic observers were present in every polling center visited by NDI's delegation and it was noted that they appeared well trained and professional in their department. Many of NDI's delegates noted that the majority of domestic observers in the areas they visited were young women.

While the strong desire to participate in Tunisia's first free election was a defining characteristic of this historic day, the High Independent Authority for Elections (ISIE) and voting center capacity were stretched to the limit, and the challenges of managing the flood of voters led to some administrative shortcomings.

Voters who missed the Aug. 14 deadline for registration were told that they could vote at special polling centers. Responding to the public desire to vote, and in an effort to enfranchise as many citizens as possible, the ISIE set up 900 such centers around the country. The ISIE informed the public that they could send an SMS message to the commission and that they in turn would get a reply giving them a location to vote. By late afternoon, thousands of extra voters made their way to the special polling centers, many of them young people.

Many of the special centers were not prepared for the influx of voters and the SMS system crashed early in the day but was restored later. Observers noted a number of isolated incidents where voters were turned away from special polling centers. Long lines were a feature of most polling places but it should be noted that most voters cheerfully waited their turn and there were reports of voters standing patiently for five hours or more.

At regular polling centers, there were also long lines in many cases and the number of voters assigned to a specific voting station within a center varied widely. In extreme cases, one station could have as many as 900 voters, with another station in the same center having 200 or fewer. The wait time varied, but voting continued for two hours or more after closing hours in several cases to accommodate the voters still in line at 7 PM.

While each and every complaint that is received about election administration and the possibility of voter disenfranchisement should be investigated, another remarkable aspect of Tunisia's election is the confidence that political party leaders have expressed for the work of the ISIE. While parties expected administrative problems, they also believe that good faith efforts will be made to investigate allegations.

With high turnout and high significance come high expectations. Attention will now turn to the process of forming a government and writing a constitution. If Tunisia's remarkable progress toward true democracy is to continue, the country's political leaders must respond appropriately to the pride and spirit expressed by voters on election day or they risk disappointment and ultimately, alienation. Democracy will require effective, constructive, transparent government and respect for pluralism, diversity and tolerance. If political leaders respond in kind, Tunisia's

historic election can become the catalyst for permanent positive change at home and in the rest of the Arab world.

II. BACKGROUND

NDI's international election observer delegation to Tunisia's Oct. 23, 2011 constituent assembly election offers this preliminary statement. The vote represents the first in the country's political transition following the citizen-led uprising that ousted the regime of Zine El Abidine Ben Ali on Jan. 14, 2011. The new body will determine the composition of the next government and lay the foundation for the country's post-revolution constitution.

NDI fielded 47 accredited observers from 15 countries and territories who deployed throughout the country on election day. 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 – and to demonstrate the interest of the international community in the development of a democratic political process in Tunisia.

The delegation was co-led by Alejandro Toledo, former president of Peru; Jorge Fernando Quiroga, former president of Bolivia; Jane Harman, president of the Woodrow Wilson International Center and former U.S. congresswoman from California; Marwan Muasher, vice president of the Carnegie Endowment for International Peace and former minister of foreign affairs in Jordan; Ana Gomes, member of the European Parliament from Portugal; and Leslie Campbell, NDI regional director for Middle East and North Africa programs.

NDI is a nonprofit, nonpartisan organization working to support and strengthen democratic institutions worldwide through citizen participation, openness, and accountability in government. NDI has worked with Tunisian democratic activists since 2000 and opened an office in Tunisia January 2011 to provide comparative experience from other democratic transitions, help strengthen political parties, improve the transparency of the election system, and encourage civil society groups to participate in the political and policy process.

Prior to the election, the delegation met with senior government and election officials, political party representatives, candidates, citizen election monitors, civil society leaders and representatives of traditional and new media. On election day, the delegation visited more than 128 polling centers – including 25 special polling centers for unregistered voters – in 14 electoral districts within 12 governorates. NDI conducted its activities in accordance with the laws of Tunisia and the [Declaration of Principles for International Election Observation](#), which is endorsed by 36 intergovernmental and nongovernmental organizations and was launched at the United Nations in 2005.

The delegation recognizes that it is still early in the post-election period and that votes are still being tallied, results have not yet been officially announced and election complaints and challenges that may be lodged will need to be resolved in accordance with the rule of law. It is therefore not the intention of the delegation to render a complete or definitive assessment of the election process at the time. Indeed, it is the people of Tunisia who, as citizens and voters, will determine the credibility of this election and their significance for ongoing democratic

processes. Further statements may be released in the post-Oct. 23 period, and a final report will follow after the election process is completed.

NDI's international election observation mission in Tunisia is funded by a grant from the U.S. Agency for International Development (USAID). NDI programs in Tunisia are also supported by the Middle East Partnership Initiative (MEPI) and the U.S. Embassy in Tunis.

The delegation presents below a summary of its preliminary observations and recommendations.

III. ELECTORAL CONTEXT

A citizen-led movement in Tunisia led to the overthrow of the authoritarian regime of President Zine El Abidine Ben Ali on Jan. 14 in a display of people power unprecedented in the region. In the months after this amorphous movement toppled the regime, a complex political transition took root in Tunisia. Transitional governance bodies emerged to make key political decisions about the transition and put in place an electoral framework designed to include Tunisians who had long been excluded from the political process. A *High Commission for the Fulfillment of the Goals of the Revolution, Political Reform and Democratic Transition* ("High Commission"), tasked with drafting the legal framework underpinning the transition, was expanded from a small committee of technical experts to a larger political body comprising civic activists and representatives from leading political parties.

The transitional government passed a law outlining the new electoral system, which is largely based on the preexisting district boundaries of the country's 24 governorates. Voters in 33 electoral constituencies – 27 in Tunisia and an additional six allocated to Tunisian diaspora communities around the world – elected representatives for the 218-member constituent assembly based on a proportional representation "closed list" system. Voters marked a ballot for the candidate list of their choice and seats will be allocated proportional to the number of votes each party list gains at the constituent level. Two stipulations of the draft electoral law sparked debate: rank and file members of the former ruling party (Constitutional Democratic Rally or RCD) were forbidden to participate in the election, and all candidate lists were required to alternate between men and women's names in an attempt to promote parity.

The High Commission established the ISIE in April, marking the first time an independent electoral advisory body will oversee a Tunisian election, and initially slated elections for July 24. The creation of the ISIE was a milestone for a country whose past elections – considered neither competitive nor credible – were organized and overseen exclusively by the Ministry of Interior (MOI). In the weeks following its creation, however, it became evident that preparing for Tunisia's first democratic election would be challenging. Consisting of a central committee in Tunis and commissions in every electoral district, the ISIE is responsible not only for the legal framework of the election, but also for creating and vetting the voter list; designing and staffing Regional Independent Election Authorities (IRIEs) across the country; approving candidate lists; and training an estimated 40,000 poll workers, among other things.

As preparations for the election began, a heated political debate broke out over whether the vote should be postponed. Leaders of the ISIE and some political parties argued for delaying the

election for technical reasons and due to lack of voter awareness. Other parties opposed a postponement and expressed concern that larger political motives were at play. Eventually a consensus emerged that the technical challenges would make it nearly impossible to organize the election in July. The vote was subsequently fixed for Oct. 23, and, after some controversy, the public largely accepted the postponement.

ISIE's first real test came during its active registration of voters, a process that was intended to allow the generation of a new voter list. By the deadline of Aug. 14, only 3.8 million voters or 55 percent of the eligible electorate had registered, prompting the ISIE to change to a passive registration process, whereby all Tunisians who hold a national ID card and are part of the the MOI's national database are automatically registered.

Subsequent phases of the electoral preparation period passed with less overt problems, but several issues emerged as the process moved forward. During candidate registration, slightly more than half of the registered parties put forth lists that were approved by election authorities, with only five parties submitting lists in every electoral constituency. Several political parties violated an ISIE-imposed ban on political advertising during the pre-campaign period, with no consequence from authorities. As the campaign period opened on Oct. 2, some parties began to complain that restrictive campaign finance, publicity and media regulations were limiting their ability to lead proper campaigns, while others began to allege vote-buying and other violations.

In a matter of months following Ben Ali's ouster, Tunisia has transformed from a state with virtually one-party rule to one with 116 legalized political parties. In the Oct. 23 election, 11,618 candidates on 1,517 lists (including 828 party lists, 655 independent lists and 34 coalition lists) are vying for seats in the constituent assembly. With a few exceptions, most of the political parties competing were created since the revolution. Independents make up approximately 40 percent of eligible candidate lists, and represent a myriad of issues and demographics, further diversifying options for an electorate already perplexed by the mushrooming of parties since the revolution.

As the political landscape expanded, parties and independent figures began to position themselves within the High Commission and in public on a range of contentious issues including the persistent debate over the role of religion in politics and the extent to which leaders must break ties with the former regime. Parties jockeyed over these ideas during the campaign period, although in the week prior to the election, leading parties began to look to the future political framework, taking positions on potential governing arrangements in the constituent assembly period. The apparent frontrunner, Ennahda, made clear that it expects to perform well in the election and would envision that the constituent assembly would produce a coalition government based on the outcome of the vote, with non-coalition parties in minority or opposition. On the other hand, a number of the secular parties shared an alternate vision where a national unity government is formed and promotes consensus-based decision-making. The constituent assembly may grapple with the question of government formation for some time to come – leaving the fate of the current transitional government unclear.

As with political parties, burgeoning civic groups are working to define their mission, reach out to potential constituents and build basic organizing capacity in the midst of a political culture

which has little experience with non-partisan groups. With NDI assistance, the Ofiya Network, a national coalition led by three civil society organizations—iWatch, *Jeunesse Sans Frontières* (Youth Without Borders or JSF) and the *Centre de Citoyenneté et de Démocratie* (Citizenship and Democracy Center or CESIDE)—and other observer groups such as the Chahed Observatory and the Anti-Corruption Association deployed more than 2,000 election observers to oversee voting on Oct. 23, a first exercise in citizen-led oversight of political processes in Tunisia. Some Ofiya members mobilized to observe voter registration, and the broader network undertook a nationwide training initiative prior to deployment on election day.

IV. OBSERVATIONS

Pre-Election and Campaign Period

While election administration issues persisted throughout the pre-election and campaign period, in a positive development, political contestants from across the spectrum largely expressed confidence in the ISIE's capacity to organize an inclusive and credible election. Political parties and independents instead focused on sharing their early visions for how the political system would operate after the election, including the election of an interim president, appointment of an interim government and the prospects of forming coalitions and/or national unity governments in the constituent assembly.

NDI identified challenges in the following areas during the pre-election and campaign period:

Voter registration. Election authorities responded to the lower-than-expected public participation in the active voter registration process by allowing unregistered citizens to participate on election day by showing their national identification cards. This decision successfully addressed concerns about preventing a large portion of the electorate from voting, but created logistical and organizational challenges for the ISIE as well as voters. The ISIE undertook significant efforts to try to ensure that unregistered voters would be able to participate at special polling centers, located in each *mutamadiya*, an administrative district roughly corresponding to a town and its surroundings. Unregistered citizens could select their polling station until Oct. 10; those who did not were instructed to send SMS messages to a designated phone number with their national ID card information to find out where their special polling center was located. Up until election day, it remained to be seen whether or not the procedures for allowing unregistered voters to cast ballots would stand up to the pressure of large turnout and an inexperienced ISIE staff.

Party Campaigns. In an attempt to level the playing field among the large number of contestants in the election, the ISIE imposed strict campaigning regulations on political parties, which brought some equilibrium to an environment where a small number of parties enjoyed vastly greater resources than others. Effective Oct. 2, these regulations forbid contestants from placing campaign posters outside of areas demarcated for candidate lists, prohibited campaign advertising and limited each candidate to three minutes of televised airtime. The resulting campaign period was exceptionally subdued and citizens, already unaware of parties and skeptical about their role in the transition, had fewer opportunities to learn about contestants and distinguish among the large number of choices on the ballot than they may have needed. Some

contestants were unable to mobilize to even affix candidate lists to the spaces set aside for that purpose; in many cases across the country candidate lists were torn down or defaced.

Election day procedures. Protocols for election day were not released by the ISIE until Oct. 10, resulting in some uncertainty in the pre-election period. This delay, combined with the late release of a final list of polling centers and stations on Oct. 16, became an impediment to training polling station workers and providing domestic and international election observers with ample time to prepare.

Voter education. A large proportion of the Tunisian electorate has never voted. Those who participated in elections under Ben Ali followed significantly different procedures than those adopted for the Oct. 23 election. Despite impressive outreach efforts by the ISIE using new media and mobile technologies, citizens nationwide had limited access to clear and timely information about decisions adopted by the ISIE that affected the electoral process. In particular, voters who did not register received conflicting and ambiguous messages about their ability to participate and, more importantly, where they would be able to vote. All indications suggest that large numbers of Tunisians remained unfamiliar with new voting procedures, such as marking boxes on ballots and the application of indelible ink.

Election Day

Voter turnout and participation. By all early accounts, voter participation in the election surpassed expectations, reaching astonishingly high levels in certain districts according to NDI delegates. These elevated participation rates—including among women and, to a lesser extent, youth—are testament to the broad-based desire among citizens to contribute to Tunisia's transition to a new political era. Even unregistered voters, despite some obstacles to participation, took part in relatively high numbers. Lines of voters were often exceedingly long and crowded, yet orderly, with many voters showing strong emotions, some weeping with joy. NDI's delegation noted that the ISIE, in the pre-election period and on election day, made great efforts to ensure that Tunisian citizens could cast a vote, and that shortcomings emerged as a result of the system being stretched to capacity rather than lack of effort on the part of officials.

Access for unregistered voters. To promote greater participation, authorities went to great lengths to allow unregistered Tunisians to vote. Unregistered voters across the country were sometimes frustrated by the necessary steps, however. Many unregistered voters waited until election day to send an SMS to an ISIE number in order to determine their voting location. The system crashed in the morning due to the overwhelming volume of messages received, but after modifications, was fully operational in the afternoon. Some voters received SMS messages instructing them to vote in a distant part of the district, or even across the country. Officials at regular polling centers occasionally turned away unregistered voters without providing further information. Special polling centers designated for unregistered voters were more crowded than normal polling centers, with officials more likely to misunderstand procedures, especially in the south. Observers noted that some waiting to vote in these special centers gave up and left.

Voter identification. The use of two voter registers—the active voter list and passive national ID database—caused some confusion and may have led to some cases of disenfranchisement.

Voters who received new national ID cards within the past seven months, and voters who turned 18 years old during this time period, were not included on the passive registration list. In some cases, this applied to young people whose ID cards were confiscated by police during the uprising and then re-issued. Delegates found the voter identification step to be the greatest contributor to the slow pace of voting.

Polling station management. Across the country, poll workers and ISIE authorities administered voting procedures in a generally correct, orderly and transparent fashion. Most poll workers appeared confident, professional, and welcoming of observers' presence. The unexpectedly high turnout, however, often presented challenges to poll workers, who had difficulty adapting to unexpected situations. One particular area of difficulty was organizing voters efficiently into queues in polling centers that housed several polling stations, as voters were unevenly distributed among the individual polling stations.

Ballot design. The design of the ballot contributed to some confusion among voters, mainly due to the large number of lists and difficulties distinguishing among them. Voters were accustomed to seeing candidate lists' symbols in color on television and on wall posters, therefore the black-and-white representations on the ballot were sometimes disorienting. In a few cases, voters unable to read Arabic could not select the proper list. It should be noted that the rate of spoiled ballots appears to be low, so most voters were able to navigate the voting process.

Domestic observation. Nonpartisan Tunisian observers from civil society organizations deployed across the country in remarkable numbers. NDI's delegation encountered at least one domestic observer in every polling station. Women were particularly well-represented among domestic observers.

Party pollwatchers. Political parties successfully fielded agents to most polling stations visited by the delegation, with one leading party mounting a particularly impressive operation. The degree of preparedness and discipline among pollwatchers varied significantly.

Counting. The counting process was conducted at a noticeably slow pace as poll workers demonstrated a commitment to thoroughness. The lack of pre-printed tabulation sheets, which subsequently required poll workers to manually construct a list of all participating parties, presented an obstacle to the counting process. This created significant potential for human error both during the count itself and when compiling results at the national level, as each candidate list is assigned a different number depending on the district.

Illiterate voters. Voting procedures specifically prohibited illiterate voters from receiving assistance when voting, based on the rationale that they could identify the symbol of their chosen list. By and large, this rule was upheld. Some were not able to recognize the symbols and, as a result, illiterate voters tried to bring in reference cards to facilitate finding their list, or reported making a selection at random due to poor understanding.

Access for persons with disabilities. Many polling centers were difficult to access but election procedures allow for special treatment for persons with disabilities, which was granted in all observed cases, sometimes through exceptional effort on behalf of poll workers. Elderly voters

were advanced to the front of lines but were not allowed assistance inside polling stations, in accordance with procedures.

V. RECOMMENDATIONS

On the basis of these pre-election and election-day observations, NDI's delegation respectfully suggests that the government of Tunisia consider:

- Establishment of a permanent independent election commission to build on the successful experiences in this first election. The ISIE is currently slated to disband shortly after the election; future electoral efforts would benefit significantly from a permanent mandate. Such an institution would mark a significant development for the region and could capture best practices to share with counterparts in neighboring countries, particularly those in transition.
- Expansion of the current voter registry – which includes those who participated in active voter registration – to include unregistered citizens who voted in special polling centers on election day as well as overseas voters. This step would further decrease the government's reliance on the outdated and corrupted national ID database and would be markedly more efficient than creating voter registers from scratch for subsequent elections.
- Revision of the current electoral law as adopted by the High Commission in April 2011, with an emphasis on adopting measures to address laws and procedures that led to inefficiency during this election. A review of the current law should ensure that sound procedures adopted by the ISIE for the Oct. 23 vote that were outside of the legal framework be formally incorporated and adjusted as necessary.

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.

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 25 years of experience observing more than 200 elections around the world including delegations in Morocco, Jordan, Lebanon, the West Bank and Gaza and Yemen. NDI conducts its election observation in accordance with the [Declaration of Principles for International Election Observation](#), which is endorsed by 36 intergovernmental and non-governmental organizations, including the United Nations Secretariat.

The delegation is grateful for the welcome and cooperation it received from voters, election officials, candidates, political party leaders, domestic election observers, civic activists and interim government officials. 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 in Tunisia.

NDI Contact Information

For more information, please contact: Kathy Gest in Washington, D.C. (kgest@ndi.org, + 1 202 728 5535); Nicole Rowsell (nrowsell@ndi.org, +216 23 22 30 35) in Tunis, Tunisia.