

Proposed Basic Law on Elections and Referendums

Title I- General Provisions

Article 1

This law is concerned with the regulation of elections and referendums.

Article 2

Suffrage is to be universal, free, direct, secret, fair and transparent.

Article 3

In the context of this Law, the following terms refer to the definitions indicated below:

- **The Authority:** the Independent High Authority for Elections, comprising the Board of Commissioners, any Regional Authorities that may be created, and the Executive body.
- **Voter Register:** the database of persons eligible to vote in elections and referendums.
- **Candidate List, Candidate, or Party:** a Candidate List in Legislative Elections, a Candidate in the Presidential Elections, or a Party in a referendum.
- **Impartiality:** objectivity and fairness in dealing with all candidates, with neither bias in favor of any candidate list, candidate, or party; nor disruption to the electoral campaign of a candidate list or a candidate, or the referendum campaign of a party; and avoiding anything that may influence the will of the voters.
- **Electoral Campaign or Referendum Campaign:** the totality of activities carried out by candidates, candidate lists or their supporters, or parties, during the legally specified period, in order to promote their electoral program or referendum program, using all means of propaganda and legally permitted methods to encourage the electorate to vote in their favor on the voting day.
- **Period of Silence:** the period comprising the day of electoral silence and the voting day up to the closing of the last voting station.
- **Pre-Campaigning Period:** the period preceding the electoral campaign or referendum campaign, as specified by this Law.
- **Period of Elections or Period of Referendum:** the period comprising the pre-campaign period, the campaign, and the period of silence. For Presidential Elections, the Period of Elections extends till the announcement of the final results of the first round.
- **Electoral Expenses:** the sum of all cash and in-kind expenses committed during the Period of Elections or the Period of Referendum by the candidate, list, or party, or in their favor, and has been consumed or paid to settle the expenses of the Electoral Campaign or referendum Campaign, in pursuit of the confidence of the electorate and to secure their votes.

- **Political Publicity:** any process of publicity or propaganda, whether for consideration or gratuitous, adopting the methods and techniques of commercial marketing, directed at the public, and aiming at promoting an individual, a position, a program or a political party, with a view to attracting voters or influencing their attitudes and choices through audio, visual, written or electronic media, or through fixed or mobile publicity materials that are installed in public or private locations and facilities.
- **National Audio and Visual Media:** private, public and community institutions of audio and visual communication that are engaged in broadcasting as organized by Decree-Law 116/2011.
- **Ballot Paper:** the paper prepared by the Authority to be entrusted to the voter on elections day to mark his/her choice and deposit it in the box.
- **Invalidated Ballot:** any ballot that does not express the will of the voter clearly, or is in conflict with the principles stated in Article 2 of this Law.
- **Blank Ballot:** any ballot that does not include a mark of any kind. A blank Ballot is counted among valid votes, but does not count when calculating the electoral quotient.
- **Damaged Ballot:** any ballot that was made unfit for some reason and that is replaced before being put in the box in accordance to the regulations of the Authority.

Article 4

Observers follow up with the electoral process and its transparency. The Authority regulates the terms and procedures of their accreditation.

Title II - Voters

Chapitre 1: Voter Requirements

Article 5

Every Tunisian shall be considered a voter, if he/she is listed in the Voter Register, at least 18 years of age on the day preceding the date of Voting, enjoying full civil and political rights, and not subject to any of the forms of disenfranchisement provided for under this Law.

Article 6

The following persons shall not to be listed in the Voter Register:

- Persons sentenced to a complementary penalty, in the meaning of Article V of the Penal Code, depriving them of exercising the right to vote.
- Military personnel, as defined by the General Basic Law for Military Personnel and Agents of the Internal Security Forces.
- Persons who are placed under legal guardianship on grounds of insanity, so long as guardianship is effective.

Chapter 2: Voter Register

Article 7

The Authority is to keep the Voter Register, undertaking to adjust it pursuant to the latest update. Registration for voting is voluntary.

The Authority seeks to ensure that the Voter Register is accurate, transparent, comprehensive and updated.

Registration shall be individual. Registration for spouse and relatives up to the second degree of kin shall be allowed, subject to procedures set by the Authority.

The Authority may accept remote registration, and may authorize mobile registration offices.

Agents charged with registering voters are prohibited from influencing them or directing their choices. Any breach of this rule may result in dismissal.

Article 8

The Authority shall remove the following persons from the Voter Register:

- Deceased voters upon the official pronouncement of death.
- Persons who have lost their eligibility to vote, being subject to one of the forms of disenfranchisement provided for in Article 6 of this Law.

Article 9

All concerned administrative bodies, each in its area of competence, should provide the Authority within reasonable time, with the updated data of persons deprived from exercising the right to vote, and in general, all data required for the adjustment and updating of the Voter Register.

The Authority commits to keep the confidentiality of personal data.

Chapter 3 - Voter Lists

Article 10: The Authority is to develop a Voter List in each electoral constituency in relation to each municipality, and to each delegation or sector in the case of non-municipal areas. The Authority is to undertake, with the assistance of diplomatic or consular missions abroad, the development and revision of Voter Lists with regard to Tunisians abroad, pursuant to the conditions and procedures specified in this Law, and the executive texts issued by the Authority.

Article 11

No one may be registered in more than one Voter List, or more than once in the same list.

Article 12

Voter Lists are to be updated in accordance with a calendar to be determined by the Authority.

Article 13

Voter Lists are to be made public in the premises of the Authority; the premises of municipalities, districts, and sectors; and the offices of Tunisian diplomatic missions and consulates abroad. These lists are to be published on the website of the Authority, or via any other method that ensures the informing of the public.

The Authority is to establish deadlines and time frames for the Voter Lists to be made public. The Authority shall announce the coming to effect of these deadlines via written, audio and visual media, ensuring that interpretation to sign language is provided.

Chapter 4 - Disputes with regard to Registration in Voter Lists

Article 14

Any Objection filed to the Authority in connection with Voter Lists in a certain constituency shall be for the purpose of removing or adding a name, or correcting an error in a Voters List.

Objections are made, within the three days following the end of the period during which the Voter Lists were made public, via any means with a written record.

Article 15

The Authority is to decide on objections within three days of receipt of the objection.

The Authority advises concerned parties of its decision within 48 hours of issuance date, via any means with a written record.

Article 16

The decisions of the Authority can be appealed before the territorially-competent Court of First Instance, in its three-judge composition; and before the "Tunis 1" Court of First Instance with regard to decisions concerning objections by Tunisians abroad, by the parties involved in those decisions.

Appeals shall be filed within three days of being notified of the decision, and do not require representation by an attorney.

The petition of appeal must be attached to a copy of the appealed decision, and must include a brief summary of facts, supporting documents, and demands, as well as evidence that the Authority has been notified of the appeal.

Article 17

The Court is to decide on the petition of appeal within three days of submission.

The competent Court of First Instance considers appeals in accordance with the procedures provided for in articles 43, 46, 47, 48 (last paragraph), 49 and 50 of the Tunisian Code of Civil and Commercial Procedure, without the need for further procedures.

The Court authorizes execution by marking the draft, and notifies concerned parties of the ruling within 48 hours of issuance via any means with a written record.

Article 18

Decisions of the Courts of First Instance can be appealed by the involved parties before the territorially-competent Courts of Appeals.

Appeals are to be filed in a written petition, and must be attached to a copy of the appealed ruling and the appeal documents, as well as evidence that the Authority has been notified of the appeal, within three days of the date of notification of the ruling of First Instance. Appeals do not require representation by an attorney.

The Court decides on the petition of appeal within three days of the date of submission.

The Court, in a three-judge composition, considers appeals in accordance with the procedures of summary proceedings, and may permit pleadings in certain cases and without the need for further procedures. The decision of the Court shall be final and not subject to appeal by any means, including Cassation.

The Court authorizes execution by marking the draft, and notifies concerned parties of the ruling within 48 hours of issuance via any means with a written record.

Title III - Candidates

Chapter 1 - Legislative Elections

Section 1 - Candidacy Requirements

Article 19

Candidacy for the membership of the Assembly of Representatives of the People is a right of everyone who is:

- a voter who has held Tunisian citizenship for at least the last ten years;
- at least 23 years of age on the date of candidacy; and
- not prohibited by law from such candidacy or membership.

Article 20

The following voters may not run for the Assembly of Representatives of the People, until they have submitted their resignations or been released from their functions according to the legislation in force:

- Judges;
- Heads of diplomatic and consular missions and centers;
- Governors;
- Premier Delegates (Rulers of Delegations), Secretaries General of Governorates, Delegates, and Mayors.

Furthermore, they may not run for the Assembly of Representatives of the People in the electoral constituency where they last exercised the said functions for at least one year before applying for candidacy.

Section 2 - Submission of Applications for Candidacy

Article 21

Applications for Candidacy for the legislative elections should be submitted to the Authority either by the head of the Candidate List or one of its members, pursuant to the calendar and procedures set by the Authority.

The application for candidacy and its attachments must include:

- names and order of candidates in the list;
- an authorization signed by all candidates;
- copies of national identification cards or passports;
- the name of the list;
- the symbol of the party, coalition list or independent list;
- the designation of a representative for the list from among the candidates;
- a complementary list of no less than two candidates and no more than the number of candidates in the original list, without prejudice to the provisions of articles 24 and 25; and
- evidence of submission of annual tax returns for the preceding year.

The Authority shall provide a receipt in exchange for the application for candidacy received.

The Authority regulates the procedures and cases of correction for applications for candidacy.

Article 22

Candidacy in more than one electoral list or more than one constituency is prohibited. The Authority regulates the procedures for replacing a candidate.

The number of candidates in each list is required to be equal to the number of seats in the respective constituency.

It is prohibited to have several lists for the same party or electoral coalition in the same constituency.

Article 23

It is prohibited to assign the same name or symbol to more than one list.

The Authority is to consider similar names and symbols and take the necessary measures to avoid cases leading to voter confusion.

Article 24

Applications for candidacy shall be presented on the basis of the principle of parity between women and men, and the rule of alternately ranking women and men on the list. Unless

required to do so by the odd number of seats in a constituency, any list violating this principle will be rejected.

Article 25

In any constituency where the number of seats is equal to or more than four, every candidate list should have among the first four candidates a male or female candidate of no more than thirty five years of age. In case of non-adherence to this requirement, the list will be denied half the total value of the public funding grant.

Section 3: Procedures for Deciding on Applications for Candidacy

Article 26

The Authority is to decide on applications for candidacy no later than seven days from the date of the deadline for applying for candidacy, either by accepting or rejecting candidacy, indicating the reasons for its decision in the case of rejection.

The Authority, while deciding on applications for candidacy, may consider a group of independent lists that share the same name and symbol as one electoral coalition.

The head of the list or its representative shall be notified of the decision to accept or reject candidacy no later than 24 hours from its date of issuance. Accepted lists are to be posted in the premises of the Authority, and published on the website of the Authority on the day following the deadline for deciding on applications for candidacy, and in the case of rejection, notification is to be made via any means with a written record.

Section 4: Procedures for Appealing Decisions on Applications for Candidacy

Article 27

Decisions by the Authority on applications for candidacy can be appealed, by the head of the list, one of its members, the legal representative of the Party, or members of other candidate lists in the same electoral constituency, before the territorially-competent Court of First Instance, and before the "Tunis 1" Court of First Instance with regard to decisions by the Authority concerning candidate lists abroad, via a written petition accompanied by supporting documents and evidence of notification to the Authority and the respondents, within three days of the date of notification or posting of the decision. Appeals do not require representation by an attorney.

Article 28

The competent Court of First Instance considers appeals in accordance with the procedures provided for in articles 43, 46, 47, 48 (last paragraph), 49 and 50 of the Tunisian Code of Civil and Commercial Procedure, and may allow pleading at certain times.

The Court decides on the case no later than three days from the date of filing, and notifies the parties with the ruling no later than 48 hours from the date of issuance and via any method with a written record.

Article 29

Rulings of the Courts of First Instance may be appealed before the Appellate Chambers of the Administrative Court by the parties involved in the ruling of First Instance or the President of the Authority within three days of notification of the ruling, via a written petition that is

reasoned and accompanied by supporting documents, the notification of appeal, and evidence of notification to the respondent via a court bailiff, or else the appeal will be rejected.

Article 30

The secretariat of the court shall register the petition and refer it immediately to the First President of the Administrative Court who assigns it to an Appellate Circuit without delay.

The President of the competent Circuit shall schedule a pleading session no later than three days from the date of registration of the petition, and call the parties via any means with a written record to present their remarks.

The Circuit shall refer the case to deliberation and pronouncement of the ruling within 48 hours of the date of the pleading session, and may authorize execution by marking the draft. The Administrative Court is to advise the parties of the ruling via any means with a written record within 48 hours from the date of pronouncement.

The ruling shall be final and not subject to appeal by any means, including Cassation.

Article 31

Lists that obtained a final court ruling are to be accepted, and the Authority is to announce the finally accepted lists upon the expiration of appeals.

Section 5: Withdrawal of Candidacy and Replacing Candidates

Article 32

Applications for candidacy can be withdrawn no later than 15 days from the date of commencement of the electoral campaign. The candidate submits a written notification of withdrawal to the Authority, according to the same procedures applied in submitting applications for candidacy.

The Authority is to immediately notify the representative of the list or the legal representative of the party of the withdrawal of the candidate via any means with a written record. If the withdrawing candidate is the representative of the list, the Authority also notifies the other members of the list. The head of the list is to remedy the shortage within 24 hours using the complementary list, and he/she may also rearrange the list, without prejudice to the provisions of articles 24 and 25.

An application for withdrawal submitted after the deadline will not have any effect on the list, and a withdrawing candidate is not taken into account when calculating the results.

Article 33

In case of death or total disability of one of the candidates, replacement is to take place according to the procedures provided for in Article 32.

Section 6: Filling Vacancies in the Assembly of Representatives of the People

Article 34

In case a seat in the Assembly of Representatives of the People becomes definitively vacant, the member is to be replaced by a member from the original list, according to the order of the

list, within fifteen days of the date of confirmation of the vacancy by the Bureau of the Assembly.

A vacancy is considered definitive in cases of:

- Death;
- Total disability;
- Resignation from the Assembly;
- Loss of membership due to a final judicial ruling to the effect of denial of civil and political rights;
- Loss of membership under the provisions of articles 98 and 163 of this Law.

In case all candidates on the original list have been exhausted, a partial election is to be held within 90 days of the date of the occurrence of the vacancy. The cases provided for in articles 98 and 163 are considered cases of exhaustion of the original list.

Section 7: Situations of Incompatibility of Offices

Article 35

A member of the Assembly of Representatives of the People may not simultaneously hold any of the following offices, whether on permanent or temporary basis, paid or unpaid:

- membership of the Cabinet;
- Government jobs, and jobs with public institutions and enterprises, local communities, or companies with direct or indirect public investments;
- management positions at public institutions and enterprises, or companies with direct or indirect public investments;
- membership of elected councils of local communities;
- jobs with foreign governments;
- jobs with Intergovernmental Organizations or non-governmental organizations.

Article 36

No member of the Assembly of Representatives of the People can be appointed to represent the Government or local communities in the bodies of public enterprises or companies that have direct or indirect public investments.

Article 37

It is prohibited for any member of the Assembly of Representatives of the People to use his/her position in any act of publicity in connection with financial, industrial, commercial or professional projects.

Article 38

Any member of the Assembly of Representatives of the People who, at the time of his/her election, was in a situation of incompatibility of offices as specified in this subsection of the Law, is mandatorily released from his/her functions upon the final announcement of the results of the elections.

The elected member is to be suspended from assuming functions, especially if he/she is a public servant. These provisions do not apply to government agents under contract.

Any member of the Assembly of Representatives of the People who is charged, during his/her term as a representative, with a responsibility, job or position specified in this subsection of the Law, or who accepts, during his/her term as a representative, a responsibility that is incompatible with membership of the Assembly, shall be considered automatically resigned if he/she does not tender his/her resignation within ten days of the date of being charged with the responsibility, job or position. Resignation is to be authorized by the Assembly.

Article 39

If a member of the Assembly of Representatives of the People resigns from the party, list or electoral coalition under whose name he/she was elected, he/she automatically loses his/her membership in parliamentary committees as well as any other responsibility he/she assumed in the Assembly by virtue of that affiliation.

Any resulting vacancy shall be filled by the party or coalition from which the member resigned.

Chapter 2 - Presidential Elections

Section 1 - Candidacy Requirements

Article 40:

Every voter who is Tunisian by birth and whose religion is Islam has the right to run for the office of President of the Republic.

A candidate is required to be at least thirty five years of age on the day of submitting his/her application for candidacy. If the candidate is also a holder of a citizenship other than that of Tunisia, he/she is to submit an undertaking to renounce that other citizenship upon the announcement of his/her election as President of the Republic.

Article 41

A candidate in the Presidential Elections should be endorsed by ten members of the Assembly of Representatives of the People, forty Chairpersons of elected councils of local community, or ten thousand registered voters distributed over at least ten constituencies with a minimum of five hundred voters per constituency.

It is prohibited to endorse more than one candidate.

The Authority regulates the procedures for endorsement and verification of the list of endorsers.

The Authority shall notify, within the period specified in Article 45 of this Law, candidates who have been endorsed by the same voter or by an individual lacking voter status, via any means with a written record, in order to replace such endorsement within 48 hours of the date of notification, or else their applications for candidacy will be rejected.

Article 42

The candidate is to deposit in the Public Treasury of the Country of Tunisia the sum of ten thousand Dinars, refundable only if the candidate secures at least three percent of the number of valid votes.

Section 2: Submission of Applications for Candidacy

Article 43

The Authority sets the calendar for applying for candidacy, and the procedures for the submission, acceptance and adjudication of applications.

Article 44

Applications for candidacy are to be submitted to the Authority at its central headquarters by the candidate or his/her designee. A receipt shall be given in exchange for the application for candidacy.

Article 45

The Authority is to decide on applications for candidacy by decree of its Board of Commissioners, and established the list of accepted candidates within four days from the deadline for submitting applications for candidacy. The list of accepted candidates is to be posted in the premises of the Authority and published on its website or via any other means.

The Authority is to notify candidates of its decisions within 24 hours via any mean with a written record. Decisions of rejection shall be reasoned.

Section 3: Procedures of Appealing the Decisions of the Authority

Article 46

Decisions of the Authority may be appealed by candidates before the Appellate Circuits of the Administrative Court within 48 hours of the posting or notification of the decree

A party desiring to appeal shall advise to the Authority and the respondents a notice of the appeal via a court bailiff, accompanied by a copy of the petition and its supporting documents.

The appeal is to be filed via a petition deposited by the candidate or his/her representative with the secretariat of the court. Representation by an attorney is not required. The petition must be reasoned and accompanied by supporting documents, a copy of the appealed decree, and the record of notification of the appeal, or else the appeal will be rejected.

Upon receipt of the petition, the secretariat of the court shall register the petition and refer it immediately to the First President of the Administrative Court who assigns it to an Appellate Circuit without delay.

The President of the competent Circuit shall schedule a pleading session no later than three days from the date of registration of the petition, call the parties via any means with a written

record, and instruct the respondent to provide remarks in writing as well as evidence of having advised a copy of these remarks to the other party at least two days before the pleading session.

After pleading, the Circuit shall refer the case file to deliberation and pronouncement of the ruling within three days.

The court authorizes execution by marking the draft.

The secretariat of the court is to notify the parties of the ruling via any means with a written record within 48 hours of the date of pronouncement.

Article 47

Rulings of Appellate Circuits can be appealed by involved candidates or by the Authority before the Plenary Judicial Session of the Administrative Court within 48 hours of the date of notification of the relevant ruling.

A party desiring to appeal shall advise to the Authority and the respondents a notice of the appeal via a court bailiff, accompanied by a copy of the petition and supporting documents.

The appeal is filed via a registered Cassation Attorney, in a petition to be deposited with the secretariat of the court by the candidate or his/her representative. The petition must be reasoned and accompanied by supporting documents, a copy of the appealed decree, and the record of notification of the appeal, or else the appeal will be rejected.

Upon receipt of the petition, the secretariat of the court shall register the petition and refer it immediately to the First President of the Administrative Court who assigns it to the Plenary Session without delay.

The First President is to schedule a pleading session within three days of the date of submission of the appeal, call all parties via any means with a written record, and instruct the respondent to provide its remarks in writing as well as evidence of having advised a copy of these remarks to the other party at least 48 hours prior to date of the pleading session.

After pleading, the Plenary Session shall refer the case to deliberation and pronouncement of the ruling within five days of the pleading session.

The court authorizes execution by marking the draft.

The decisions of the Plenary Session shall be final and not subject to appeal by any means, including Cassation.

The secretariat of the court is to notify the parties of the ruling via any means with a written record within 48 hours of the date of pronouncement.

Section 4: Announcing Accepted Candidates

Article 48

The Authority is to announce the names of the finally accepted candidates, and the list is to be published in the Official Gazette of the Republic of Tunisia and in any other medium it decrees.

Article 49

In the case of withdrawal of a candidate in the first round after the announcement of the names of the finally accepted candidates or in the runoff round, the withdrawals will not to be recognized in either round.

If a candidate in the first round or the runoff round dies, the window to submit applications for candidacy is reopened and new electoral dates are set within forty five days. In this case, the durations specified in this Law are to be shortened as follows:

- Contrary to article 45, the Authority is to decide on applications for candidacy within two days.
- Contrary to article 46, the President of the competent Circuit shall schedule a pleading session within two days, and the respondent shall submit written remarks no later than 24 hours prior to the pleading session.
- Contrary to article 46, the Appellate Circuits of the Administrative Court are to pronounce the ruling within two days of the date of the pleading session.
- Contrary to article 47, the First President schedules a pleading session within two days; and the respondent submits written remarks 24 hours prior to the pleading session.
- Contrary to article 47, the Plenary Session of the Administrative Court is to pronounce the ruling within two days of the date of the pleading session.
- Contrary to articles 46 and 47, the Court is to notify the parties of the ruling within 24 hours of the date of pronouncement.
- Contrary to article 50, the electoral campaign of the Presidential Elections is to begin thirteen days ahead of the voting day.

These durations apply to elections held pursuant to articles 86, 89 and 99 of the Constitution.

Title IV - Period of Elections and Period of Referendum

Chapter 1: Regulation and Monitoring of Electoral Campaigning

Article 50

Electoral campaigns or referendum campaigns begin twenty two days ahead of the voting day, and are preceded by a three-month long Pre-Campaigning Period.

In the case of a second round of presidential elections, the electoral campaign begins on the day following the announcement of the final results of the first round.

The campaign ends twenty four hours before the voting day.

Article 51

The Authority regulates the rules and procedures of campaigning procedures pursuant to this Law.

Section 1: Principles of Electoral Campaigning

Article 52

Electoral Campaigning is subject to the following principles:

- Impartiality of Public Administration and of places of worship;
- Impartiality of national media;
- Transparency in terms of funding and methods of disbursement of allocated funds;
- Equality and securing equal opportunities for all candidates;
- Respect of the physical integrity, honor and dignity of candidates and voters;
- Non-violation of the sanctity of private life and personal data of candidates;
- Prohibition of the advocacy of hatred, violence, bigotry and discrimination;
- Non-promotion of hatred, violence, intolerance, and discrimination.

Article 53

The distribution of documents or promotion of slogans or speeches as propaganda in the context of elections or referendums, in any shape or form, at the premises of Public Administration and public institutions and enterprises, by their department heads, agents, patrons, or those present on premises, is prohibited.

This prohibition also applies to private institutions that are not open to the public.

It is prohibited to use public facilities and resources in the interest of a candidate list, a candidate or a party.

Article 54

Propaganda in the context of elections or referendums, in any shape or form, is prohibited at educational, academic or vocational institutions as well as at houses of worship. It is also prohibited to deliver speeches or lectures, distribute advertisements or documents, or conduct any promotional activities in these institutions.

Article 55

The competent authority should take the measures necessary to ensure adherence to the principle of impartiality.

A Public Administration department head who detects a violation of the principle of impartiality should compile a report on the matter accompanied by the necessary supporting documents and refer a copy of this report to the Authority.

Article 56

Any propaganda in the context of elections or referendums that involves the promotion of hatred, violence, intolerance or discrimination is prohibited.

Article 57

In all cases, political publicity is prohibited during the period of elections.

Partisan newspapers are allowed to conduct propaganda during an electoral campaign in the form of publicity advertisements for the party for which it speaks, or the candidates and lists running under the name of that party.

A candidate in the presidential elections may use publicity media, as regulated by the Authority.

Article 58

It is prohibited during the period of elections to advertise in the media about the assignment of a toll free number, voice record or call center for the benefit of a candidate, candidate list or party.

Section 2: Regulation of Propaganda during Campaigns

Article 59

The methods of propaganda in the context of elections and referendums are advertisements; public meetings; demonstrations; motorcades; gatherings; advertising activities in audio, visual, written and electronic media; as well as the other means of propaganda.

Article 60

Advertisements in the context of elections and referendums refer to posters, fliers, programs and notifications of meeting times.

Article 61

It is prohibited to use the flag or coat of arms of the Republic of Tunisia in posters in the context of elections and referendums.

Article 62

Municipalities, delegations and sectors are to assign, under the supervision of the Authority, specific spaces of equal size for posters of each candidate list, candidate or party. The Authority, in coordination with consulates and diplomatic missions, regulates the spaces assigned for posting abroad, within the limits permitted by the host countries.

It is prohibited to post materials outside of these spaces or in spaces assigned to the other candidate lists, candidates or parties. It is also prohibited to remove, tear, cover, deface, make unreadable by any means, or interfere in a way that changes the contents of a poster that has been placed in its assigned space.

The Authority works toward imposing adherence to these provisions.

Article 63

A Candidate list, a candidate or a party may neither use nor allow others to use its assigned spaces for non-electoral purposes, nor cede these spaces to others.

Article 64

Public meetings, demonstrations, motorcades and gatherings in the context of elections or referendums are allowed.

The Authority must be notified of such events in writing at least two days in advance; notification should specifically indicate the location, timing and names of the members of the organizing committee of the public meeting, demonstration, motorcade or gathering.

The organizing committee undertakes to maintain order and ensure the proper functioning of the public meeting, demonstration, motorcade or gathering.

Article 65

The Independent High Authority for Audiovisual Communication (HAICA) guarantees the right of access to means of audiovisual communication to all political groups during the pre-campaigning period on the basis of plurality.

HAICA also guarantees the plurality and diversity of audiovisual media during electoral campaigns, as well as the removal of obstacles that may be in the way of the right of access to means of audiovisual communication on the basis of fairness to all candidates, candidate lists or parties.

Article 66

Candidates and candidate lists, as well as parties with regard to referendums, may, in the context of electoral campaigns and referendum campaigns, use national and electronic media. They are prohibited from using foreign media.

As an exception, it is allowed in the context of legislative elections for candidate lists in overseas constituencies to use foreign media during electoral campaigns, subject to the principles and rules governing electoral campaigning.

The Authority, in consultation with HAICA, sets the rules for the use of foreign audiovisual communication by candidate lists in overseas constituencies.

The Authority sets the rules for the use of foreign written and electronic media by candidate lists in overseas constituencies.

Article 67

The Authority, in consultation with HAICA, sets the general rules and requirements by which the media should abide during electoral campaigns.

The Authority sets campaign rules for written and electronic media.

The Authority and HAICA shall determine in a joint decree the rules and procedures of electoral campaigns for audiovisual media and means of communication, as well as the requirements for the production of programs, reports and features in the context of electoral campaigns. The two authorities are to set the time shares, distribution and broadcasting time of programs allocated to the various candidates, candidate lists or parties, in the various means of audiovisual communication, on the basis of adherence to the principles of plurality, fairness and transparency. Due care is to be given to the special needs of disabled candidates.

Article 68

Principles of electoral campaigns fully apply to all electronic media and to all messages directed at the public via electronic means for the purpose of propaganda in the context of elections or referendums.

The same principles apply to official websites of audiovisual communication enterprises, subject to the monitoring of HAICA.

Article 69

All forms of propaganda are prohibited during the period of electoral silence.

Article 70

It is prohibited, during the electoral campaign or referendum campaign, and during the period of electoral silence, to broadcast or publish the results of opinion surveys that are directly or indirectly related to elections or referendums, as well as studies and journalistic commentaries on such surveys, across the different media.

Section 3: Monitoring Campaigns

Article 71

The Authority undertakes, voluntarily or at the request of any entity whatsoever, to monitor adherence by a candidate, a candidate list or a party to the principles, rules and procedures of campaigning. The Authority may seek the use of public force, if necessary, to breakup meetings, demonstrations, motorcades or gatherings.

Article 72

The Authority recruits agents on the basis of impartiality, independence and efficiency, and charges them with reviewing and addressing violations. Agents of the Authority shall take, before the territorially-competent judge, the following oath "I swear by Almighty God to discharge my duties with all sincerity, impartiality and independence, and pledge to guard the integrity of the electoral process."

Article 73

HAICA shall ascertain the adherence by candidates, candidate lists or parties to the prohibition of electoral propaganda during the campaign via foreign means of audiovisual communication that are not subject to the Tunisian Law and are broadcast to the Tunisian public.

HAICA shall inform the Authority of all violations committed and decisions made in their regard, pursuant to the provisions of Part III of Decree-Law 116/2011 of November 2nd, 2011, within 24 hours of making these decisions. In the case of a violation by the candidates, the Authority is to make the necessary decisions pursuant to the provisions of this Law.

Article 74

The provisions of Article 46 of Decree-Law 116/2011 of November 2nd, 2011, pertaining to the freedom of audiovisual communication and the creation of an Independent High Authority for Audiovisual Communication, apply to the correspondents and offices of foreign channels as well as their contracted agencies and production companies inside the Republic of Tunisia. The time frame for the penalty imposed by HAICA may not extend beyond the voting day.

Chapter 2: Finance of Electoral Campaigns

Section 1: Funding Modalities

Article 75

Electoral campaigns of candidates and candidate lists, and referendum campaigns, are to be funded by self-funding, private funding and public funding as regulated by this Law.

Article 76

Self-funding means all cash or in-kind funding of the campaign through the self-owned resources of the candidate list, candidate, or party with regard to its candidate lists or in the context of a referendum.

Article 77

Private funding means all cash or in-kind funding whose source is derived from outside the candidate list, candidate or party.

The campaign of a candidate list, candidate or party can only be funded by natural persons, with a maximum of twenty times the mandatory minimum wage per person for non-farming sectors in legislative elections, and thirty times in presidential elections and referendums, for each candidate list, candidate or party.

Article 78

Each candidate or candidate list shall be allocated a grant as public assistance to electoral campaign funding. The candidate or list shall receive half the grant before the launching of the campaign.

The second half is to be disbursed within one week of the announcement of the final results of the elections, subject to presenting evidence that the first installment was spent on campaign expenses and depositing the ledgers at the Court of Accounts.

A full refund of the grant is mandatory for any candidate that gets less than 3% of valid votes on the national level, or any list that gets less than 3% of valid votes on the constituency level without winning a single seat in the Assembly of Representatives of the People. Any disbursements proven to be unrelated to electoral expenses are to also be refunded by the list or candidate. The State reclaims any undisbursed funds.

Any candidate or list that fails to adhere to the provisions of paragraph 3 of this article may not have access to the public funding grant in the following elections.

The candidates of a list are considered jointly liable for obligations in connection with the public grant.

Article 79

A grant is allocated as public assistance to referendum campaign funding for the benefit of parliamentary parties participating in a referendum, to be divided equally among them.

The grant is to be disbursed as reimbursement of expenses upon the announcement of the results of the referendum. Only effective expenses that are related to referendum costs may be reimbursed.

Any party on which the Court of Accounts has imposed a final ruling on grounds of violation of the provisions of public funding in the context of a referendum may not have access to the public funding grant in the following elections

Article 80

It is prohibited to finance campaigns from foreign sources including governments, individuals and legal persons. Funds in the form of gifts; presents; or cash, in-kind or promotional grants; that are of foreign source according to fiscal legislation, are considered foreign funding, no matter the citizenship of the funder.

The funding of candidate lists in overseas constituencies by Tunisians living abroad is not considered foreign funding.

The Authority regulates funding, its procedures and modalities, taking into consideration the specificities of the funding of candidate lists in overseas constituencies.

Article 81

The ceiling for overall spending on electoral campaigns or referendum campaigns, the ceiling for private funding, and the ceiling and requirements for public funding, are set on the basis of criteria that particularly include the size of the constituency, the number of voters and cost of living, pursuant to government decrees upon consultation with the Authority.

Section 2: Obligations of the Lists, Candidates and Parties

Article 82

Each candidate list, candidate or party is to open a single bank account for the electoral campaign or referendum campaign. The Authority, in coordination with the Central Bank of Tunisia, shall regulate the procedures for opening and closing the account, or determining a unified account for the electoral campaign, taking into consideration the specificities of opening accounts abroad.

The candidate, head of list or legal representative of the party shall designate an agent to manage the single bank account and the financial and accounting affairs of the campaign. The agent must disclose the account to the Authority.

Article 83

Each candidate list, candidate or party is to:

- Open a single bank account where the amounts allocated for the campaign are deposited, and out of which all expenses are disbursed;
- Provide the Authority with the identification of the single bank account, and the identity of the agent responsible for disbursing the funds deposited in the single bank account on behalf of the candidate list, candidate or party;
- Keep a ledger, that is numbered and stamped by the Authority, where all revenues and expenses are serially recorded in the chronological order of their execution, with no deletions or alterations, and indicating reference to supporting documents;
- Keep a list, that is marked by the Authority, of conducted events, activities and meetings;
- Compile a consolidated list, that is signed by the head of the list or the candidate or the legal representative of the party, of electoral revenues and expenses on the basis of the ledger of these transactions.

Article 84

Each political party with more than one candidate list in the legislative elections is to keep comprehensive consolidated accounts of all executed transactions in all constituencies where the party has a candidate list. Recording in the accounts shall be with no deletions and according to the chronological order of accounting entries and signatures by the candidate list, candidate, or party. These comprehensive accounts are to be kept in addition to the accounts of each constituency which are prepared by the relevant partisan list.

Article 85

Campaign expenses are to be performed on the basis of original and credible supporting documents.

Electoral expenses are to be paid via checks or bank transfers if in excess of five hundred Dinars per disbursement. Expenses may not to be split so as not to exceed this amount.

Article 86

Each candidate, candidate list or party should:

- Provide original copies of the lists provided for in articles 83 and 84, the accounts of each constituency, and the comprehensive accounts to the Court of Accounts within forty five days of the date of the final announcement of the results of the elections, accompanied by the bank statement for the single account opened under the name of the campaign;
- Submit all these documents at once to the General Secretariat of the Court of Accounts or to the Secretariat of one of its territorially-competent organs, in exchange for a receipt.

Article 87

Candidate lists in legislative elections, candidates in presidential elections, and parties in referendums, are to publish their financial statements in one of the daily newspapers published in Tunisia within two months of the announcement of the final results of the elections or the referendum.

Article 88

The candidate, party or head of candidate list should retain the accounts and supporting documents, including bank documents, for a period of five years. With regard to partisan lists, the party takes this responsibility over from the heads of its lists.

A political party or candidate list that is dissolved before the expiration of the said period should deposit these documents, in exchange for a receipt, with the General Secretariat of the Court of Accounts or to the Secretariat of one of its territorially-competent regional organs.

Section 3: Oversight of Campaign Funding

Article 89

The Authority monitors, throughout the campaign, the adherence of candidate lists, candidates or parties to the rules and methods of electoral campaign or referendum campaign funding, and enforces these rules and methods in cooperation with public bodies including the Central Bank, the Court of Accounts and the Ministry of Finance.

Article 90

The Central Bank of Tunisia oversees the process of opening the mentioned bank accounts, ensures that no more than one account is opened for each candidate, candidate list or party, and provides the Authority and the Court of Accounts with a list of these accounts.

The Central Bank of Tunisia and the Ministry of Finance are to take all necessary actions to prevent foreign funding of elections and referendums.

Article 91

The Court of Accounts executes its oversight of the revenues and expenses allocated to the campaign of each candidate list, candidate or party; ensures adherence to the singularity of the account; and executes its oversight of the revenues and expenses of the single bank account.

Article 92

The procedures specified in the Law of the Court of Accounts apply to the oversight of campaign funding for candidates, political parties and candidate lists, unless they explicitly contradict the provisions of this Law.

Oversight of campaign funding may be either document-based or field-based, either comprehensive or selective, and either subsequent or simultaneous. It is mandatory for candidates and candidate lists that win in the elections. This oversight is carried out simultaneously with the financial oversight of the party in the case of winning parties and lists.

Article 93

Oversight by the Court of Accounts of campaign funding aims at ascertaining:

- That all expenses in relation to campaigns of candidates, political parties or candidate lists are made out of the single bank account opened for that purpose and authorized by the Authority;
- That each candidate, political party or candidate list keeps credible accounts including comprehensive and accurate data about all incoming and outgoing transactions in connection with campaign funding;
- That revenues come from legitimate sources;
- The electoral nature of expenses;
- That candidates have not committed electoral crimes;

Article 94

The Authority is to provide the Court of Accounts within three days of the launch of the campaign with:

- A list of political parties, candidates and candidate lists;
- A list of bank accounts opened by candidate lists in the legislative elections, or the list of candidates in the Presidential elections or the list of political parties in referendums;
- A list of the persons designated to manage bank accounts on behalf of each political party or candidate list;

The Authority is to notify the Court of Accounts of any change that may occur to the above mentioned lists.

Article 95

The Court of Accounts may:

- Ask administrative authorities to provide it with a detailed list of the permits granted to hold events and activities in the context of the campaign;
- Ask from any entity whatsoever every document of relevance to campaign funding that may be of use in the context of the oversight role assigned to the Court.

Article 96

Neither concerned banking institutions nor any other public body may invoke banking secrecy to withhold from the Court of Accounts and the Authority the information and documents required for the conduct of their work.

Article 97

The Court of Accounts prepares a general report on the results of its oversight of campaign funding within six months of the date of announcement of the final results of the elections.

The report of the Court of Accounts is to be published in the Official Gazette of the Republic of Tunisia and on its website.

Section 4: Financial and Electoral Violations

Article 98

If the financial statement of a list, a candidate or a party is not deposited, the Court of Accounts will notify the violator to deposit it within thirty days. If the financial statement is not deposited within this period, the Court of Accounts penalizes the violator with a fine equal to twenty five times the value of the ceiling for spending.

If the Court of Accounts decides to reject the financial statement of a list, a candidate or a party that has not exceeded the ceiling of expenditures, it is to penalize it with a fine equal to 10% of the ceiling for spending.

In the case of exceeding the ceiling for electoral spending in a constituency, the Court of Accounts is to impose the following penalties to the list, candidate or party:

- A financial penalty equal to the amount in excess of the ceiling, if the excess is within 10%;
- A financial penalty equal to ten times the amount in excess of the ceiling, if the excess is between 10% and 30%;
- A financial penalty equal to twenty times the amount in excess, if the excess is between 30% and 75%;
- A financial penalty equal to twenty five times the amount in excess, if the excess is over 75%;

If the financial statement is not deposited according to the first paragraph of this article, or if the ceiling for spending is exceeded by more than 75%, the Court of Accounts is to order the annulment of the membership of every member of the Assembly of Representatives of the People who ran on one of these lists.

The rulings of the Court are issued as rulings of first instance and may be appealed according to the procedures provided for in the Law on the Court of Accounts.

Article 99

The Court of Accounts is to impose a financial penalty that ranges between five hundred Dinars to two thousand and five hundred Dinars on candidates, candidate lists or political parties that disrupt the work of the Court by being late in providing the documents required for the Court to discharge its oversight functions.

The Court may also impose a fine ranging between one thousand and five thousand Dinars on candidates, candidate lists or political parties that violate the provisions of Articles 78, and 84 to 86 of this Law.

The rulings of the Court are issued as rulings of first instance and may be appealed according to the procedures provided for in the Law on the Court of Accounts.

Article 100

The financial penalties specified in this subsection are to be imposed on the relevant political party if the punishable violation is committed by that political party, and imposed with joint liability on the members of a candidate list if the punishable violation was committed by that candidate list.

Title V - Voting, Vote-Counting and the Announcement of Results

Chapter 1 - General Provisions on Voting

Article 101

The Electorate is convened by presidential decree at least three months prior to voting day in the case of legislative and presidential elections, and at least two months prior to voting day in the case of a referendum.

Article 102

Voting takes place on a single day that is either a holiday or a weekend day.

Voting in the second round of Presidential elections takes place during the two weeks following the announcement of the final results of the first round.

The voters eligible to vote in the second round are those registered in the Voter Lists approved for the first round.

Article 103

Regardless of the provisions on the date of voting in article 102, voting for Tunisians abroad in elections and referendum takes place in three consecutive days, the last of which is the voting day inside the Republic.

Article 104

If it is not possible to hold elections on time due to an imminent danger in accordance with article 80 of the Constitution, postponement of elections is announced.

If postponement requires the extension of the presidential or legislative terms, the Assembly of Representatives of the People executes the extension by an enacting law pursuant to articles 56 and 75 of the Constitution.

Convocation to elections takes place after the extension upon a presidential decree on the basis of the congruent opinion of the Authority.

Article 105

The Authority may postpone voting in one or more voting stations, if it finds holding elections in these locations impossible. In such case, the Authority decides to hold reelection in these locations pursuant to the procedures provided for in article 142 of this Law.

Chapter 2: The Voting System

Section 1: Legislative Elections

Article 106

Electoral constituencies are divided and the number of their seats allocated on the basis of a law to be issued at least one year prior to the regular date of legislative elections.

Article 107

Voting on lists takes place in one round, and seats are to be distributed on the level of constituencies on the basis of proportional representation with the largest remainder method.

Article 108

The voter selects one of the candidate lists with no deletion or rearrangement of the order of candidates.

Article 109

If a constituency has only one candidate list, this list is announced as the winner regardless of the number of votes it gets.

Article 110

If there is more than one candidate list in a constituency, seats are first distributed on the basis of the electoral quotient.

The electoral quotient is determined by dividing the number of valid votes by the number of seats allocated for a constituency. The list gets a number of seats that is equal to the number of times it has obtained the electoral quotient.

Blank ballots are not counted when calculating the electoral quotient.

Seats are allocated to lists in the same order of the list itself.

If there are remaining seats that were not distributed according to the electoral quotient, they are distributed in a second stage on the basis of the largest remainder on the constituency level. If the remainders of two or more lists are equal, the youngest candidate prevails.

Section 2: Presidential Elections

Article 111

The President of the Republic is elected by the absolute majority of valid votes.

Article 112

In case none of the candidates secures the absolute majority of valid votes in the first round, a second round is to be held within two weeks from the announcement of the final results of the first round, to which the two candidates who secured the highest number of votes in the first round advance.

The winner of the second round is the candidate securing the majority of the votes.

In the case of a number of candidates securing the same number of votes, the older candidate prevails, or is announced the winner if the equality of votes was in the second round.

Section 3: Referendums

Article 113

The electorate is convened to referendum by a presidential decree to which the text put forward for referendum is annexed. The decree and annex are to be published in the Official Gazette of the Republic of Tunisia.

Article 114

Tunisians abroad who are in compliance with the requirements stipulated in articles 5 and 6 of this Law are eligible to vote in referendums.

Article 115

The question put forward for referendum should be phrased as follows "Do you agree to the proposed amendment of the Constitution or the draft law presented to you?" The answer to this question is limited to approval or rejection.

Article 116

The Authority works towards ensuring equality in the use of methods of propaganda among the parliamentary parties participating in the referendum.

Article 117

The rule of the majority of valid votes is the basis of announcing the results of the referendum.

Chapter 3: The Voting Process

Article 118

Voting is conducted individually, and voting by proxy is prohibited.

The voter exercises his/her right to vote by his/her national identification card or passport.

Article 119

The Authority sets the list of voting stations for each electoral constituency, municipality, delegation, or sector, and works towards ensuring that the number of voters does not exceed 600 voters per voting station.

The decision setting the list of voting stations is to be posted at the premises of the Authority, the premises of governorates, delegations, sectors, and municipalities, the offices of diplomatic missions and consulates, as well as the website of the Authority and via any other method.

Article 120

Voting stations may not be located in premises affiliated with a political party, an association or a non-governmental organization.

Article 121

The Authority appoints individuals who meet the requirements of integrity, impartiality and independence as chairpersons and officers of voting stations, and sets the requirements and forms of their appointment and compensation as necessary.

The Authority is to publish the list of officers, including chairpersons, of voting stations on its website within reasonable time frames.

Candidates, representatives of candidate lists and parties may file a request for revision, to be deposited with the Authority in the constituency in which the concerned officer was appointed, within a reasonable time frame to be determined by the Authority.

An officer of a voting station may not be a spouse, a first or second degree relative, a relative-in-law, or a paid employee of a candidate, nor may he/she be engaged with a political party.

Anyone who has held office in the bodies of the Democratic Constitutional Rally, dissolved by Decree 1089/2011 of August 3rd, 2011, may not be an officer or a chairperson of a voting station.

Article 122

The Authority is to inform the public of the times of opening and closing voting stations via its website or by any other means.

Article 123

A candidate list, candidate or party may designate representatives to be present in voting stations.

Applications to the Authority may be received from representatives of candidates in presidential elections, representatives of lists in legislative elections, parties participating in a referendum, and observers, according to a calendar to be set by the Authority.

Article 124

Representatives of lists, candidates or parties, and observers may record their remarks about the functioning of the voting process in a memorandum to be mandatorily attached to the minutes of the voting process.

It is prohibited for officers of voting stations, observers, and representatives of candidates, candidate lists or parties, to carry badges that indicate a political affiliation. The chairperson of the voting station is to ensure adherence to this prohibition.

Article 125

The chairperson of the voting station is to maintain order within the station. He/she should take the necessary measures to ensure the proper functioning of the electoral or referendum process, and prevent any action that may undermine it. He/she may seek the use of public force if necessary.

It is prohibited to carry arms inside voting centers and stations, except for agents of security and army forces whose presence is approved by the chairperson of the voting center or station.

Article 126

Presidential and legislative elections and referendums are to be conducted using a standard ballot to be designed and printed by the Authority with utmost clarity and accuracy to avoid the occurrence of voter errors.

The ballot is to be printed in color, and to avoid any uncertainty or confusion, the Authority shall seek to organize the names of candidates or lists in a vertical order.

The Authority is to publish a sample of the ballot on its website before the beginning of the electoral campaign.

Article 127

An official copy of the list of the voters registered in a voting center or station is to be posted at its entrance.

Article 128

It is prohibited to conduct any electoral or propaganda activity inside voting centers and stations, or in their vicinities.

The chairperson of the voting center or station is to remove pictures, slogans, erected symbols and other advertisements before or during the voting process.

Article 129

The chairperson of the voting station is to ensure, before the beginning of the voting process and in front of present representatives of lists, candidates or parties and observers, that the ballot box is empty prior to locking it in accordance with the procedures and instructions set by the Authority.

The chairperson of the station mandatorily records in the minutes of the voting process the number of ballots received, the combination for the box locks, and the number of voters registered in the station.

The officers of the station, the representatives of candidate lists, candidates or parties shall sign the minutes of the voting process. If they refuse to sign, it is to be recorded in the minutes along with the reasons for refusal if any.

Article 130

Upon entering the station, the voter's name, surname and national identification card number or passport number are verified, as well as being registered in the Voter List of the voting station. The voter then signs against his/her name and surname.

The voter is given a ballot stamped by the chairperson of the station, and mandatorily enters into a private space. Upon exit, the voter places the ballot in the box designated for that purpose in the full view of those present in the voting station.

The Authority may adopt electoral ink for the voter and escort.

Each voter who enters the voting station before the announced time of closing of voting has the right to vote.

Article 131

Voting stations are to be equipped to enable disabled voters to exercise their right to vote, according to the arrangements regulated by the Authority.

A disabled voter is to exercise his/her right to vote pursuant to the measures taken by the Authority, taking into account the principles of voting in person and by secret ballot, and to the extent required by the disability.

Any voter who presents a disability card may have access to the measures and procedures available to disabled persons.

Article 132

The following disabled voters may have an escort of their selection who is an eligible voter and either the voter's spouse or blood-relative:

- The blind;
- Those with a physical disability that does not allow writing.

In case no escort was available, the chairperson of the voting station, upon the request of the disabled individual, is to charge one of the voters present in the voting station to assist him/her in voting.

The escort or voter chosen by the chairperson of the voting station may not assist more than one voter.

The escort should not influence the choice of the disabled voter, and his/her role should be limited to assisting him/her in performing tasks that he/she is unable to do alone.

Article 133

The chairperson of the voting station shall consider the reservations of the representatives of candidates, candidate lists or parties, with regard the implementation of voting arrangements and procedures pursuant to the law and executive texts issued by the Authority in this regard. The decisions of the chairperson are to be effective immediately upon issuance, and both reservations and decisions are to be included in the minutes of the voting process.

Chapter 4: Vote-counting and Announcing the Results

Section 1: Vote-Counting

Article 134

Votes are to be counted publicly and in the presence of observers and representatives of lists in the context of legislative elections, representatives of candidates in the context of presidential elections, and representatives of the parties participating in the referendum process.

Article 135

The officers of voting stations are to begin the counting of votes once voting processes are concluded.

The officers of stations count the signatures in the Voter List and indicate the number in the minutes of the vote-counting process. The box is then opened and the number of ballots inside it counted. If the number of ballots is more or less than the number of signatures, the counting is to be repeated. If the discrepancy between the number of ballots and the number of voters is confirmed, it is to be indicated in the minutes. The reason for the discrepancy is investigated, then the chairperson of the station authorizes the beginning of the vote-counting process.

When the processes of finding the results of the voting are concluded, the vote-counters record in the results sheet the number of votes each candidate list or candidate received, or the two answers in the case of referendum, then sign the sheet and hand it over to the chairperson of the station along with the ballots.

Article 136

Any ballot invalidated in the meaning of article 3 of this Law is to be canceled and not counted among valid votes, particularly:

- Ballots not stamped by the chairperson of the station;
- Ballots with a sign or a text that identifies the voter;
- Ballots with replaced or added candidate or candidates, or the name of a person who is not a candidate;
- Ballots with voting for more than one candidate list or more than one candidate in the presidential elections;
- Ballots with contradicting answers in the referendum.

The officers of the station are to count the number of blank ballots which are not considered in calculating the result of the voting.

Article 137

The officers of the voting station are to calculate the result of the voting by adding the results included in the sheets compiled by vote-counters.

Article 138

The minutes of the vote-counting process, compiled in several copies, are to include the following in particular:

- The combinations of the box locks at opening and at reclosing;
- The number of registered voters in the voting station;
- The number of voters who voted;
- The number of damaged ballots;
- The number of remaining ballots;
- The number of ballots taken out of the ballot box;
- The number of invalidated ballots;
- The number of blank ballots;
- The total number of valid votes received by all lists or all candidates, or all approval and rejection votes in the context of a referendum;
- The number of votes secured by each lists or each candidates, or approval votes and rejection votes in the context of a referendum.

Article 139

Representatives of candidate lists, candidates or parties, and observers may request the inclusion of all remarks and reservations on the vote-counting process in a memorandum to be attached to the minutes of the vote-counting process. The chairperson of the station responds to remarks and reservations and records the response in the memorandum.

Article 140

Upon the conclusion of the vote-counting process, the officers of the station, the representatives of candidate lists, candidates or parties shall sign the minutes of the vote-counting process. If they refuse to sign, it is to be recorded in the minutes along with the reasons for refusal if any.

The chairperson of the station or a substitute from among the officers is to post a copy of the minutes of the vote-counting process in front of every voting station. A copy of the minutes is deposited in the ballot box.

The minutes of the vote-counting processes in voting stations shall be published on the website of the Authority.

Article 141

The Authority is to appoint a central office in each constituency, charged with collecting of the voting results. The Authority may appoint one or more collection centers in each constituency.

The Authority sets the composition and functions of both the central office and the collection centers.

Section 2: Announcement of the Results

Article 142

The Authority monitors the decisions of voting stations, central offices and collection centers with regard to voting and vote-counting, investigates the reasons behind discrepancies between the number of ballots and the number of voters, and rectifies material and arithmetic errors, if any, in vote-counting minutes. The Authority may repeat the vote-counting in one voting station or more, and may cancel the results in a voting station or in a constituency if it finds that fundamental and decisive violations have marred the process of voting and vote-counting.

The Authority is to advise the Public Prosecution on suspicion that violations or crimes were committed during the elections or referendum.

If canceled results would affect the determination of winning seats in legislative elections, the winning candidate in presidential elections, the candidates advancing to the runoff round, or the results of the referendum, the Authority is to repeat the voting or referendum in the constituencies where results have been canceled, pursuant to the provisions of the parts on the period of elections, voting, vote-counting and announcement of results, within thirty days following the expiration of the deadline for appealing the preliminary results of the elections or referendum or for notification of the rulings issued by the Plenary Judicial Session of the Administrative Court.

Participation in reelection is to be limited to the lists, candidates or parties that have previously participated in the elections or referendum.

Article 143

The Authority is to ensure the adherence of the winners to the provisions on the period of elections and campaign funding. The Authority may decide to cancel the results of the winners, if it finds that their violation of these provisions has affected the results of the elections in a fundamental and decisive way. In this context, decision of cancellation of results must be reasoned. In this case, the results of the legislative elections are to be recalculated without taking into consideration the list or candidate whose results were cancelled. With regard to presidential elections, the action taken is limited to the rearrangement of candidates without recalculating results.

Article 144

The Authority is to announce the preliminary results of the elections or referendum, including decisions to cancel the results of winners, within the three days following the voting and conclusion of vote-counting. The results are to be posted in the premises of the Authority and published on its website along with copies of the minutes of vote-counting processes and the corrective decisions taken by the Authority.

Article 145

The preliminary results of the elections or referendum may be appealed before the Appellate Circuits of the Administrative Court within three days of the posting of the results in the premises of the Authority.

A party desiring to appeal the preliminary results shall advise to the Authority a notice of the appeal via a court bailiff, accompanied by a copy of the petition and its supporting documents.

With regard to legislative elections, the appeal must be filed by the head of the candidate list, one of its members, or the legal representative of the party, against the results announced in the constituency where they ran. As for presidential elections, the appeal must be filed by a candidate. In the context of a referendum, the appeal must be filed by a legal representative of a party which participated in the referendum. In all cases, the appeal must be filed via a registered Cassation Attorney.

The appeal request must be reasoned, and must include the names of the parties, their addresses, and a brief summary of the facts, and should be accompanied by supporting documents and the record of notification of the appeal.

The Authority shall be represented by its president, who may delegate a representative for that purpose.

The secretariat of the Administrative Court shall register the petition and refer it immediately to the First President who assigns it to an Appellate Circuit without delay.

The President of the competent Circuit shall schedule a pleading session no later than three days from the date of submission of the appeal, and call the parties via any means with a written record to present their remarks.

The Circuit shall refer the case to deliberation and pronouncement of the ruling within three days of the date of the pleading session, and authorizes execution by marking the draft.

The Court is to advise the parties of the ruling via any means with a written record within 48 hours from the date of pronouncement.

Article 146

The rulings of the Appellate Circuits can be appealed by the Authority or the candidates involved in the ruling before the Plenary Judicial Session of the Administrative Court within 48 hours of the date of notification of the ruling.

A party desiring to appeal shall advise to the Authority and involved parties a notice of the appeal via a court bailiff, accompanied by a copy of the petition and its supporting documents.

The appeal is filed via a registered Cassation Attorney, in a petition to be deposited with the secretariat of the court by the candidate or his/her representative.

The petition must be reasoned and accompanied by a copy of the appealed ruling, and the record of notification of the appeal, or else the appeal will be rejected.

Upon receipt of the petition, the secretariat of the court shall register the petition and refer it immediately to the First President of the Administrative Court who assigns it to the Plenary Session without delay.

The First President is to schedule a pleading session within three days of the date of submission of the appeal, call all parties via any means with a written record, and instruct the respondent to provide its remarks in writing as well as evidence of having advised a copy of these remarks to the other party at least 48 hours prior to date of the pleading session.

The Authority shall be represented by its president, who may delegate a representative for that purpose.

The Plenary Session shall refer the case to deliberation and pronouncement of the ruling within five days of the pleading session, and authorizes execution by marking the draft.

The court is to notify the parties of the ruling via any means with a written record within two days of the date of pronouncement.

The decisions of the Plenary Session shall be final and not subject to appeal by any means, including Cassation.

Article 147

Appeals for the second round of the presidential elections are open only to candidates who participated in the first round. The same durations and procedures provided for in articles 145 and 146 of this Law apply.

Article 148

The Authority announces the final results of the elections within 48 hours of its receipt of the last ruling issued by the Plenary Judicial Session of the Administrative Court with regard to appeals against the preliminary results of the elections or referendum, or after the expiration of the appeal period, in a decision to be published on the website of the Authority and in the Official Gazette of the Republic of Tunisia.

Title VI - Electoral Offences

Article 149

A fine of 500 Dinars shall be imposed on anyone who deliberately discloses a secret with regard to the choice of a voter under the provisions of article 132 of this Law.

Article 150

Each violation of the provisions of article 61 and the second paragraph of article 62 of this law carries a financial fine of five hundred to one thousand Dinars.

Article 151

A fine of one thousand Dinars is imposed on:

- Any Chairperson or officer of a voting station who fails to appear at the voting station on voting day with no legitimate excuse;
- Any officer of a voting station who, for no legitimate excuse, causes the delay of the commencement of the voting process past the specified time, stops it for no reason before the time specified for its conclusion according to the provisions of this Law and the executive texts issued by the Authority in this regard, or procrastinates on executing any of the prescribed procedures, with the aim of hindering or delaying the process.

Article 152

Each violation of the provisions of article 58 of this Law carries a fine of 3 thousand Dinars.

Article 153

Each violation of the provisions of the first and second paragraphs of article 53 and article 54, and the first paragraph of article 66 of this Law, carries a fine between two thousand to five thousand Dinars.

Article 154

Any violation of the provisions of article 57 of this law carries a fine between 5 thousand and 10 thousand Dinars.

Article 155

Any violation of the provisions of article 69 of this law carries a fine between three thousand to twenty thousand Dinars.

Article 156

Any violation of the provisions of article 70 of this law carries a fine between 20 thousand to 50 thousand Dinars.

Article 157

Any chairperson of a voting station who refuses to open the ballot box in front of the present representatives of candidates, lists, or parties, and observers before the commencement of the voting process, to make sure that it is empty, shall be punished by imprisonment for one month and a fine of one thousand Dinars.

Article 158

A punishment of imprisonment for one month and a fine of one thousand Dinars applies to:

- Anyone who assumes a false name or capacity, gives false statements or testimonies, conceals a status of disenfranchisement provided for by the law, or attempts to vote in more than one station;
- Anyone who deliberately provided false data in an objection against electoral lists or in his/her application for candidacy.

Article 159

A punishment of imprisonment for six months to one year applies to anyone who violates the provisions of the last paragraph of articles 53 and 56 of this Law.

Article 160

A punishment of imprisonment for one year and a fine of two thousand Dinars applies to:

- Anyone who, inside the voting station or in its vicinity, deliberately breaches the secrecy of the vote, undermines its integrity, or prevents the conduct of voting;
- Anyone who attacks the officers of voting stations or the vote-counters with libel, slander or threats, while in the course of doing their work or because of their work, in a way that results in suspending the process of voting or vote-counting.

Article 161

A punishment of imprisonment for six months to three years and a fine between one thousand and 3 thousand dinars applies to:

- Anyone caught in the act of giving cash or in kind donations with the aim of influencing a voter, or using the same methods to urge a voter to refrain from voting, whether before, during or after the vote;
- Anyone who deliberately hinders a voter to prevent him/her from exercising his/her electoral right;
- Anyone who diverts ballots outside the voting station.

Article 162

A punishment of imprisonment for three to five years and a fine of three thousand to five thousand Dinars apply to:

- Anyone who infringes on the freedom of voting by using or threatening to use violence, whether against the voter or relatives of his/her, by threatening the voter with the loss of his job, or by exposing the voter to damages in person or property.
- Anyone who deliberately causes chaos and rioting inside voting stations or in their vicinity, or attempts through gatherings and demonstrations to cause chaos and disturbance to the conduct of the process of voting.

Article 163

Without prejudice to the requirements of article 80, if the Court of Accounts finds that a candidate or a list has received foreign funding for an electoral campaign, the court shall impose a fine between 10 and fifty times the amount of foreign funding.

Members of the list that received foreign funding shall lose their membership in the Assembly of Representatives of the People. A presidential candidate who received foreign funding shall be punished by imprisonment for five years.

Members of lists or candidates who are convicted of receiving foreign funding for their electoral campaigns may not run for the following legislative and presidential elections.

Article 164

A punishment of imprisonment for 6 years and a fine of 5 thousand Dinars shall apply to:

- Any officer of a voting station or vote-counter who manipulates ballots, minutes of voting, minutes of vote-counting, or result calculation sheets; or deliberately conveys the contents of a ballot contrary to the truth or to what is contained therein;
- Anyone who embezzles, damages or seizes minutes, ballot boxes or ballots;
- Anyone who deliberately breaks a ballot box and damages the ballots and documents contained therein, switches the ballots and documents contained therein with other ballots and documents, or commits any other action that aims at changing or attempting to change the results of the vote and undermine the secrecy of voting;
- Anyone who forces or hires persons with the aim of threatening voters or disrupting public order;
- Anyone who forcibly enters voting stations, collection centers or central offices by the use of violence to disrupt the voting or vote-counting process;

The penalty is to be increased to imprisonment for 10 years if the intruders or attempting intruders were carrying weapons.

Article 165

Accomplices, mediators, and instigators of any of the offences provided for in this Law are to be punished with the same penalties prescribed for the original perpetrator. Attempting is equally punishable.

Article 165

In addition to the penalties provided for in the articles referred to above, a complementary punishment of disenfranchisement by deprivation of the right to vote for a period of no less than two years and no more than six years may be imposed on the perpetrator of an electoral offence for which he/she was sentenced to imprisonment for one year or more.

Article 167

The statute of limitations for the offences provided for in this Law is three years from the date of announcement of the final results of the elections.

Title VII - Final and Transitional Provisions

Article 168

All documents and decisions issued on the issue of elections are to be exempt from registration fees and tax stamps.

Article 169

For the next elections, the Authority shall develop the Voter Register on the basis of the lists of voluntarily registered voters for the elections of the National Constituent Assembly.

Article 170

In addition to the attachments of the application for candidacy provided for in article 21 of this Law, the members of candidate lists that ran for the elections of the National Constituent Assembly and who are running in the next elections are to submit, with their candidacy file, evidence of the refund of the value of public funding which they are required to return under article 53 of Decree-Law 35/2011 of May 10th, 2011, on the election of the National Constituent Assembly.

Article 171

Contrary to the first paragraph of article 41, a candidate in the next presidential elections is to be endorsed by ten members of the National Constituent Assembly or ten thousand registered voters distributed over ten constituencies at least, at a minimum of five hundred voters per constituency.

Article 172

Until a law on opinion surveys is issued, it is prohibited during the period of elections to broadcast or publish the results of opinion surveys that are directly or indirectly related to elections or referendums, as well as studies and journalistic commentaries on such surveys, across the different media.

Article 173

Until the law on the demarcation of electoral constituencies, provided for in article 106 of this Law, is issued, the same division of electoral constituencies and number of seats adopted for the election of the National Constituent Assembly shall be adopted.

Article 174

Until the law on the Court of Accounts is issued and the courts actual discharge of its functions, the Circuit of Accounts (of the State Council) shall assume the powers and functions assigned to the Court of Accounts under this Law. Appeals against the First Instance rulings issued by the Circuit of Accounts are to be filed before the Cassation body provided for in Article 40 of Law 8/1968 of March 8th, 1968, on the regulation of the Circuit of Accounts.

Article 175

Regardless of the provisions of article 28 of the Basic Law 23/2012 of December 20th, 2012 on the Independent High Authority for Elections, and until the expiration of a period of three months from the announcement of the final results of the coming legislative and presidential elections, the expenses of the Authority are exempt from the provisions on public contracts.

The Authority is to adhere to the principles of competition, transparency of procedures, and equal access to public procurement opportunities.

Article 176

The provisions of the Electoral Code issued by Law 25/1969 of April 8th, 1969, as amended by subsequent laws are hereby abolished, as well as all texts in contradiction with this law.