



# A COMPENDIUM OF LEGAL PROVISIONS PERTAINING TO ELECTIONS AND REFERENDA





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September 2020

A consolidated, unofficial translation  
for the electoral legal framework in  
Tunisia valid as of 1 September 2019.  
Amendments to the legal framework  
are shown in **bold**

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## I

## LAWS

**Organic Law 16 (2014) dated on 26 May 2014 on elections and referenda<sup>1</sup>, as modified and complemented, pursuant to Organic Law 7 (2017) dated on 14 February 2017<sup>2</sup>, and Organic Law 76 (2019) dated on 30 August 2019<sup>3</sup>.**

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1. Official Gazette, Issue 42, dated on 27 May 2014

2. Official Gazette, issue 14, dated 17 February 2017

3. Official Gazette, issue 70, dated on 30 August 2019.

## Chapter I

### General Clauses

**Article 1 (new):** The law herein pertains to the organization of the Presidential, Legislative, Municipal and Regional Elections as well as the referendum.

**Article 2:** The elections will be conducted publicly, freely, directly, by secret ballot, fairly and transparently.

**Article 3:** Pursuant to the law herein, the following terminology denotes:

<b>- The Authority:</b>	The Independent High Authority for Elections. It comprises the Board of the Authority as well as the Sub-Commissions that may be established, and the executive body.
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<b>- Voter Register:</b>	A database of the particulars of the persons, who are eligible to vote during the elections and referendum.
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<b>- List, candidate or political party:</b>	The list running for the legislative, regional or municipal elections, presidential candidate, or the political party participating in the referendum.
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<b>- Impartiality:</b>	Treating all candidates with objectivity and fairness and refrainment from taking the sides of any list, candidate or political party, or obstructing the elections campaign of a list, candidate or political party during the referendum campaign and avoiding all that may influence the will of voters.
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<b>- Elections or referendum campaign:</b>	A set of activities exercised by candidates, lists, supporters thereof or political parties during the period defined by the law to introduce their electoral or referendum platform, with the use of various means and methods that are made accessible by the law for campaigning, to urge the voters to vote in their favour on polling day.
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<b>- Silence period:</b>	The duration that includes the elections silence day and polling day until the closure of the last polling station in the constituency.
<b>- Pre-elections or pre-referendum campaign phase:</b>	The period that precedes the elections or referendum campaign, as defined by the law herein.
<b>- Elections or referendum period:</b>	The duration that includes pre-elections or referendum campaign, the campaign and silence period. Regarding the presidential elections, it continues until the announcement of the final results for the first round.
<b>- Electoral expenses:</b>	A set of monetary and in-kind expenses that have been pledged during the elections or referendum period by the candidate, list or political party, for their benefit, or have been consumed, or disbursed to pay off the expenses of elections or referendum campaign to earn the trust of voters and obtain their votes.
<b>- Political Publicity:</b>	Any publicity or advertising process, paid or free of charge, that uses commercial marketing methods and techniques that targets the public and aims at promoting a person, position, platform or political party to attract voters and influence their behaviour or choices, through audio-visual, print or online mass media, or via fixed or mobile publicity means that are stationed in places, public or private means.
<b>- National Audio-Visual Mass Media:</b>	Public, private and community audio-visual communication institutions that exercise broadcasting activities, as regulated by Decree 116 (2011).
<b>- Ballot Paper:</b>	The paper developed by the Authority to be handed to the voter on polling day, in which s/he includes his/her choice and then places it in the ballot box.

<b>- Cancelled Ballot Paper:</b>	Any ballot paper that does not clearly reflect the will of the voter or include anything that may contradict the principles stipulated in Article 2 of the law herein.
<b>- Blank Ballot Paper:</b>	<b>Any ballot paper that does not contain any markings of any kind.</b>
<b>- Spoiled Ballot Paper:</b>	Any paper prepared for voting that has encountered any that renders it invalid. It is replaced prior to inserting it in the ballot box, as per the regulations of the Authority.

**Article 4:** Observers monitor the electoral process and transparency thereof. The Authority regulates their accreditation requirements and procedures.

## Chapter II

## The Voter

### Section I - Voter Eligibility Requirements

**Article 5:** A voter is any Tunisian man or woman, registered in the voter register, who turns 18 years of age on the day preceding polling day, enjoys his/her civil and political rights and is not subject to any form of legal incapacity, as stipulated in the law herein.

**Article 6 (New):** The categories below may not be registered in the voter register:

- Persons sentenced to an ancillary punishment, pursuant to Article 5 of the Penal Code, that denies them the right to vote, pending the restoration of their rights,
- Persons interdicted of legal capacity due to mental illness.

**Article 6 (bis):** Military and internal security forces personnel will

be registered in the voter register for the municipal and regional elections only.

## Section II - Voter Register

**Article 7:** The Authority maintains the voter register and regulates it, as from the most recent update thereof. Registration in the voter register may be done voluntarily.

The Authority ensures that the voter register is accurate, transparent, inclusive and updated.

**Registration in the voter register is required and shall be done in person. A spouse, ascendants and descendants may be registered, as per procedures to be regulated by the Authority.**

**Regarding the registration of voters residing abroad, the Authority may opt for remote registration, as well as mobile registration stations.**

Staff tasked to register voters are prohibited from influencing or alluding the voters to select a certain option. Any violation of this principle may cause the dismissal of the wrongdoer.

**Article 7 (bis):** All Tunisians, who meet the legal eligibility requirements may be registered in the voters register, upon verification of the physical residential address, as regulated by the Authority.

**Each voter has one physical residential address only that may not be changed without verification of a new physical residential address.**

**Registered voters may request updating their addresses in the voter register, upon selecting a physical residential address. As for the registered voters, who have not updated their addresses, the Authority will use the address of the most recent polling station, under which the voter is registered.**

**Article 8:** The Authority omits from the voter register the names of:

- Deceased voters, in the event of registering their death.

- Persons whose eligibility to vote has been compromised, or subject to any of the cases of legal incapacity, cited in Article 6 of the law herein.

**Article 9 (New):** All concerned administrative structures, in their respective areas, shall provide the Authority, within reasonable timeline, with updated data of the persons denied the right to vote, and in general, all the data required to maintain and update the voter register.

Municipal services will periodically provide the Authority with lists of deceased persons who are over 18 years of age.

The Authority provides the public, Civil Society Organizations and political parties with accurate statistics pertaining to voter registration in all electoral constituencies and polling stations.

The application of the provisions of the third paragraph may not entail absolving the Authority of its obligations to maintain the confidentiality of personal information and processing them, as per the law in force regarding the protection of personal data.

### Section III - Voters' Lists

**Article 10:** The Authority regulates the voters list in each constituency for all municipalities, governorates and sectors, as far as the non-municipal areas are concerned. Furthermore, it extends assistance to diplomatic missions or Tunisian Consulates abroad, in terms of regulating and reviewing voters' lists of Tunisian nationals abroad, as per the requirements and procedures stipulated in the law herein and regulations promulgated by the Authority.

**Article 11:** Registration in over one voter list or more than once in the same list may not be permitted

**Article 12:** Voters' lists will be regulated as per a timeline to be defined by the Authority.

**Article 13:** Voters' lists will be made public at the premises of the Authority, municipalities, governorates, sectors, and premises of

Tunisian diplomatic missions or consulates abroad. Such lists will be disseminated on the official Authority website, or any other means that ensures the public are well informed.

The Authority determines the timelines for making voters' lists public and the duration for publication. Such timelines will be announced by the Authority via print and audio-visual mass media, ensuring sign language interpretation services are provided.

## **Section IV - Disputes Related to Registration in Voters' Lists**

**Article 14:** The aim of challenges lodged before the Authority, over voters' lists in a constituency, is to delete or register a name or correct an error in the voters' lists.

Challenges may be lodged within the three days following the elapsing of the timeline for the dissemination of the lists, by any means capable of producing a written record.

**Article 15:** The Authority adjudicates the challenges claims, within three days from the date of receipt thereof.

The Authority informs the concerned parties of the decision within a period not exceeding 48 hours as of the date of promulgation, by any means capable of producing a written record.

**Article 16:** The decisions promulgated by the Authority may be challenged before the territorially competent three-member courts of first instance, and before the Court of First Instance of Tunis<sup>1</sup>, regarding the decisions pertaining to the challenges lodged by Tunisians abroad, by the parties included in those decisions.

The challenge may be lodged within three days, from the date of notification on the decision, without the need to hire a lawyer.

The challenge memorandum shall be enclosed to a copy of the challenged decision, and include a summary of facts, evidence and claims, as well as a proof of the notice informing the Authority of the challenge.

**Article 17:** The court adjudicates the challenge memorandum within three days from the date of submission thereof.

The competent Court of First Instance considers the challenges, as per the procedures stipulated in Articles 43, 46, 48, last paragraph, 49 and 50 of the Code of Civil and Commercial Procedures, without the need for further procedures.

The court orders the immediate enforcement and informs the concerned parties of the ruling within a period not exceeding 48 hours from the date of promulgation, by any means capable of producing a written record.

**Article 18:** The rulings of the Courts of First Instance may be appealed by the concerned parties before the territorially competent courts of appeal.

The appeal may be lodged through a written memorandum mandatorily enclosed to a copy of the appealed ruling, exhibits and a proof of the notice informing the Authority thereof, within three days from the date of notification of the initial ruling, without the need to hire a lawyer.

The court adjudicates the appeal memorandum within three days from the date of submission thereof.

The three-member court considers appeals, as per summary proceedings. Moreover, the court may permit immediate pleading, without further procedures. The ruling promulgated by the court shall be final, unappealable in any form, including cassation.

The court permits the immediate enforcement and informs the concerned parties of the ruling within 48 hours, at the latest, from the date of promulgation thereof, through any means capable of producing a written record.



**Chapter  
III****Candidate****Sub-Section I: Candidacy Eligibility Requirements**

**Article 19:** Candidacy for membership of the Assembly of People's Representatives is a right ensured for each:

- Voter (woman or man) who has Tunisian citizenship for over at least ten years;
- At least twenty-three years of age, on the date of submission for candidacy;
- Not included in any form of legal incapacity.

**Article 20:** The following voters may not run for membership in the Assembly of People's Representatives, unless they submit their resignations or take unpaid leaves, as per the legislation in force:

- Magistrates,
- Heads of diplomatic and consular missions,
- Governors,
- First delegates, Governorates secretary generals, delegates and chiefs of sectors.

They may not run for elections at the constituency, where they last served in the aforementioned positions for at least a year prior to applying for membership.

**Sub-Section II: Submissions**

**Article 21:** The application for candidacy for the legislative elections is lodged to the Authority by the head or a member of the list running for elections, as per the timeline and procedures determined by the Authority.

The application and attachment shall include:

- Names of candidates and their order on the list,
- A declaration signed by all candidates,
- Copies of the national IDs or passports,
- Name of the list,
- Logo of the political party, coalition list or independent list,
- Designation of a representative of the list among the candidates,
- A complementary list that contains at least two candidates and the number of candidates does not surpass that of the main list, without prejudice to the provisions of Articles 24 and 25,
- A proof of the annual income tax declaration for the past year.

The Authority will hand out a receipt in return for each application for candidacy.

**The Authority regulates the procedures and cases of correction of applications for candidacy including those, where correction may be possible based on the complementary list.**

**Article 22:** Candidacy within more than one list and in more than one constituency is prohibited. The Authority regulates procedures for candidates' replacement.

It is a prerequisite that the number of candidates in each list equals that of seats allotted to the concerned constituency.

It is prohibited for various lists to be affiliated to one political party or coalition in the same constituency.

**A party or coalition is prohibited from participating in over one list running for the same constituency.**

**Article 23:** It is prohibited to assign the same name or logo to more than one list.

The Authority decides on the identical names or logos and takes the necessary measures to avert any cases that may confuse the voter.

**Lists affiliated to the same political party or coalition that are running for elections in more than one constituency are required to use the same name and logo, whereas the lists that do not comply with such rules shall not be accepted.**

**Article 24:** Candidacies are submitted, in keeping with the principle of parity between women and men, as well as rotation among them in the list itself. A list that does not comply with this principle will not be accepted, unless it is within the limits necessitated by the odd number of seats allotted to some constituencies.

**Article 25:** In constituencies, where the number of seats equals or is over four, each list running for that constituency shall include among their first four candidates (men or women) who are not older than thirty-five years of age. In the event of non-compliance with this requirement, the list shall be denied half of the total value of the public fund.

### **Sub-Section III: Procedures of Adjudicating Candidacies**

**Article 26:** The Authority decides on the applications for candidacy within a period not exceeding seven days as of the deadline for submission of candidacies. The Authority decides whether to accept or reject the candidacy. Rejection of candidacy will be substantiated.

During the process of adjudication of the candidacies, the Authority may deem a set of independent lists that share the title or logo as a sole coalition.

The head/representative of the list will be notified on the acceptance/rejection of candidacy within a period not exceeding 24 hours from the promulgation of the decision. The accepted lists will be posted inside the Authority premises as well as its official website, the subsequent day following the deadline of adjudication of applications for candidacy. In the event of rejection, notification will be made by any means capable of producing a written record.

## Sub-Section IV: Procedures of Challenging Candidacies

**Article 27:** Challenges against Authority decisions on candidacies may be lodged by the head of the list, any of its members, the legal representative of the political party or members of the other lists running for elections in the same constituency, before the territorially competent Court of First Instance, as well as the Court of First Instance in Tunis 1, regarding the decisions promulgated by the Authority over the lists running for elections out-of-country, as per a written motion, accompanied by supporting exhibits as well as a proof of notice sent to the Authority and the parties concerned with the challenge, within three days, at the latest, from the date of notification on the decision or suspension, without the need for seeking the assistance of a lawyer.

**Article 28:** The competent Court of First Instance considers the lawsuit, as per the procedures stipulated by Articles 43, 47 and 48, last paragraph, 49 and 50 of the Civil and Commercial Proceedings Code. The Court may permit immediate proceedings.

The court adjudicates the lawsuit within three business days, at the latest, from the date of consideration, and informs the concerned parties on the ruling within 48 hours, at the latest from promulgation thereof, through any means capable of producing a written record.

**Article 29:** Rulings promulgated by the Courts of First Instance may be appealed before the Appellate Circuits of the Administrative Court by the parties included in the preliminary ruling or the chairperson of the Authority, within three days, at the latest, from the date of notification on the ruling, as per a written motion, that is substantiated and accompanied by exhibits, service of process regarding the challenge and a notice to the defendant by a bailiff, otherwise the challenge may be overruled.

**Article 30:** The Court clerk registers the motion and immediately refers it to the First Chief of the Administrative Court, who, in turn, will immediately assign it to the Circuit of the Court of Appeal.

The Chief of the Circuit handling the lawsuit schedules a hearing within three days, at the latest, from the date of registering the motion and summoning the parties, through any means capable of producing a written record to submit their remarks.

The Circuit adjourns the case for deliberations and declaration of the ruling within 48 hours from the date of the hearing and may permit immediate enforcement. The Administrative Court informs the parties on the ruling, via any means capable of producing a written record within 48 hours at the latest from the date of declaration.

The ruling will be final and may not be appealed or undergo cassation.

Article 31: The lists that receive final judicial ruling will be accepted. The Authority declares the final accepted lists, following the elapsing of the timeline for appeals.

### **Sub-Section V: Withdrawal of Candidacy and Replacement of Candidates**

**Article 32:** Candidacies may be withdrawn within 15 days, at the latest, prior to the commencement of the elections campaign. The candidate submits a written notice on the withdrawal to the Authority, as per the same procedures of submission of candidacy.

The Authority immediately informs the representative of the list or the legal representative of the party on the withdrawal of the candidate, through any means capable of producing a written record. If the withdrawing candidate is the representative of the list, the Authority also informs the other members of the list. The head of the list will compensate the shortage, based on the complementary list, and may reshuffle the order of the names within the list, without prejudice to the provisions of Articles 24 and 25.

The request for withdrawal of candidacy submitted beyond the elapsing of the deadline will not affect the list, and the withdrawing candidate will not be counted in the results.

**Article 33:** In the event of the death or infirmity of any candidate, s/he will be replaced as per the procedures stipulated in Article 32.

## **Sub-Section VI: Filling the Vacancies at the Assembly of People's Representatives**

**Article 34:** Upon definite vacancy of any seat of the Assembly of People's Representatives, the concerned member will be replaced by another candidate from the main list, without prejudice to the order, in fifteen days, at the latest, from the date the vacancy has been established by the Assembly Office.

The vacancy is deemed definite in the event of:

- Death
- Infirmary
- Resignation from the Assembly
- Membership forfeited, as per a final court ruling denying the member the civil and political rights
- Membership forfeited, as per the provisions of Articles 98 and 163 of the Law herein.

In the event of running out of candidates in the main list, partial elections will be conducted within 90 days at the latest, from the date the vacancy has been established. The main list is considered exhausted in the cases cited in Articles 98 and 163.

## **Sub-Section VII: Cases where concurrent assumption of positions is not permitted**

**Article 35:** Membership of the Assembly of People's Representatives may not be assumed concurrently alongside the following positions, permanently or temporarily, paid or otherwise:

- Cabinet membership
- A direct or indirect position in the state, public institutions and installations, local authorities, public holding companies
- A direct or indirect action plan within public institutions and installations or public holding companies

- Membership in the elected assemblies of local authorities
- A position in other countries
- A position in international governmental or non-governmental organizations

**Article 36:** A member of the Assembly of People's Representatives may not be designated to represent the state, local authorities, within the structures of public installations, or public holding companies, directly or indirectly.

**Article 37:** All members of the Assembly of People's Representatives are prohibited from using their capacity in any publicity related to financial, industrial, commercial or professional enterprises.

**Article 38:** Upon being elected, and as per any of the cases stipulated in the sub-section herein under this law, related to non-concurrent assumption of positions, members of the Assembly of People's Representatives are deemed duly relieved from their duties, following the final announcement of election results.

A member will be placed under special unpaid leave, if s/he holds a public position. Such provisions may not apply to retired personnel.

Each member of the Assembly of People's Representatives, tasked, during his/her term in office, with a responsibility, position or a plan cited in the sub-section herein under this law, or during his/her term in office, accepts a responsibility that may not be concurrently assumed with the membership, will be deemed automatically resigned, if s/he does not submit one's resignation within ten days from the date of delegation of the responsibility, position or plan. The declaration of the resignation will be made by the Assembly.

**Article 39:** If a member of the Assembly of People's Representatives resigns from the political party, list or electoral coalition, under which his/her name was nominated, his/her membership will automatically be forfeited in the parliamentary committees or any responsibilities s/he has assumed, as per his/her affiliation.

The vacant position will be assigned to the political party or coalition from which the member has resigned.

## Section II - Presidential Elections

### Sub-Section I - Eligibility Requirements for Candidacy

**Article 40:** All voters (men or women) who hold Tunisian citizenship by birth, and whose religion is Islam, may have the right to run for the position of the president of the Republic.

On the day of submission of the application for candidacy, the candidate shall be at least thirty-five years of age. If s/he holds another nationality, apart from the Tunisian, s/he shall submit, within the application for candidacy, a declaration to renounce the other nationality, upon the announcement of being elected as president of the Republic.

**Article 41:** The candidate running for presidential elections will be seconded by ten members of the Assembly of People's Representatives, forty chairs of elected assemblies of local authorities, or ten thousand registered voters across at least ten constituencies, whose number shall amount to at least five-hundred voters in each constituency.

A seconder is prohibited from seconding more than one candidate.

The Authority determines the procedures for secondment and verification of the list of seconders.

During the timeline stipulated in Article 45 of the law herein, the Authority informs candidates, whose secondment has been proved to be made by the same voter or a person who does not meet the eligibility requirements for voters, via any means capable of producing a written record, in order to replace him/her within 48 hours from the date of notification, otherwise the application for candidacy shall be rejected.

**Article 42:** The candidate deposits into the public treasury of Tunisia an insurance amount of ten thousand Dinars, that may not be refund unless the candidate obtains at least three percent of the valid votes.



## Sub-Section II: Submission of Candidacy

**Article 43:** The Authority determines the timeline for candidacy as well as relevant procedures for submission, approval and adjudication thereof.

**Article 44:** Submissions will be presented to the Authority headquarters by the candidate or his/her delegate and will be handed out a receipt thereof.

**Article 45:** The Authority adjudicates the applications for candidacy through a decision promulgated by the board. It develops a list of the approved candidates within four days, at the latest, from the deadline for submission of candidacies. The list of accepted candidates will be posted at the Authority headquarters and published on its website or any other media.

The Authority informs the candidates of its decisions within 24 hours, at the latest via any means capable of producing a written record. The rejections will be substantiated.

## Sub-Section III: Procedures for Challenging Authority Decisions

**Article 46:** Authority decisions may be challenged by candidates before the Appellate Circuits of the Administrative Court, within 48 hours, at the latest, from the date of posting the lists or notice.

The party that wishes to lodge a challenge will inform the Authority and concerned parties through a bailiff, with copies of the motion and supporting documents.

**The challenge may be filed via a motion, to be written by a lawyer, at the cassation circuit. The candidate, or his/her delegate may lodge the challenge before the court clerk. The motion will be substantiated and accompanied by a digital copy thereof, as well as supporting documents and a copy of the challenged decisions, notice of the challenge, otherwise the challenge may be rejected.**

The court clerk will register the motion, upon receipt, and immediately refer it to the First Chief, who will instantly assign it to a Circuit of Appeal.

The concerned Circuit Chief will schedule a hearing within three days, at the latest, from the date of registration of the motion, summon the concerned parties via any means capable of producing a written record and notify the challenged party to submit its written statements, as well as a proof of sending a copy thereof to the opposite party, within two days, at the latest prior to the hearing session.

Following the hearing, the Circuit adjourns the case for deliberations and pronouncement of the judgement within three days.

The Court orders the immediate enforcement of the judgement.

The Court clerk informs the concerned parties of the ruling, via any means capable of producing a written record, within 48 hours, at the latest, from the date of pronouncement.

**Article 47:** The rulings delivered by the Circuits of Appeal may be challenged by the affected candidates or the Authority, before the public hearing of the Administrative Court, within 48 hours from the date of notification thereof.

The party that wishes to lodge an appeal is required to send a notice to the Authority and parties affected by the appeal, through a bailiff, alongside a copy of the motion and supporting documents.

The appeal may be filed, as per a motion, to be lodged by the candidate or his/her delegate, before the Court clerk, through a lawyer, registered at the Court of Cassation. The motion will be substantiated and accompanied by supporting documents, a copy of the contested ruling and a notification of the appeal, otherwise the appeal will be rejected.

The court clerk registers the motion, upon receipt, and immediately refers it to the First Chief, who, in turn will submit it instantly before the public hearing.

The First Chief schedules a hearing session within three days, at the latest, from the date of submission of the appeal, and summoning the concerned parties, via any means capable of producing a written

record, and alerts the defendant to submit their written remarks as well as a proof of sending copy thereof to the opposite party, within 48 hours, at the latest, prior to the hearing.

Following proceedings, the public hearing adjourns the case for deliberation and pronouncement of the judgement, in five days from the date of the hearing session.

The court orders immediate enforcement.

The court rulings are final and may not be appealed, through any form, including cassation.

The Court clerk informs the concerned parties of the ruling, through any means capable of producing a written record, within 48 hours, at the latest, from the date of promulgation.

#### **Sub-section IV: Declaration of Accepted Candidates**

**Article 48:** The Authority officially announces the final names of accepted candidates and disseminates the list in the Official Gazette of the Republic of Tunisia and any other medium it deems fit.

**Article 49:** In the event of the withdrawal of a candidate during the first round, following the announcement of the final names of accepted candidates, or a candidate during the second round, the withdrawal may not be considered in either rounds.

**In the event of the death of a candidate, during the first round, or either candidates during the second round, call for candidacy will be re-advertised, and new electoral timelines will be set within forty-five days, at the latest. In this case, the timelines cited in the law herein will be reduced in the following manner:**

- Contrary to the provisions of Article 45, the Authority will adjudicate applications for candidacy within two days, at the latest. Seconders will be replaced within 24 hours.
- Contrary to the provisions of Article 46, the Circuit Chief will set a hearing session, within two days, at the latest. The defendant will submit their written remarks by the hearing day, at the latest.

- Contrary to the provisions of Article 46, the Appellate Circuits of the Administrative Court, will pronounce the ruling, within two days, at the latest, from the date of the hearing session.
- Contrary to the provisions of Article 47, the First Chief will schedule a hearing session within two days, at the latest. The defendant will submit their written remarks by the day of the hearing session, at the latest.
- Contrary to the provisions of Article 47, the public hearing of the Administrative Court will pronounce the ruling within two days, at the latest, from the date of the hearing session.
- Contrary to the provisions of Articles 46 and 47, the court clerk, informs the parties on the ruling, in 24 hours, at the latest from the date of pronouncement thereof.
- Contrary to the provisions of the first paragraph of Article 50, the elections campaign will be launched thirteen days prior to polling day.

The timelines above will apply to elections conducted, as per Articles 86, 89 and 99 of the Constitution, and Articles 34 and 49-sixteenth of the law herein. Apart from national and religious holidays, all days of the week are considered business days for the Authority and Courts of Appeal in charge of challenges that pertain to these elections and the concerned parties to the conflict.

## **Section III - Municipal and Regional Elections**

### **Sub-Section I: Candidacy Eligibility Requirements**

**Article 49 (bis):** Running for membership of municipal or regional assemblies is a right of each:

- Voter of Tunisian nationality,
- At least, 18 years of age, on the day of submission of the application for candidacy

- Not subject to any form of legal incapacity.

Submissions is submitted in the same constituency, where the applicant is registered.

**Article 49 (3):** The following persons may not run for elections in the constituencies where they function as:

- Magistrates,
- Governors,
- First Delegates, Secretaries General of Governorates, and Delegates and Chiefs of Sectors,
- Municipal and Regional auditors,
- Staff of municipalities and regional authorities,
- Staff of Governorates and Sectors

They may not run for elections in the constituencies, where they functioned in their aforementioned capacities, during the year before their submission of candidacy.

Personnel of the military and internal security forces may not run for municipal and regional elections.

**Article 49 (4):** Membership in more than one municipal or regional assemblies may not be held concurrently.

Moreover, membership in a municipal assembly may not be held concurrently with that of a regional assembly.

**Article 49 (5):** Over two persons who are lineal or collateral descendants, or siblings may not run for elections in the same list.

## **Sub-Section II: Submission of Candidacies**

**Article 49 (6):** The application for candidacy for the municipal or regional elections are submitted before the Authority by the head or any of the members of the list running for elections, in keeping with a timeline and procedures determined by the Authority.

The application for candidacy and relevant attachment include:

- Names of candidates and their order in the list;
- A statement signed by all candidates;
- Copies of their national IDs;
- Name of the list;
- Logo of the list;
- Designation of a representative of the list from the candidates;
- A complementary list that contains, at least three candidates. However, the number of candidates may not exceed that of the main list, without prejudice to the articles revolving around the representation of women and youth.
- A proof of annual income tax statement for the past year.
- Certificate of financial acquittal from municipal or regional taxes.

The Authority will hand out a receipt, in return for the application for candidacy.

The Authority determines the procedures and cases for correction of applications for candidacy, where correction may be made on the complementary list.

**Article 49 (7):** Candidacy within more than one electoral list and in more than one constituency is prohibited.

In the event of non-compliance with this rule, the candidacy of the contravening member may not be accepted in all the lists, in which s/he has been nominated.

It is mandatory that the number of candidates in each list equals the number of seats allocated for the concerned constituency.

It is prohibited for several lists to be affiliated to one political party or coalition in the same constituency.

A political party or coalition is prohibited from participating in more than one list running for elections in the same constituency.

**Article 49 (8):** It is prohibited to assign the same name or logo to more than one electoral list.

The Authority considers the identical names or logos and takes the necessary measures to avert any situations that may confuse the voter.

The lists affiliated to the same political party or coalition contesting in more than one constituency are required to opt for the same name and logo. Otherwise, the lists that do not comply with such rules may not be accepted.

**Article 49 (9):** Applications for candidacy for municipal or regional assemblies will be submitted on the basis of parity and rotation among women and men within the list.

Lists that do not comply with this rule may not be accepted.

Applications for candidacy for municipal and regional assemblies will be submitted, on the basis of parity among women and men in heading political party and coalition lists that are contesting the elections in more than one constituency.

The lists of political parties and coalitions that do not comply with this rule may not be accepted. This applies to the number of contravening lists, unless they are rectified within the timelines determined by the Authority for correction, as per the procedures stipulated in Article 49 (6) of the law herein.

If the correction is not made, the Authority determines the cancelled lists, on a first-come-first served basis, in terms of submission of candidacy. Precedence may be determined based on the date of submission or updating of the application of candidacy, during the period devoted for submission of applications for candidacy.

**Article 49 (10):** Lists running for elections are required to contain candidates (women or men) among the first three names, who are not older than thirty-five years of age on the date of submission of application for candidacy.

Lists running for elections are required to contain among each six candidates in a row in the rest of the list, members who are not older than thirty-five years of age, on the date of submission of

application for candidacy.

The list that does not comply with such rules will be excluded.

**Article 49 (11):** Lists running for elections are required to comprise, among the first ten names, a member (woman or man) with physical disability, a holder of a Disability ID card.

Lists that do not comply with this rule will be deprived of the public fund.

### **Sub-section III: Procedures for Adjudication of Applications for Candidacy**

**Article 49 (12):** The Authority adjudicates the applications for candidacy within seven days, at the latest, from the deadline for submission of candidacy, and takes a decision to accept or reject the candidacy. The rejection will be substantiated.

During the process of adjudicating the candidacies, the Authority may consider a set of independent lists that bear the same name and logo as one coalition.

The head or representative of the list will be notified on the acceptance or rejection of the candidacy within two days, at the latest, from the promulgation of the decision stipulated in the first paragraph of the Article herein. The accepted lists will be posted inside the Authority premises and disseminated on its website within three days, at the latest, from the deadline for deciding over applications for candidacy. In the event of rejection, notification will be made via any means capable of producing a written record.

### **Sub-Section IV: Withdrawal of Candidacies and Replacement of Candidates**

**Article 49 (13):** Candidacies may be withdrawn within 15 days, at the latest, prior to the commencement of the election campaign.



The candidate may submit a written notification on the withdrawal, as per the same procedures as those for submission of candidacy.

The Authority immediately informs the representative of the list or legal representative of the political party on the withdrawal of the candidate, via any means capable of producing a written record. If the withdrawing member is the representative of the list, the Authority will inform the rest of the members on the list. The head or representative of the list fills out the vacancy within 24 hours, from the complementary list only and may re-organize the order on the list. This may be done without prejudice to the provisions pertaining to the candidacy of women and youth, as well as the provisions of Article 49 (7) and Article (11) of the law herein.

Requests for withdrawal may not be accepted after the complementary list is exhausted, or those that may compromise the principle of parity and rotation.

The request for withdrawal of candidacy, submitted beyond the deadline may not affect the list. Moreover, the withdrawing candidate may not be counted in the results.

**Article 49 (14):** In the event of the death or infirmity of a candidate, the Authority will be immediately notified by the representative of the list or legal representative of the political party. The concerned candidate will be replaced, as per the rules and regulations stipulated in Article 49 (13) of the law herein.

### **Sub-section V: Filling in Vacancies in the Assemblies**

**Article 49 (15):** A seat at the municipal or regional assembly is considered definitively vacant in the following cases:

- Death,
- Infirmity,
- Resignation from the assembly,
- Membership forfeited, as per a final court ruling sentencing the member to deprivation of civil and political rights,

- Membership forfeited, as per the provisions of Articles 98 and 163 of the law herein.

Upon the definitive vacancy of a seat at the municipal or regional assembly, the concerned member will be replaced by a candidate from the main list, without prejudice to the order, within fifteen days, at the latest, from the date of establishment of the vacancy by the municipal or regional assembly. The cases cited in Articles 98 and 163 of the law herein are deemed exhaustion of the main list.

The concerned municipal and regional assemblies will notify the Authority regarding each vacancy within 48 hours from the date of establishment thereof.

**Article 49 (16):** Partial elections will be conducted in the following cases:

- In the event of the dissolution or prorogation of the municipal or regional assembly;
- The main list runs out of candidates, if the municipal assembly loses at least one-third of its members;

Partial elections take place within ninety days, at the latest, from the date of establishment of the most recent vacancy or date of dissolution or prorogation of the municipal or regional assembly.

In all cases, partial elections may not be conducted if the remaining period from the establishment of the vacancy or dissolution/prorogation of the assembly to the due date of the municipal or regional elections is six months or less.

### **Sub-Section VI: Disputes Over Candidacies**

**Article 49 (17):** Authority decisions over candidacies may be challenged by the head or legal representative of the list or heads of other lists running for elections at the same constituency before the Administrative Courts of First Instance.

Challenges may be lodged in three days, at the latest, from the date of notification on the decision or dissemination. The challenge shall be lodged upon a substantiated written motion alongside supporting documents proving notification was made to the Authority and parties concerned with the challenge through a bailiff. The notice will include alerting the concerned parties on the need to submit their remarks, alongside a document proving the parties have been notified by the time of the hearing session scheduled by the court.

Hiring a lawyer is not mandatory.

**Article 49 (18):** The clerk of the Administrative Court of First Instance registers the motion and immediately refers it to the Chief of the Circuit of First Instance, who, in turn, will designate a rapporteur to investigate the case under his/her supervision.

Chief of the competent circuit schedules a hearing session within three days from the date of submission of the challenge and summons the parties, via any means capable of producing a written record.

The circuit adjudicates the lawsuit in six days from the date of the hearing session. The parties will be notified on the ruling in three days from the date of pronouncement thereof, via any means capable of producing a written record.

**Article 49 (19):** First instance judgements may be appealed before the administrative courts of appeal.

The appeal may be lodged by the parties affected by the first instance judgement or the Authority Chairperson within three days, at the latest from the date of notification on the ruling, as per a written motion that will be substantiated and accompanied by supporting documents, notice on the appeal and a proof of notification to the party, against whom the appeal has been lodged - through a bailiff - who will be alerted on the need to submit their remarks, alongside a proof of notification to the parties, by the hearing session, at the latest.

Hiring a lawyer is mandatory.

**Article 49 (20):** The court clerk registers the motion and immediately refers it to the Chief of the Circuit of Appeal, who schedules a hearing session within six days, at the latest, from the date of registration of the motion of appeal and summoning the parties, via any means capable of producing a written record.

The case may be adjourned for deliberation and proclamation of the ruling, within five days from the date of the hearing session. The Circuit may order the immediate enforcement. The parties will be informed on the ruling, via any means capable of producing a written record within two days, at the latest, from the date of proclamation thereof.

The appealed ruling shall be final and may not be appealed by any means, including cassation.

**Article 49 (21):** The lists that obtain a final court ruling will be accepted. The Authority announces the final lists that have been accepted, following the elapsing of the challenges period.

**Chapter  
IV****Elections and Referendum Period****Section I - Organization and Monitoring of the Elections Campaign**

**Article 50:** The elections or referendum campaign will be launched twenty-two days prior to polling day. It will be preceded by the pre-elections or referendum campaigning phase and will continue for two months.

In the event of conducting a second round, vis-à-vis the presidential elections, the electoral campaign will be launched on the day following the declaration of the final results of the first round.

In all cases, the campaign ends twenty-four hours prior to polling day.

**Article 51:** The Authority develops the rules and procedures governing campaigns, as per the law herein.

**Sub-section I: Principles Governing Campaigns**

**Article 52:** The campaign is subject to the following rules:

- Impartiality of the Administration and places of worship,
- Impartiality of national mass media,
- Transparency of the campaign, in terms of funding sources and means of expending the allotted funds,
- Equality and assurances of equal opportunities for all candidates,
- Respect to the bodily inviolability, honour and dignity of the candidates and voters,
- Prohibition of the violation of the private lives and personal data of the candidates,

- Refrainment from incitement of hatred, violence, bigotry and discrimination.

**Article 52 (bis):** Personnel of the military and internal security forces may not take part in the election campaigns, political party gatherings or any activities related to the elections.

Any personnel of the military or security agencies, who takes part in the activities cited in the previous paragraph shall be dismissed upon a decision of the disciplinary council, following permission to exercise his/her right to defence.

**Article 53:** The distribution of documents or dissemination of slogans or speeches related to the elections or referendum campaign are prohibited, regardless of their form or nature, by heads, staff of public offices, institutions and installations, beneficiaries in those premises or by individuals present inside.

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

The use of public facilities and resources for the benefit of a list, candidate or political party running for elections is prohibited.

**Article 54:** All forms of elections and referendum campaigns are prohibited in the educational, academic and vocational institutions as well as places of worship. Moreover, delivering speeches or seminars or distribution of adverts or documents or engagement in any publicity activities inside those premises are prohibited.

**Article 55:** The concerned authority takes the necessary measures to ensure adherence to impartiality.

If it transpires that impartiality has been compromised, the head of the public office writes a report on the issue, with the necessary supporting documents and refers a copy of which to the Authority.

Article 56: All elections or referendum campaigns that may imply incitement of hatred, violence, bigotry and discrimination are prohibited.

**Article 57:** Political publicity is prohibited in all cases, during the elections period.

Political party-owned newspapers may launch campaigns during the elections campaigning period, in the form of publicity adverts, for the benefit of the political party, they speak for as well as the candidates or lists running for elections under the concerned political party only.

A presidential candidate may use publicity mass media, whose requirements will be determined by the Authority.

**Article 58:** During the campaigning period, it is prohibited to assign a toll-free phone number, in mass media, voice servers, or call centre for the benefit of a candidate, list or political party.

## **Sub-Section II: Publicity During the Campaigning Period**

**Article 59:** Publicity means related to the elections and referendum may be embodied in adverts, public meetings, rallies, processions, gatherings and advertising activities, in various audio-visual, print and online mass media, as well as other publicity means.

**Article 60:** The elections and referendum adverts may be embodied in posters, publications, programs and notices on the times and dates of gatherings.

**Article 61:** The use of the flag of the Republic of Tunisia in elections and referendum posters is prohibited.

**Article 62:** Throughout the elections and referendum campaigns, municipalities, governorates, and sectors allocate, under the oversight of the Authority, preset equal places and spaces for posting the posters of all lists, candidates or political parties. The Authority, in collaboration with consulates and diplomatic missions, determines the places for posting such materials in locations abroad, within the limits, permitted by the host countries.

Any posting outside the preset places, or spots allocated for other lists, candidates or political parties is prohibited. It is also prohibited to remove a poster, posted in its allotted place, tear up, cover, disfigure it, or render the writings on it illegible, through any means or manner that may alter its content.

The Authority ensures compliance with such provisions.

**Article 63:** A list, candidate or political party may not use, or allow others to use the places designated for posters designed for purposes not related to elections or disclaim his/her spot for others.

**Article 64:** Public elections or referendum related meetings, rallies, processions and gatherings are free.

**The Authority shall be notified via any means capable of producing a written record, at least two days, before the event is held. The notification shall include the place, time and names of office members of the public meeting, rallies, procession, or gathering.**

The office is responsible for keeping order and ensuring the smooth conduct of the meeting, rally, gathering, procession or assembly.

**Article 65:** The High Independent Authority for Audio-Visual Communications (HAICA) ensures the right to access audio-visual mass media to all political groups during the pre-elections campaigning phase or pre-referendum campaigning, on the basis of plurality.

HAICA ensures an array of diverse audio-visual mass media during the election campaigns and removal of all obstacles that contradict the principle of access to audio-visual communications tools, on the basis of parity among all candidates, lists or political parties.

**Article 66:** Candidates, lists and political parties (during referendum), within the scope of elections or referendum campaign, may use national and online mass media. They are prohibited from using foreign mass media.

On an exceptional basis, the lists running for legislative elections in OCV constituencies, may use foreign mass media. This is subject to the principles of elections campaigning and regulating rules thereof.

In consultation with HAICA, the Authority may determine the rules governing the use of foreign audio-visual mass media by the lists running for elections in OCV constituencies.

The Authority determines the rules governing the use of foreign print and online media by the lists running for elections in OCV constituencies.



**Article 67:** In consultation with HAICA, the Authority determines the rules and general requirements mass media need to comply with during the elections campaign.

The Authority determines the rules governing campaigning on print and online media.

The Authority and HAICA will determine, through a joint decision, the rules governing campaigning on audio-visual mass media, as well as procedures thereof and the requirements related to the production of programs, reports and features related to the election campaigns. Both authorities decide the timeslots for shows and programs allotted to all candidates, lists or political parties, the distribution and timing thereof in all audio-visual mass media, with due consideration to the principles of plurality, parity and transparency. As for candidates with disabilities, due consideration is given to the ensuing specific needs.

**Article 68:** All principles governing campaign will apply to all online media or any message disseminated to the public via online media, with elections or referendum campaigning purposes.

Similarly, such rules apply to official websites of audio-visual communication installations, which will be monitored by HAICA.

**Article 69:** All forms of publicity are prohibited during election silence period.

**Article 70:** During the elections or referendum campaign, as well as the elections silence period, it is prohibited to broadcast and disseminate the outcomes of surveys that are directly or indirectly related to the elections and referendum, as well as the relevant studies and press commentaries via various mass media.

### **Sub-section III: Campaign Monitoring**

**Article 71:** The Authority will monitor, upon its own initiative or request from any party, the compliance of candidates, lists or political parties with the principles of campaigning and the governing rules and regulations. Moreover, the Authority takes the measures and action that may immediately put an end to violations. This may

include suspension of elections or referendum adverts. The Authority may seek the intervention of security forces, as necessary, to disperse gatherings, rallies, processions and assemblies.

**Article 72:** The Authority designates staff, on the basis of impartiality, independence and qualifications, who will be tasked with establishing and reporting violations. Before the territorially competent cantonal judge, the designated staff will take the following oath: “I swear by Almighty God, that I will live up to my tasks with due sincerity, impartiality and independence and pledge to strive to ensure the fairness of the electoral process.”

**Article 73:** HAICA ensures the compliance of candidates, lists or political parties with the prohibitions on elections campaigning via foreign audio-visual mass media that are not under Tunisian law, but target Tunisian audience.

HAICA will send notifications on all the violations and decisions taken by it, as per the provision of Chapter III of Decree 116 (2011) dated on 2 November 2011, within 24 hours from the promulgation of the decision. In the event of a violation made by candidates, HAICA will take the necessary decisions, as per the provisions of the law herein.

**Article 74:** The provisions of Article 46 of Decree 116 (2011) dated on 2 November 2011 regarding the freedom of audio-visual communications and the establishment of a high independent authority for audio-visual communications, shall apply to correspondents and bureaus of foreign channels, production agencies and firms contracted in the Republic of Tunisia. The duration of the sanction applied by HAICA may not exceed the date of polling day.

## Section II - Campaign Funding

### Sub-Section I: Funding Methods

**Article 75:** The election campaigns for candidates and lists as well as referendum campaigns may be self-financed, privately or publicly financed, as determined by the law herein.

**Article 76:** Private funding stands for any monetary or in-kind financing of the campaign through personal resources of the list, candidate or political party, for their lists running for elections or referendum.

**Article 77:** Private funding stands for any monetary or in-kind financing, stemming from sources other than the list, candidate or political party.

Campaigns of each list, candidate or political party may only be financed by natural persons through the calculation of the guaranteed minimum wage per capita in non-agricultural sectors by up to twenty times, vis-à-vis the legislative elections, and up to thirty times, vis-à-vis the presidential elections and referendum. This may be done for each list, candidate or political party.

**Article 78 (New):** Each candidate or list, that has obtained at least 3% of valid votes in the constituency, will receive an estimated public fund, titled, “Reimbursement of Electoral Expenses,” following the announcement of the final results. However, the fund may be disbursed only upon presenting a proof of submission of financial accounts before the Court of Auditors and verification of compliance of the candidate and list with the legal obligations related to the election campaign and financing thereof.

For each candidate and list, the Court of Auditors will determine the value of the electoral expenses to be referenced upon the calculation of the due amount of the public fund.

In all cases, the value of the public fund may not surpass the amount of self-financing of the concerned candidate or list. Moreover, it may not exceed the total expenditure limit mentioned in Article 81 of the law herein.

The candidate or list that does not publish the financial accounts, as stipulated by Article 87 of the law herein will be deprived of the public fund, known as, “Reimbursement of Electoral Expenses.

**Article 79:** A fund, known as public aide, will be allocated to finance the referendum campaign, for the benefit of the parliamentary political parties taking part in the referendum, to which it will be distributed equally.

The fund, known as “Reimbursement of Expenses”, will be

disbursed following the announcement of referendum results. The reimbursement of expenses will only include the completed expenses, that may be described as expenses related to the referendum.

Any party sentenced by the Court of Auditors to a final ruling due to a violation of the provisions of public funding related to the referendum, will not benefit from the public fund in the next referendum.

**Article 80:** A campaign may not be financed through foreign sources, including governments and legal persons. Foreign financing stands for the funds that take the form of a grant, gift or monetary, in-kind or advertisement fund, stemming from a foreign source, as per the taxation law, regardless of the nationality of the donor.

Funding by Tunisian expatriates of lists running for elections in OCV constituencies may not be deemed foreign financing.

The Authority will determine the funding rules, procedures and methods that take into account the specific nature of financing lists running for elections in OCV constituencies.

**Article 81:** The total limit on expenditures on elections or referendum campaigns, as well as the private and public financing limits and conditions thereof will be determined in the light of certain criteria that particularly include the size of the constituency, number of voters in it and cost of living, pursuant to governmental decrees, following consultations with the Authority.

## **Sub-Section II: Commitments of Lists, Candidates and Political Parties**

**Article 82:** All lists, candidates or political parties are required to open sole bank accounts for the elections or referendum campaign. The Authority, in coordination with the Central Bank of Tunisia, will determine the procedures for opening and closing the accounts or setting a single account for the elections campaign, taking into consideration the specific nature of opening accounts abroad.

The candidate, head of list or legal representative of the political party designates a delegate to manage the only account, in matters related

to the finance and auditing of the campaign. It is mandatory for the delegate to declare the account to the Authority.

**Article 83:** Each list, candidate or political party shall:

- Open a sole bank account, in which the amounts allotted for the campaign are deposited, pursuant to the provisions of the previous article. All expenses are paid from this account.
- Provide the Authority with the sole bank account identifier and identity of the agent, who is accountable for expending the amounts deposited in the sole bank account, in the name of the list, candidate or political party.
- Maintain a logbook that is serially numbered and stamped by the Authority to chronologically log all inputs, according to the date of completion without omission or alterations, with reference on the supporting document.
- Maintain a list of the completed events, activities and gatherings, marked by the Authority.
- Develop a checklist of electoral revenues and expenses, in the light of a logbook of all transactions signed by the head of the list, candidate or legal representative of the political party.

**Article 84 (New):** Each political party or coalition that introduces over one list or maintains a consolidated summary record combining all completed transactions in different constituencies, where it has lists running for elections. Entries may be logged into the record, without any omission, with due consideration to the chronological order of the entries that are signed by the list, candidate or political party. Moreover, a record will be developed for each constituency by the concerned political party list.

**Article 85:** The expenses related to the campaign may be completed, on the basis of authentic and credible supporting documents.

Electoral expenses may be paid off through cheques or bank transfers, if their values exceed five-hundred Dinars per expense. The expenses may not be broken down into instalments, in order not to surpass the aforementioned value.

**Article 86:** Each candidate, list or political party is required to:

- Refer authentic copies of the lists cited in Articles 83 and 84, financial records for each constituency as well as the consolidated record, to the Court of Auditors, within forty-five days, at the latest, from the date of the final announcement of elections results, along with the statement of the sole bank account that has been opened for the campaign.
- Submission of the said documents collectively and directly to the clerk of the Court of Auditors or the clerk of any of the territorially competent alternate court panels, in return for a receipt.

**Article 87 (New):** Lists, candidates and political parties disseminate their financial records in any daily newspaper issued in Tunisia, within two months from the date of the announcement of the final results of the elections or referendum. This may be done on a concise form developed by the Court of Auditors, which is availed on its website for the lists, candidates and political parties.

**Article 88:** Each candidate, political party or head of a list is required to safekeep financial records and supporting documents in one's custody, including banking documents, for five years. As for the political party lists, the party may represent the heads of its lists.

A political party or list determined to be dissolved prior to the elapsing of the aforementioned deadline, is required to submit such documents, in return for a receipt, directly to the general clerk of the Court of Auditors, or any of its territorially competent regional panels.

### **Sub-Section III: Monitoring Financing Campaigns**

**Article 89:** During the campaign, the Authority monitors the compliance of lists, candidates or political parties with the rules for financing elections or referendum campaigns and means thereof and ensure such rules are well observed, in collaboration with various public structures, including the Central Bank, the Court of Auditors and Ministry of Finance.

**Article 90:** The Central Bank of Tunisia oversees the process of opening the aforementioned bank account and ensures that only one bank account is opened for each candidate, list or political party. The Central Bank will provide the Authority and the Court of Auditors with a list of such accounts.

The Central Bank of Tunisia and Ministry of Finance are required to take the necessary measures to prevent foreign financing for the elections and referendum.

**Article 91:** The Court of Auditors ensures the completion of monitoring activities on the revenues and expenses of each list, candidate or political party, allocated for the campaign and verifies each one has one account only, and complete its monitoring on the sources revenues and expenses of the sole bank account.

**Article 92:** The procedures stipulated in the law regulating the Court of Auditors applies to monitoring the financing of the campaign of candidates, political parties and lists of candidates, in a manner that does not explicitly contradict with the provisions of the law herein.

Such monitoring is based on documentation, on the ground, comprehensive, selective or done following or coinciding with the campaign. It is mandatory for candidates and lists that win the elections. Such monitoring will be completed in tandem with financial monitoring of the political party, as far as winning political parties and lists are concerned.

**Article 93:** The oversight of the Court of Auditors on financing campaigns aims at verifying the following:

- Completion of the expenses related to the campaign for candidates, political parties or lists, through the sole bank account that has been opened for this purpose, which has been declared to the Authority.
- Each candidate, political party or list may maintain a credible financial record that includes comprehensive and accurate data on all transactions of payment and receipt related to financing the campaign.
- All revenues come from legal sources,

- The electoral nature of the expenses,
- The compliance of candidates, lists or political parties with the electoral spending limit,
- Candidates have not committed electoral crimes.

**Article 94:** The Authority provides the Court of Auditors, within three days, at the latest, from the date of the commencement of the campaign, with the following:

- **A list of political parties, lists of candidates and lists running for elections,**
- **A list of bank accounts opened by the lists, candidates or political parties,**
- A list of persons authorized to manage the bank accounts, in the name of each political party or list.

The Authority informs the Court of Auditors on all changes that may affect the aforementioned lists.

**Article 95:** The Court of Auditors may:

- Request from the competent administrative authorities to provide it with a detailed statement on the authorizations granted to organize events and activities completed during the campaign.
- Request from any entity, all documents related to financing the campaign that may be useful for the completion of the monitoring task assigned to the Court within this framework.

**Article 96:** The concerned banking institutions or any public entity may not oppose the Court of Auditors and the Authority, due to bank confidentiality, by refraining from providing them with the necessary information and documents to complete their work.

**Article 97:** The Court of Auditors develops a generic report that includes the outcome of its monitoring on financing the campaign, within six months, at the latest, from the date of announcement of the final elections results.

The Court of Auditors report will be immediately disseminated on the Official Gazette of the Republic of Tunisia and its official website.



## Sub-Section IV: Financial and Electoral Violations

**Article 98 (New):** If the financial records of the list, candidate or political party is not presented, as per the forms and within the deadline stipulated in Article 86 of the law herein, the Court of Auditors will impose a fine that is ten times more than the maximum amount of the public fund in the concerned constituency.

If the Court of Auditors decides to reject the financial record of a list, candidate or political party, it will impose a fine that equals between five to seven times the maximum amount of the public fund in the concerned constituency.

In the event of exceeding the electoral spending limit in any constituency, the Court of Auditors will impose the following sanctions on the list, candidate or political party:

- A fine that equals the amount that exceeds the limit, if its within 20%.
- A fine that equals twice the value of the amount exceeding the limit, if it is over 20% and up to 50%.
- A fine that equals five times the value of the amount exceeding the limit, if it is over 50% or up to 75%.

In the event of not submitting the financial record as per the first paragraph of the Article herein, or exceeding the spending limit by over 75%, the Court of Auditors will impose a fine that equals five times the value of the amount exceeding the limit and declare the termination of the membership of all members of those lists.

The rulings will be delivered preliminarily and may be appealed, as per the procedures stipulated in the law regulating the Court of Auditors.

**Article 99:** The Court of Auditors imposes a fine of around five hundred to two thousand Dinars on the candidates, lists or political parties that deliberately obstruct its functions, by delaying their submission of the required documentation to complete the monitoring tasks assigned thereto.

Moreover, the Court may impose a fine that amounts to around one thousand to five thousand Dinars on the candidates, lists or political parties that violate the provisions cited in Articles 78, 84 and 86 of the law herein.

The rulings will be delivered preliminarily and may be appealed, as per the procedures stipulated in the law governing the Court of Auditors.

**Article 100:** The financial sanctions cited in the sub-section herein will be imposed on the concerned political party if the violation inducing the sanction has been committed by a political party. On the other hand, financial sanctions will be imposed on the candidates, who are members of the same list, collectively, if the violation inducing the sanction has been committed by a list.

## Chapter V

# Polling, Sorting and Announcement of Results

## Section I - General Clauses on Polling

**Article 101 (New):** Upon a presidential decree, voters are called, within three months, at the latest, prior to polling day, to participate in regional, municipal and presidential elections, and within two months, at the latest, as far as the referendum is concerned.

**Article 102:** The duration of polling is one day, which takes place on a day-off or a weekend.

As for the second round of the presidential elections, polling takes place during the two weeks following the announcement of the final results of the first round.

Voters registered in the voters' lists, used during the first round will take part in the polling.

**Article 103:** Notwithstanding the provisions pertaining to the polling

date, in Article 102, voting process for Tunisians abroad, during elections and referendum, will be conducted within three days in a row, the last of which will coincide with the polling day in the Republic of Tunisia.

**Article 103 (bis):** Notwithstanding the provisions pertaining to the polling date, in Article 102, voting process for personnel of the military and internal security forces, during municipal and regional elections, will be conducted prior to polling day, within timelines determined by the Independent High Elections Authority. Their votes will be sorted concurrently with sorting processes in all polling centres.

The Authority determines the voting procedures for personnel of the military and internal security forces, as far as the municipal and regional elections are concerned.

**Article 104:** If the timely conduct of the elections is rendered impossible due to an imminent danger, as per Article 80 of the constitution, the postponement of which will be declared.

If the postponement requires the extension of the presidential or parliamentary tenure, the Assembly of the People's Representatives will assume the responsibility to extend, pursuant to a law, in keeping with Articles 56 and 75 of the Constitution.

Following the extension, the call for elections will be made upon a presidential decree, based on a concurring opinion from the Authority.

**Article 105:** The Authority may postpone polling in one polling station or more, if it has been confirmed that the conduct of elections in those stations has been rendered impossible. In such cases, the Authority may decide to re-conduct polling in those centres, in keeping with the procedures stipulated in Article 142 of the law herein.

## Section II - Polling System

### Sub-Section I: Legislative Elections

**Article 106:** Constituencies are delineated, and the number of their seats is determined pursuant to a law that will be enacted a year, at the latest, prior to the periodic timeline for the legislative elections.

**Article 107:** Voting on lists will be done during one round. The seats, at the level of constituencies, will be apportioned on the basis of proportional representation, with due consideration to the largest remainders.

**Article 108:** The voter selects a list without omission or alteration of the order of candidates.

**Article 109:** If only one list runs for elections in the constituency, the list will be declared a winner, regardless of the number of votes it has earned.

**Article 110:** At the level of constituency, if more than one list run for elections, at a first stage, the seats will be allotted on the basis of the electoral divider.

The electoral divider is determined through dividing the number of valid votes by the number of seats allotted for the constituency. The list receives a number of seats as many as the electoral dividers it earns.

Blank ballots are not counted in the calculation of electoral divider.

Seats are assigned to the lists, based on the order in each list.

If any seats stay without being distributed on the basis of the electoral divider, they will be distributed at a second stage on the basis of the largest remainders at the level of the constituency. If the remainders of two lists or more are equal, the youngest candidate will be favoured.

## Sub-Section II: Presidential Elections

**Article 111:** The President of the Republic will be elected through an absolute majority of the valid votes.

**Article 112:** If none of the candidates obtains an absolute majority of the valid votes during the first round, a second round will be conducted during the two weeks following the announcement of the final results of the first round, to which the two candidates with the highest number of votes earned during the first round will proceed.

In the second round, the candidate with the majority of votes will be declared a winner.

In the event of an equal number of votes among a number of candidates, the oldest candidate will be favoured, or declared a winner if a tie takes place in the second round.

## Sub-Section III: Referendum

**Article 113:** Voters will be called to participate in the referendum, upon a presidential decree, to be followed by the draft text that will be presented for the referendum. The decree and annex thereof will be disseminated in the Official Gazette of the Republic of Tunisia.

**Article 114:** Tunisians abroad, who meet the requirements cited in Articles 5 and 6 of the law herein will participate in the referendum.

**Article 115:** The question presented for the referendum will be drafted in the following manner, "Do you approve of the proposal to amend the constitution or the bill presented to you?" The answer will only be Yes or No.

**Article 116:** The Authority ensures equality among parliamentary political parties participating in the referendum, in their access to campaigning means.

**Article 117:** The principle of the majority of valid votes in the announcement of the referendum results will be endorsed.

## Sub-Section IV: Municipal and Regional Elections

**Article 117 (bis):** The number of members of municipal assemblies will be determined based on the number of population of municipalities, as per the most recent census around the date the presidential decree pertaining to the call for the voters was promulgated, as per the following table.

Population Number in the Municipality		Number of members of Municipal Assemblies
Under 10,000		12
10,000	25,000	18
25,001	50,000	24
50,001	100,000	30
100,001	200,000	36
200,001	300,000	42
300,001	400,000	48
400,001	500,000	54
Over 500,000		60

The number of members of regional assemblies will be determined on the basis of the population number of the governorates, as per the most recent official census, around the date of the promulgation of the presidential decree pertaining to the call on voters, as per the following table:

Population Number in the Region		Number of members of the regional assemblies
Under 150,000		36
150,001	300,000	42
300,001	400,000	46
400,001	600,000	50
600,001	800,000	54
800,001	900,000	58
Over 900,000		62

**Article 117 (3):** Voting is done in accordance with the constituencies. The territories of each municipality or region constitute an electoral constituency.

**Article 117 (4):** Members of the municipal and regional assemblies are elected for a five-year parliamentary term in office. They are elected during the last three months of the term in office of the parliament.

**Article 117 (5):** Voting on lists is done during one round. The seats are allocated at the level of constituencies on the basis of proportional representation, with the largest remainders taken into account.

If, at the level of constituency, more than one list runs for elections, at a first stage, the seats will be allocated on the basis of the electoral divider.

The electoral divider is determined by dividing the number of valid votes on the number of seats allotted to the constituency.

Blank ballot papers and votes for lists that have earned less than 3% of the valid votes at the level of the constituency will not be counted in the calculation of the electoral divider.

The lists that have obtained less than 3% of the valid votes at the level of the constituency will not be included in the allocation of seats.

The list will be allocated a number of seats as many as the number of times it has earned an electoral divider.

Seats will be assigned to the lists, as per the order within each one of them.

If there are any seats left without being distributed, on the basis of the electoral divider, they will be allocated at a second stage, on the basis of the largest remainders, at the level of the constituency. If the remainders of two or more lists are equal, the youngest candidate will be favoured.

Heads of winning lists will be nominated for the position of Chair of Municipal or Regional Assembly, during its first session, chaired by the most senior member, apart from the candidates.

The speaker of the assembly will be elected by the members freely, secretly, fairly and transparently. The Speaker of the Assembly will be the candidate who has an absolute majority of votes.

If none of the candidates obtains an absolute majority, a second round will be organized, to which the two candidates with the first and second ranking, as per the number of votes obtained during the first round will proceed.

The speaker of the assembly will be the candidate who obtains the highest number of votes.

In the event of a tie among the candidates, the youngest one will be favoured.

**Article 117 (6):** The voter selects any of the lists running for membership to the municipal or regional assemblies, without omitting or changing the order of the candidates.

**Article 117 (7):** If only one list runs for elections in one constituency, it will be declared a winner, regardless of the number of votes it has obtained.

### Sub-Section III: Polling Process

**Article 118:** Voting is personal. Proxy voting is prohibited.

Voters exercise the right to vote through a national ID or passport.

**Article 119:** The Authority develops a list of polling stations for each constituency, municipality, governorate or sector, ensuring each polling station accommodates no more than 600 voters.

The decision pertaining to the development of the list of polling stations will be disseminated in the Authority headquarters, and centres of governorates and sectors offices of governors, municipalities, premises of diplomatic missions and consulates and the Authority website as well as any other mass media.

**Article 120:** A polling station may not be located at any venues that belong to a political party, association or a non-governmental organization.



**Article 121:** The Authority designates heads and staff members of polling stations, who meet the requirements of integrity, impartiality and independence. Their appointment and replacement requirements will be determined when the need arises.

The Authority disseminates on its website, at reasonably timelines, a list of members of the polling stations, including the heads of thereof.

Candidates, representatives of lists or political parties may request a review, which will be presented to the Authority office at the constituency, where the concerned member is assigned, within a reasonable timeline, to be determined by the Authority.

A polling station staff member may not be a spouse, ascendant or descendant relative of any candidate, of the first or second degree of consanguinity, an in-law, subordinate or indoctrinated into a political party.

Staff or heads of polling stations may not be any of the figures who were in charge at the structures of the Democratic Constitutional Rally that was dissolved, pursuant to the Decree 1089 (2011) on 3 August 2011.

**Article 122:** The Authority informs the public on the dates and times of opening and closing polling stations on its website or any other mass media.

**Article 123:** All lists, candidates or political parties may designate agents to be present at polling stations.

**Applications submitted to the Authority by representatives of candidates, during presidential elections, agents of lists, during legislative, municipal and regional elections, as well as political parties taking part in the referendum and observers, will be accepted, in accordance with a timeline to be determined by the Authority.**

**Article 124:** Representatives of lists, candidate or political parties or observers may include their remarks on the progress of polling within memoranda that shall be enclosed to the polling process report.

Polling station staff, observers and candidate, list, or political party agents are prohibited from carrying any badge that may denote any

political affiliation. The head of the polling station ensures compliance with such prohibition.

**Article 125:** Head of polling station maintains order inside the polling station and takes the necessary measures to ensure the progress of the electoral or referendum process and avert any act that may influence it and seek the assistance of security forces when needed.

It is prohibited to carry weapons inside the polling centres and stations, apart from national security and army personnel, who are present inside with the consent of the head of polling centre or station.

**Article 126:** The presidential, legislative, municipal and regional elections as well as the referendum will be conducted in the designated constituencies. This will be done through a standard ballot paper, to be designed and printed with utmost clarity and accuracy to avoid any mistakes on the part of the voter.

The ballot paper will be printed in colours. To avoid any confusion or errors, the Authority will strive to place the names of candidates or lists in a vertical manner.

Prior to the commencement of the elections campaign, the Authority will disseminate the layout of the ballot paper on its website.

**Article 127:** At the entrance of each polling centre or station, an official copy of the relevant list of registered voters will be posted.

**Article 127 (bis):** Notwithstanding the provisions pertaining to posting the voters list, cited in Article 127, as for polling centres or stations allocated for security and military personnel voters, the voters' lists may not be posted at the entrances of such venues.

**Article 128:** It is prohibited to engage in any elections or campaigning activities inside each polling centre/station or their environs.

Prior to the commencement of or during the polling process, the head of the polling centre/station will undertake the removal of all existing posters, logos and symbols, as well as any other adverts.

**Article 129:** Prior to the commencement of the polling process, before all agents of lists, candidates, political parties or observers, who are present, the head of the station will ensure the ballot box is empty prior to locking it, as per the procedures and manner determined by the Authority.

In the polling process report, the head of polling station writes down the number of ballot papers received, the serial numbers of the ballot box seals and number of voters registered in the station.

Station staff members, agents of lists, candidates and political parties sign on the polling process report. If they refuse to sign, it will be stated in the report, alongside the reasons for refusal, if any.

**Article 130:** When the voter enters the polling station, his/her name, last name, and ID or passport number will be verified, as well as whether his/her name is in the voters list of the polling station and will sign next to his/her name and surname.

The voter receives a ballot paper, after stamping it by the head of station, and mandatorily enters the voting screen. Upon exiting, s/he places the ballot paper in the designated ballot box, in front of all those who are present at the polling station.

The Authority may opt for the application of the indelible ink to the voter and escort.

Each voter, who enters the polling centre prior to the time designated for the closure of polling shall have the right to vote.

**Article 131:** Polling stations are rendered conducive to enable voters with disability to exercise their rights to polling, as per the regulations determined by the Authority.

The voter with disability exercises his/her right to polling, as per the regulations promulgated by the Authority, with due consideration to the principles of the privacy and secrecy of polling, within the limitations necessitated by one's disability.

All voters who display a disability card may benefit from the arrangements and procedures designed for people with disability on polling day.

**Article 132:** The following voters with disability may be accompanied by an escort, who shall meet the voter eligibility requirements, to be selected by the disabled voters themselves, such as one's spouse, any of one's ascendants or descendants:

- The blind,
- A person with physical disability that prevents him/her from writing

In the event of being unaccompanied by an escort, the head of the polling station, upon request from the disabled person, will assign a voter inside the polling station to assist him/her to vote.

The escort or voter selected by the head of polling station may not assist more than one voter.

The escort shall not influence the choices of the disabled voter. His/her role is limited to assisting him/her to complete the processes that are difficult for him/her to do alone.

**Article 133:** The head of polling station considers all reservations expressed by the agents of candidates, lists or political parties on the implementation of polling rules and procedures, as per the law and regulations issued by the Authority for this purpose. His/her decisions shall be immediately enforced, upon promulgation. The reservations and decisions shall be included in the polling process report.

## Section IV - Sorting and Announcement of Results

### Sub-Section I: Sorting

**Article 134 (New):** The sorting process will be conducted publicly and attended by observers, and agents of lists, candidates and political parties.

**Article 135:** Polling station staff will start with the sorting process upon the completion of voting processes.

Station staff will count the number of signatures in the voters list. This will be reflected in the sorting process report. The ballot box will be opened, and the ballots inside will be counted. If the number of ballots exceeds or falls behind the number of signatures, the counting process will be repeated. If the discrepancy between the number of ballots and the number of electorates is confirmed, it will be mentioned in the report. The reasons for the discrepancy will be examined. The head of the station will give orders to proceed with the sorting process.

Upon completion of the process of revealing the voting results, the

sorting staff will write down the number of votes earned by each list, candidate or for the two answers, in the case of the referendum, in the results form. Then, they will append their signatures to the bottom of the form and hand it over to the head of the polling station alongside the ballots.

**Article 136:** All ballots that are cancelled, as per Article 3 of the law herein, will be cancelled and not counted among the announced ballots, particularly:

- Ballots that are not stamped by the head of the polling station,
- Ballots that bear signs or writings that may identify the voter,
- Ballots that comprise replacement, additional candidate(s) or the name of a non-candidate,
- Ballots in which more than one list or more than one candidate, in the presidential elections, are selected,
- Ballots that comprise contradictory answers, in the referendum

Polling station staff members count the blank ballots that are not calculated in the polling results.

**Article 137:** The polling station will determine the outcome through the aggregation of results cited in the results forms that are written by the sorting staff.

**Article 138:** The sorting process report, of several copies, will include the following entries:

- The serial numbers of the ballot box seals, upon the opening and locking,
- Number of voters registered in the polling station,
- Number of voters who have voted,
- Number of spoiled ballots,
- Number of remaining ballots,
- Number of ballots taken out of the ballot box,
- Number of cancelled ballots,
- Number of blank ballots,

- Total number of valid votes earned by all lists, candidates, and Yes or No answers (referendum),
- Number of votes obtained by all lists, candidates, Yes/No referendum answers.

**Article 139:** Agents representing lists, candidates or political parties as well as observers may demand that all remarks and reservations regarding the sorting process be compiled in a memorandum that will be enclosed to the sorting process report. The head of the polling station will undertake responding to [such remarks and reservations] and including them into the body of the memorandum.

**Article 140:** Upon completion of the sorting process, polling station staff, agents representing lists, candidates or political parties will sign on the sorting process report. If they refuse to do so, there should be reference to the refusal in the report, as well as the causes thereof, if any.

Head of the polling station or his/her delegate from the staff members posts, in front of each polling station the respective sorting process report and places a copy thereof in the ballot box.

Sorting processes reports of the polling stations are disseminated on the website of the Authority.

**Article 141 (New):** The Authority designates one or more central offices in each constituency, whose task is to collect the polling results. When the need arises, the Authority may assign one or more collection centres in each constituency.

The Authority determines the structure and tasks of the Central Office and Collection Centres.

## Sub-Section II: Announcement of Results

**Article 142:** The Authority monitors the decisions related to polling and sorting of polling stations as well as central offices and collection centres and investigates the causes behind discrepancies between the number of ballots and that of the voters and addresses the material

errors and miscalculations in the sorting reports, if any. The Authority may re-conduct the sorting process at a polling station or more and may also cancel the results of the affected station or a constituency, if significant and critical faults are proved to have marred the polling and sorting processes.

Upon suspecting violations or crimes during elections or referendum, the Authority will inform the General Prosecutor.

**If the cancelled results affect the allocation of seats, in legislative, municipal and regional elections, the candidate winning the presidential elections, candidates contesting for the second round or the referendum result, the Authority will re-conduct the polling or referendum process in the constituencies, where the results have been cancelled, as per the provisions cited in the chapters pertaining to the electoral period, polling, sorting and announcement of results, within thirty days, at the latest, following the deadline for challenges against the preliminary results of the elections and referendum, or notice of the Supreme Administrative Court rulings.**

Polling may only be re-conducted among the lists, candidates and political parties that have already participated in the elections and referendum.

**Article 143 (New):** The Authority verifies the compliance of the winners with the provisions of the electoral period and elections financing. If it transpires to the Authority that the violations of such provisions have substantively and decisively affected the elections results, the Authority cancels the results of the winners, wholly or partly, and its decisions shall be substantiated. In such a case, the results of the legislative, municipal or regional elections will be recalculated, without taking into consideration the cancelled votes. As for the presidential elections, the process will be confined to changing the order of the candidates without the need to recalculate the results.

**Article 144:** The Authority announces the preliminary results of the elections and referendum, including the decisions to cancel the results of the winners, within the three days that follow polling and end of sorting process, at the latest. The results will be posted at the Authority premises and disseminated on its website, alongside copies

of sorting processes reports and corrective measures undertaken by the Authority.

### Sub-Section III: Results-induced Disputes

**Article 145 (New):** Challenges against the preliminary results of the elections and referendum may be lodged before the administrative courts of appeal, within three days, at the latest, from the date of posting thereof at the Authority premises.

The party that wishes to lodge a challenge against the preliminary results shall send a notice to the Authority, via a bailiff, accompanied by a copy of the motion and exhibits.

As far as the legislative, municipal and regional elections are concerned, it is mandatory that the head or member of the list or the legal representative of the political party, lodges the challenge regarding the announced results for the constituency, where they contest for elections, whereas for the presidential elections, by each candidate, and referendum, by the legal representative of the political party that takes part therein. This may be done through a lawyer, at the cassation circuit.

The challenge application shall be substantiated, contain the names of the concerned parties as well as their premises, a brief statement of the facts, and shall be corroborated by supporting documents, the notice of the appeal and also notification to the concerned parties on the need to present their remarks, alongside a proof of the notification they sent to the other parties, by the hearing session assigned by the court, at the latest, otherwise it will be rejected in form. The Authority will be represented by the chairperson thereof, who may delegate a representative for this purpose.

The clerk of the Administrative Court of Appeal registers the motion and immediately refers it to the Chief of the Appeals Chamber, who will in turn, designate a rapporteur, to be in charge of investigating the case under the oversight of the former.

The concerned Chamber chief will schedule a hearing session within three days from the date of lodging the appeal and call on the parties



by any means capable of producing a written record.

Following the hearing, the Chamber will refer the case, for further deliberations and pronouncement of the ruling, within five days, at the latest, from the date of the hearing session, and will order the immediate enforcement thereof.

The court will inform the concerned parties through any means capable of producing a written record, within three days, at the latest, from the date of pronouncement thereof.

**Article 146 (New):** The administrative courts of appeal rulings may be appealed by the Authority, or candidates concerned with the ruling before the Supreme Administrative Court, within three days, at the latest, from the date of notification thereof.

The party that wishes to appeal may address a notification through a bailiff to the Authority and parties, concerned with the appeal, alongside a copy of the appeal motion and supporting documents and alert the parties on the need to present their remarks, accompanied by a proof of their notification to the other parties, by the date of the hearing session assigned by the court, at the latest.

The appeal shall be lodged, based on a motion, to be submitted by the candidate, his/her delegate, list or representative thereof, before the clerk of the Supreme Administrative Court, via a lawyer, at the cassation circuit.

The motion shall be substantiated and accompanied by a digital copy thereof, as well as a copy of the appealed ruling and the relevant notice of the appeal, otherwise the appeal shall be rejected.

Upon receipt of the motion, the court clerk will register and immediately refer it to the First Chief of the Supreme Administrative Court, who will, in turn, instantly assign it to the competent judicial body for further investigation.

The First Chief will schedule a hearing session within three days, at the latest, from the date of submission of the appeal and summoning the parties via any means capable of producing a written record, within three days, at the latest, prior to the hearing session. The Authority will be represented by the chairperson thereof, who may delegate a representative for this purpose. The competent judicial

body will refer the case for further deliberations and pronouncement of the ruling within a period not exceeding a week from the date of the hearing session and will order the immediate enforcement thereof.

The court will inform the parties of the ruling via any means capable of producing a written record, within a period not exceeding two days from the date of pronouncement thereof. The ruling shall be final and unappealable, including cassation.

**Article 147:** As for the second round of the presidential elections, appeals may be submitted by candidates who took part in the first round. The same timelines and procedures stipulated in Articles 145 and 146 of the law herein will apply.

**Article 148:** The Authority will declare the final elections results within 48 hours from the receipt of the last ruling pronounced by the public hearing session of the Administrative Court regarding the appeals pertaining to the preliminary results of the elections and referendum, or following the elapsing of appeals period, upon a decision to be disseminated on the Authority website and the Official Gazette of the Republic of Tunisia.

**Article 148 (bis):** Contrary to the provisions of Article 145 (New), the preliminary elections results may be appealed in two days, at the latest, from the date of dissemination thereof. A hearing session will be assigned in two days, at the latest, from the date of submission of the appeal. The ruling shall be pronounced in two days, at the latest, from the date of the hearing session. The concerned parties will be notified of the ruling in 24 hours, at the latest, from the date of pronouncement thereof.

Contrary to the provisions of Article 146 (New), the challenge may be appealed in two days, at the latest. A hearing session will be assigned in two days, at the latest, from the date of lodging the appeal. The contested party will submit their written remarks by the hearing session date, at the latest. The ruling will be pronounced in three days, at the latest from the date of the hearing session. The concerned parties will be notified of the ruling in 24 hours, at the latest from the date of pronouncement thereof.

Such timelines apply to the elections conducted, in keeping with the

third paragraph of Article 75 and 86 of the Constitution. Apart from national and religious holidays, all weekdays are deemed business days by the Authority and competent courts adjudicating appeals pertaining to such elections and the parties concerned with the dispute.

## Chapter VI

## Electoral Crimes

**Article 149:** Any person, who consciously divulges a secret related to a choice of a voter, will be sentenced to pay a fine amounting to 500 TND, as per the provisions of Article 132 of the law herein.

**Article 150:** Any violation of the provisions of Article 61 and second paragraph of Article 62 of the law herein will entail a fine of 500 - 1000 TND.

**Article 151:** Any of the following is liable for a fine of 1,000 TND:

- Any polling station head or staff member, who fails to be present at the polling station on polling day without a legitimate excuse,
- Any polling station staff member, who, without a legitimate excuse, delays the timely commencement of the polling process, unjustifiably suspends it before the due end thereof, as per the provisions of the law herein and the regulations promulgated by the Authority for this purpose, or procrastinates any action as stipulated by the procedures designed for this purpose, with the intention to stall or delay them.

**Article 152:** Any violation of the provisions of Article 58 of the law herein entails a fine of three thousand Tunisian Dinars.

**Article 153:** Any violation of the provisions of the first and second paragraphs of Articles 53 and Article 54, as well as the first paragraph of Article 66 of the law herein entails a fine of 2,000 - 5,000 TND.

**Article 154:** Any violation of the provisions of Article 57 of the law herein entails a fine of 5,000 - 10,000 TND.

**Article 155:** Any violation of the provisions of Article 69 of the law herein entails a fine of 3,000 - 20,000 TND.

**Article 156:** Any violation of the provisions of Article 70 of the law herein entails a fine of 20,000 - 50,000 TND.

**Article 157:** Any head of polling station, who refrains from opening the ballot box in front of those present; agents of candidates, lists or political parties or observers prior to the commencement of the polling process, to ensure the ballot box is empty, will be sentenced to a month-imprisonment and a fine of one thousand Dinars.

**Article 158:** Any of the following violators will be sentenced to six-month-imprisonment and a fine of one thousand Dinars:

- Any person, who impersonates another with a certain name or capacity, gives false statements or testimonies, conceals a case of legal incapacity, or casts one's votes in more than one polling station,
- Any person, who includes false statements in the application for challenging the electoral lists or one's application for candidacy.

**Article 159:** Any person, who violates the provisions of the last paragraph of Articles 53 and 56 of the law herein, will be sentenced to imprisonment of six months to one year.

**Article 160:** Any of the following will be sentenced to a year-imprisonment and a fine of two thousand Dinars:

- Any person, who intentionally violates the secrecy and integrity of polling, or attempts to stop polling from taking place, whether inside the polling centre or station or their environs.
- Any person who assaults polling stations or sorting staff members, with verbal abuse or intimidation, while on duty or due to their work, which entails the suspension of the polling or sorting processes.

**Article 161:** Any of the following will be sentenced to six months to three-year imprisonment and a fine of one thousand to three thousand Dinars:

- Any person caught while donating monetary or in-kind contributions, with the intention to influence voters, or opting for

similar means to coerce the voter to refrain from voting, whether prior to, during or after polling.

- Any person, who intentionally obstructs any voter, to prevent him/her from exercising one's electoral right.
- Any person who stealthily takes ballots out of the polling station.

**Article 162:** Any of the following will be sentenced to three to five-year-imprisonment and a fine of 3,000 - 5,000 Dinars:

- Any person who attacks the freedom to polling, with the use of violence or threats of violence, whether directly against the voter or his/her relatives, or through threats of losing one's job or physically harming the voter or his/her personal effects.
- Any person who intentionally instigates chaos and riots inside the polling station or its environs or creates chaos and turmoil to stop the progress of the electoral process, by means of assemblies or demonstrations.

**Article 163:** Subject to the requirements of Article 80, if it is proved to the Court of Auditors that the candidate or list has received foreign funding for its election campaign, the Court rules that the candidate or list shall mandatorily pay a fine amounting to around ten to fifty times the value of the foreign fund.

**Members of the list benefiting from foreign fund shall have their membership in the elected assembly forfeited, whereas the presidential candidate, benefiting from foreign funds shall be sentenced to five-year imprisonment.**

**Any list member or candidate convicted of acquiring foreign funding for one's election campaign shall be denied the right to run for elections for five years, as of the date of the indictment.**

**Article 164:** Any of the following shall be sentenced to six-year imprisonment and a fine of five thousand Dinars:

- Any polling station or sorting staff member, who falsifies ballots, polling or sorting report, results aggregation forms, or deliberately reads out the content of the ballots, in a manner that does not state the truth or contrary to the contents.

- Any person who steals, destroys or keeps polling reports, ballot boxes or ballots.
- Any person who deliberately breaks the ballot box, destroys the ballots and forms inside of which or replaces them with other ballots and documents, or any other acts that are done with the intention to alter or attempt to influence the polling outcome and affect voting secrecy.
- Any person who exploits or employs another person to intimidate voters or disrupt public order.
- Any person, who violently breaks into polling stations, collection centres or central offices to obstruct the polling and sorting processes.

If the attackers or those who attempt the attack are carrying weapons, the penalty will be intensified to ten-year-imprisonment.

**Article 165:** Accomplices, mediators and instigators of any crimes cited in the law herein shall be sentenced to the same penalty that applies to the actual wrongdoer.

Attempted crimes induce punishment.

**Article 166:** In addition to the sanctions stipulated in the aforementioned articles, additional penalties may be imposed to deprive a person of the right to vote for at least two years and a maximum of six years, against any perpetrator of any of the elections-related crimes that, in accordance with which s/he has received an imprisonment sentence of a year or more.

**Article 167:** Crimes cited in the law herein are time-barred, following the passing of three years from the date of announcement of the final elections results.

## Chapter VII

# Final and Transitional Clauses

**Article 168:** All documents and decisions regarding elections shall be exempt from fiscal registration and stamp.

**Article 169:** Regarding the forthcoming elections, the Authority determines the voters list, starting from the lists of voluntarily registered voters, for the election of the National Constituent Assembly.

**Article 170 (New):** In addition to the attachment to the candidacy application, cited in Article 21 and 49 (6) and the candidacy file, cited in Article 40 of the law herein, each candidate and list member, who previously ran for the National Constituent Assembly elections, or the first legislative or presidential elections, as per the provisions of the law herein, that have accruals in their trust, under the public funding provisions of election campaigns, will present alongside their candidacy files a proof of refunding the value of the public fund for the election campaign, that they were required to return and the payment of the fines imposed against them, as per final court rulings.

**Article 171:** Contrary to the first paragraph of Article 41, candidates for the forthcoming presidential elections shall be seconded by ten members of the National Constituent Assembly or ten thousand registered voters, from at least ten constituencies, at least 500 from each constituency.

**Article 172:** Pending the enactment of a law that regulates opinion surveys, during elections, it is prohibited to disseminate the results of surveys that are directly or indirectly related to the elections and referendum, as well as relevant studies and press commentaries via various mass media.

**Article 173:** Pending the enactment of the constituencies delineation law, cited in Article 106 of the law herein, the same delineation of constituencies and number of seats adopted for the National Constituent Assembly elections will be adopted.

**Article 173 (bis):** As per the requirements of Article 148 of the transitional clauses of the Constitution and pending the endorsement of the laws cited in the Local Governance Chapter, the provisions of the Organic Law 33 (1975) on Municipalities will continue to be in force.

Pursuant to the above and pending the enactment of the law governing the division of local authorities, referenced in Article 131 of the Constitution, the territorial division determined prior to the promulgation of this law shall be adopted.

**Article 174:** Pending the enactment of the law governing the Court of Auditors and the actual assumption of functions thereof, the Auditors Circuit shall be responsible for the functions and tasks assigned to the Court of Auditors, as per the requirements of the law herein. Challenges against preliminary rulings, pronounced by the Auditors Circuit may be appealed before the Cassation Chamber, as cited in Article 40 of Law 8 (1968) on 8 March 1968, regarding the Regulation of the Auditors Circuit.

**Article 174 (bis):** Pending the enactment of the law regulating the administrative judiciary, competences and procedures thereof as well as the rules of procedures for the judges thereof, and the assumption of the Administrative Courts of First Instance of the jurisdiction cited in the law herein, the Chambers of First Instance detached from the Administrative Court, that are based in the regions, to be established, as per Article 15 (New) of the law on the Administrative Court, will be in charge of the jurisdiction assigned to the aforementioned courts.

The public sitting and the circuits of appeal under the Administrative Court shall be in charge of the competences assigned, pursuant to the law herein, to the Supreme Administrative Court as well as the Administrative Courts of Appeal.

**Article 175:** Notwithstanding the provisions of Article 28 of the Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, pending the elapsing of the three-month period from the date of the announcement of the final results of the forthcoming legislative and presidential elections, the expenses of the Authority will be exempted from the provisions pertaining to public transactions.



In this case, the Authority will respect the principle of competition, transparent procedures and handling of public applications on equal footing.

**Article 175 (bis):** The replacement of the special delegates at the municipalities that are not presided by governors will lapse within eight months at the latest prior to the due date of the municipal elections.

**Article 175 (3):** Regarding the first municipal and regional elections, following the enactment of the law herein, the call for the first session of the elected municipal or regional council will be made by the regional governor, within 21 days, at the latest, from the date of announcement of the final results of the elections.

**Article 176:** Provisions of the electoral code promulgated in accordance with Law 25 (1969) dated on 8 April 1969, will be superseded, as modified by the subsequent laws and all provisions contradicting the law herein.

The Organic Law herein will be disseminated in the Official Gazette of the Republic of Tunisia and implemented as a state law.

Tunis, 26 May 2014

President of the Republic  
**Mohammed Moncef Marzouki**

**Organic Law 23 (2012) dated on 20 December 2012 on the High Independent Elections Authority<sup>1</sup>, as modified and completed by Organic Law 44 (2013) on 1 November 2013<sup>2</sup> and Organic Law 52 (2013) dated on 28 December 2013<sup>3</sup>**

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1. Official Gazette, issue 101, dated on 21 December 2012

2. Official Gazette, Issue 87, dated on 1 November 2013

3. Official Gazette, Issue 104, dated on 30 December 2013

**Article 1:** A public, independent and permanent body is established, titled “The Independent High Authority for Elections” that has legal personality and administrative and financial independence, whose seat is in the Capital Tunis.

**Article 2:** The Independent High Authority for Elections ensures democratic, free, pluralism-based, fair and transparent elections and referenda.

**Article 3:** The Independent High Authority for Elections carries out all operations related to the organization, administration of and oversight on elections and referenda, as per the law herein and the elections law. In the framework herein, the Authority will particularly:

1. Maintain and continuously update the voter register,
2. Control voters’ lists related to each election or referendum, have them reviewed, when the need arises and disseminate them on the official website of the Authority, within the timelines determined by the elections law,
3. Ensure the right to vote is guaranteed for each voter,
4. Ensure all voters, candidates and stakeholders are treated on equal footing, during the electoral processes and referendum,
5. Develop, disseminate and implement elections and referendum timelines, in a manner that is in keeping with the timelines stipulated by the Constitution and elections law,
6. Receive and adjudicate the electoral candidacy files, in keeping with the provisions of the election law,
7. Develop mechanisms for regulation, administration and monitoring to ensure the integrity and transparency of the elections and referenda,
8. Sort votes and announce the preliminary and final results of the elections and referenda,
9. Develop electoral codes of conduct to ensure the principles of integrity, transparency, impartiality, optimal use of public funds and lack of conflict of interests,
10. Accredite agents of candidates at polling stations, as well

as national and international observers, guests and journalists to monitor the stages of the electoral process. Upon a decision promulgated by the Board thereof, the Authority determines the standards and requirements for the accreditation of international observers, guests and journalists as well as the interpreters working with them.

11. Train supervisors on various aspects of the electoral process,
12. Organize electoral outreach and education programs, in collaboration with all national and international segments of the civil society that are active in elections,
13. Monitor the compliance with the rules of election campaigns and the means thereof that are regulated by the election law and ensure compliance therewith, as per the law, in collaboration with public bodies,
14. Monitor the financing of elections campaigns and take the necessary decisions in their regard, with due consideration to ensuring equality among all candidates in receiving public funding,
15. Introduce proposals to develop the electoral system,
16. Express opinions regarding all drafts pertaining to elections and referenda,
17. Develop a special report on the progress of each electoral or referendum-related process, respectively, within three months, at the latest, from the date of the announcement of the final results. The report is presented to the President of the Republic, the Speaker of the Legislative Assembly and the Prime Minister and will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority,
18. Develop an annual report on the activities of the Authority for the past year and the workplan thereof for the following year, to be submitted before the plenary session of the Legislative Assembly for voting on the annual budget of the Authority and disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority.

**Article 4:** The Independent High Authority for Elections comprises the Board, that has decision-making powers, as well as an executive body.

## Chapter I

### The Board of the Authority

**Article 5:** The Board of the Independent High Authority for Elections comprises nine members, to be selected in the following manner:

1. Judicial magistrate,
2. Administrative judge,
3. Lawyer,
4. Notary public or bailiff,
5. University professor: associate, associate professor, lecturer or higher education academic,
6. Engineer specialized in IT systems and IT safety,
7. Communications Specialist,
8. Public finance specialist,

All shall have at least ten years of experience.

9. A member representing Tunisians abroad.

**Article 6:** Members of the Board of the Independent High Authority for Elections are elected, in accordance with the following procedures:

The formation of an ad hoc committee from the Legislative Assembly that oversees the examination and vetting of candidacy files.

The ad hoc committee is established, in keeping with proportional representation, on the basis of one MP out of ten (10) and opting for the largest remainder method. If there is a tie between the remainders of a block and those that are not affiliated with any, the block is favoured.

The ad hoc committee is chaired by the Speaker of the Legislative

Assembly, or any of the deputies thereof, without taking part in voting, when a decision is taken.

Application for membership to the Board of the Independent High Authority for Elections may be initiated upon a decision by the chair of the ad hoc committee, to be disseminated in the Official Gazette of the Republic of Tunisia, that includes the timeline for submission of applications and the methods of applying as well as the legal requirements and the documents required for candidacy, pursuant to the requirements of Article 7 of the law herein.

**The ad hoc committee develops an evaluation scale, to be used in the course of vetting and placing the candidates in order. The scale will be endorsed upon consensus among members of the committee and disseminated in the Official Gazette of the Republic of Tunisia, upon the call for submission of applications for candidacy.**

**The ad hoc committee will be responsible for considering candidacy files and deliberation over the files of each candidate respectively, in the light of the membership requirements, stipulated in Article 7 of the law herein. For each of the categories cited in Article 5, the committee places the candidates, who meet the requirements, in order of merits, as per the evaluation scale. In the event of a tie between two candidates or more, they are assigned the same rank and placed in an alphabetical order. The final list of candidates, in order of merits, will be disseminated on the website of the Legislative Assembly. Any withdrawal of candidacy following the dissemination will not be counted nor affect the rest of the procedures of the election of the Board of the Authority.**

**The ad hoc committee chair refers the final list of candidates, in order of merits, of all categories, to the plenary session of the Legislative Assembly to elect the nine members of the Board of the Independent High Authority for Elections, in two days, at the latest, from the deadline for appeals.**

**Voting during the plenary session of the Legislative Assembly will be done to elect the nine members of the Board of the Independent High Authority for Elections, through a majority of two-thirds of the members of the Legislative Assembly, through secret voting on names, per each category, during consecutive rounds, until the**

completion of the entire composition.

Each Legislative Assembly member selects nine members out of the candidates, as provided for in paragraph 8 of the Article herein, following the composition cited in Article 5 of the law herein.

In the event of the resignation of any of the elected members prior to the completion of the members of the Independent High Authority for Elections, an election is re-conducted to elect a replacement from the remaining candidates under the same category.

The Chairperson of the Independent High Authority for Elections will be elected during the plenary session from the candidates among the nine elected members.

Voting takes place during the plenary session for the election of the chairperson at a first round, through the absolute majority of members of the Assembly. If neither of the candidates receives such majority during the first round, voting will take place during a second round to elect the chairperson of the Authority, with the same majority from the two candidates with the highest number of votes during the first round.

**Article 7:** To run for membership to the Board of the Independent High Authority for Elections, the person shall be:

- A voter,
- At least 35 years of age,
- Known for integrity, independence and impartiality,
- Has qualifications and experience,
- Not an elected member of any professional commission,
- Not involved or active in any political party during the past five years from the date of submissions for candidacy,
- Not in charge of any functions within the disbanded Constitutional Democratic Rally or part of the plea to the ousted president of the Republic for a new term in office,
- Not in charge of any functions in the government nor has assumed the position of a Governor, Secretary General of the Governorate,

or Delegate, throughout the tenure of the ousted President.

Candidates will enclose within their candidacy applications an affidavit confirming that the candidate meets the requirements cited above.

Any person, who deliberately gives false statements or withholds information regarding any hindrance to the candidacy, as cited in the law, which shall not prevent prosecution thereof, as per the provisions of the penal code, shall be sentenced to six-month imprisonment and a fine of one thousand Dinars.

**Article 8:** The elected members will convene at a first session to elect a deputy chairperson, upon consensus, if that cannot be achieved, election may be done through the absolute majority of members.

**Article 9:** The term in office of each member of the Independent High Authority for Elections will be limited to six years, non-renewable.

The composition of the Board of the Authority will be renewed using the method of biennial renewal of one-third, as per the procedures stipulated in Articles 5, 6 and 7 of the law herein. The Chairperson of the Independent High Authority for Elections will inform the Speaker of the Legislative Assembly on the list of members affected by the renewal and the date of the end of their term in office three months prior to the end of the membership.

The outgoing members continue their functions in the Board of the Authority pending the assumption of the new members of their roles.

**Article 10:** Upon appointment, the chairperson and members of the Board of the Authority take the following oath before the President of the Republic, "I swear by Almighty God that I will live up to my tasks with utmost dedication, sincerity and diligence, that I will strive to ensure free and fair elections and that I will perform my responsibilities with utmost independence and impartiality, and respect the Constitution and the law, God is my witness."

**Article 11:** The Chairperson of the Independent High Authority for Elections is the legal representative, chair of the Board and manager of the budget thereof.

**Article 12:** The Chairperson and members of the Board of the Independent High Authority for Elections will comply with the



following obligations:

- Impartiality,
- Discretion,
- The need to attend the sessions of the Board of the Authority,
- Assumption of functions within the Authority on a full-time basis,
- Not running for any elections during his/her tenure in the Authority and following the end of the term in office for at least five years,
- Submission of a declaration on earnings, as per the procedures stipulated in the law pertaining to the declaration of the earnings of members of the government and some categories of the public staff.

**Article 13:** The Chairperson and members of the Board of the Independent High Authority for Elections will declare any conflict of interest during their tenure in the Authority.

A conflict of interest is any direct or indirect personal interest or direct or indirect personal relation that may affect the commitment of the member concerned with the requirements and duties assigned thereto and the optimal performance of the duties of the Authority.

The member concerned with the conflict of interest shall declare it to the Board of the Authority and then refrain from taking part in the relevant sessions, deliberations or decisions pending a decision to be taken by the Board of the Authority in this regard within ten days from the date of declaration.

Following the declaration on the conflict of interest, the Board of the Authority will convene, and deliberations will take place in the presence of the majority of the members, without the concerned member. If the temporary conflict of interest is confirmed, the concerned member will be notified, who will refrain from attending the relevant session, deliberations or decisions, until the obstacle ceases to exist. If a permanent conflict of interest is confirmed, the concerned member will be notified, who will submit his/her resignation to the Chairperson of the Board within 48 hours following the notification.

Upon cognizance of or receipt of information on the state of conflict of interest, and following the hearing of the concerned member, the Chairperson of the Board of the Authority will investigate the matter. If it is proved that the said member deliberately conceals the conflict of interest, s/he will be dismissed from one's position, as per the dismissal procedures cited in Article 15 of the law herein.

**Article 14:** The Chairperson or any of the members of the Board of the Independent High Authority for Elections may not be prosecuted or suspended over acts related to their functions or exercising their tasks in the Authority, unless immunity is waived by the plenary session of the Legislative Assembly by an absolute majority of the members thereof and upon a request by the concerned member, two-thirds of the members of the Board or the judiciary.

Waiver of immunity will be considered on the basis of the request presented by the judiciary, enclosed to the case file.

**Article 15:** Apart from the case cited in the fifth paragraph of Article 13 of the law herein, in the event of committing a grave error while living up to the duties assigned thereto, pursuant to the law herein, or in the event of indictment, pursuant to a final ruling over an intentional crime or felony, or forfeiting any of the requirements for membership in the Board of the Independent High Authority for Elections, the Chairperson and members thereof will be dismissed.

The request for dismissal may be waived by at least half of the members of the Board of the Authority and will be submitted before the plenary session of the Legislative Assembly for approval by an absolute majority of the members thereof.

**Article 16:** In the event of casual vacancy affecting the composition of the Board of the Independent High Authority for Elections due to death, resignation, dismissal, infirmity or withdrawal, the Board of the Authority will inspect the state of vacancy and record it in a special report to be referred alongside the remaining file to the Legislative Assembly, which in turn will fill in the vacancy, as per the procedures provided for in Article 6 of the Law herein, upon a request by the Chairperson or half the number of members of the Board of the Authority.

The chairperson or the member, who is unjustifiably absent from three consecutive meetings of the Board of the Authority, despite being summoned or warned through any means capable of producing a written record, shall be deemed withdrawn.

**Article 17:** The Chairperson and members of the Board of the Independent High Authority for Elections receive salaries, for delivering their functions, payable through the budget of the Authority, and indexed to the salaries of a minister, vis-à-vis the Chairperson, whereas for members, they are determined upon a decree.

**Article 18:** Meetings of the Board of the Independent High Authority for Elections convene upon a call by the Chairperson or half of the members thereof and may not be held unless two-thirds of the members are present.

The chairperson will be in charge of setting the timelines, calling for and chairing meetings, determining and managing the agenda thereof, maintaining order and taking the necessary decisions to carry out the deliberations of the Board, as per the requirements of the law herein and the provisions of the internal rules of procedure of the Authority. In the event of inability to do so, the chairperson may be replaced by his/her deputy.

The deliberations of the Board of the Authority will be disseminated on the website thereof as well as the Official Gazette of the Republic of Tunisia.

The Board of the Authority takes decisions based on the absolute majority of the members thereof, which are signed off by the chairperson of the Board of the Authority.

**Article 19:** The Board of the Independent High Authority for Elections will be responsible for developing the necessary regulations for the implementation of the electoral legislation and carrying out the tasks assigned to the Authority, to be signed off by the chairperson of the Authority and disseminated on the Official Gazette of the Republic of Tunisia.

The Independent High Authority for Elections takes the necessary measures to ensure the electoral law is well respected by all stakeholders of the electoral process. This includes the enforcement

of non-criminal sanctions arising from electoral violations.

The regulations promulgated by the Board of the Independent High Authority for Elections are appealable before the competent courts, depending on the requirements and procedures regulated by the law.

**Article 20:** The resources of the Independent High Authority for Elections comprise annual appropriations allocated from the state budget.

Expenses from the budget of the Authority are embodied in the following:

- Authority running expenditures
- Capital expenditures
- Elections and referendum expenditures

The budget of the Authority is regulated based on a proposal from the Board thereof and submitted to the government for their views prior to referring it to the Legislative Assembly for approval, pursuant to the state budget procedures.

**Article 21:** During elections or referenda, the Independent High Authority for Elections may create sub-commission to assist the former to live up to the tasks cited in the law herein.

The Board of the Independent High Authority for Elections determines the composition of the sub-commissions, provided the number of the members of each sub-commission does not exceed four.

Candidates are selected by an absolute majority of the members of the Board of the Authority, as per the membership requirements and duties assigned to members of the Board, as stipulated in Article 7 and 12 of the law herein, without prejudice to the competences cited in Article 5.

The Board of the Authority may delegate some of the competences thereof to the sub-commissions that will exercise them, under the oversight and in accordance with the decisions thereof.

Upon the completion of the tasks and upon request, each sub-commission develops a report on its activities, which will be presented to the Board of the Authority.

**Article 22:** All public services, are required, to the extent possible, to avail all material and human resources, databases and information technologies at the disposal of the Independent High Authority for Elections, such as statistics and data that are relevant to the electoral processes, in a manner that may enhance the performance of the tasks of the Authority. If the concerned service unjustifiably refrains from providing assistance, a permission on the purpose in question may be issued by the Administrative Court.

During elections or referenda, the services under the Presidency of the Government facilitate the collaboration of all public departments with the Independent High Authority for Elections.

**Article 23:** The personal data compiled at the Independent High Authority for Elections may not be used for purposes other than the electoral processes, in keeping with the laws pertaining to the protection of personal data.

**Article 23 (bis):** Challenges may be lodged against the list of candidates before the Administrative Court by candidates only within one day from the date of dissemination of the final list of candidates on the website of the Legislative Assembly. Challenges may only revolve around the requirements cited in Article 7 of the law herein.

In this case, the appellant may inform the Legislative Assembly via a notice of the appeal through a bailiff with a copy of the appeal motion and supporting documents. The appeal will mandatorily be submitted through a lawyer registered at the Cassation Circuit. The motion shall be substantiated and accompanied by supporting evident and a copy of the notice of the motion sent to the Legislative Assembly.

The Legislative Assembly will respond to the appeal motion in one day from the receipt of the notice.

The Administrative Court Clerk will register the appeal motion and immediately refer it to the First Chief, who will instantly refer it to the public sitting, where it will be adjudicated within two days, at the latest from the date of the response of the plaintiff, and order the immediate enforcement.

The court notifies the parties of the ruling, through any means capable of producing a written record, in two days, at the latest from the date of pronouncement thereof.

The decision of the public sitting of the Administrative Court shall be final, and may not be appealed, including through cassation.

In the event of the pronouncement of an overturning ruling, the ad hoc committee convenes within two days, at the latest from the date of pronouncement thereof to amend the final list of candidates. Following the amendment, the list will be disseminated on the website of the Legislative Assembly. The committee chair will directly refer it to the plenary session to elect members of the Board of the Independent High Authority for Elections. In this case, the decision of the ad hoc committee shall be final and may not be appealed by any form, including claims of abuse of power.

## Chapter II

## Executive Body

**Article 24:** The Independent High Authority for Elections has an executive body that, under the oversight of the Board thereof, administers the administrative, financial and technical matters, which are managed by a chief executive officer.

Sub-sections are established under the executive body of the Independent High Authority for Elections that will carry out the functions assigned to the Authority within their respective territorial jurisdiction, as per the decisions of the Board of the Authority.

**Article 25:** The Board of the Independent High Authority for Elections will designate the Executive Director from the candidates on file, who meets the requirements of Article 7 of the Law herein, as well as those related to experience and qualifications in administrative, financial and technical management. The approval on the appointment thereof is based on the absolute majority of the members of the Board of the Authority. S/he will be dismissed following the same majority.

Upon assumption of functions, the appointed Executive Director will take the following oath before the Board of the Independent High Authority for Elections, "I swear by Almighty God that I will live up to my tasks with utmost dedication, sincerity and diligence and that I will respect the law, God is my witness."

**Article 26:** The Executive Director attends the meetings of the Board of the Independent High Authority for Elections and has the right to express his/her views, but not the right to vote.

The Executive Director will commit to all the duties cited in Article 12 of the law herein.

**Article 27:** Under the supervision of the Board of the Independent High Authority for Elections and the oversight of the Chairperson thereof, the Executive Director will ensure the good administrative, financial and technical management of the Authority. Within this scope, s/he is in charge of the following:

1. Develop the administrative, financial and technical organization of the Independent High Authority for Elections and present it to the Board of the Authority for the approval by the majority of members,
2. Develop the internal rules of procedure for the Independent High Authority for Elections, present it to the Board of the Authority for approval by a majority of the members, and disseminate it in the Official Gazette of the Republic of Tunisia,
3. Develop a human resources program for the Authority and present it to the Board of the Authority for approval by a majority of the members,
4. Develop a draft annual budget for the Authority and present it to the Board of the Authority for approval by the majority of members,
5. Develop a program for the implementation of the functions of the Authority, as per Article 3 of the law herein and the workplan during elections and referendum periods prior to presenting it to the Board of the Authority for approval by a majority of the members,

6. Develop a financial and administrative management report to be presented alongside the annual report to the auditors as well as the approval of the Board of the Authority by a majority of members,
7. Carry out the decisions promulgated by the Board of the Authority, regarding the entire electoral process.
8. Facilitate and coordinate various administrative matters of the Authority,
9. Maintain and archive different records, books and administrative documents,
10. Track the implementation of the budget and develop files related to all transactions and various contracts of the Authority.
11. Manage the website of the Authority.

**Article 28:** All transactions of the Independent High Authority for Elections are agreed and carried out in keeping with the procedures pertaining to public transactions of public institutions, without prejudice to the provisions of the law herein.

Expenses of the Independent High Authority for Elections are exempted from the ex-ante control of public expenditures.

**Article 29:** The Independent High Authority for Elections ensures internal oversight over administrative, financial and auditing procedures are established to ensure the financial statements are proper, credible, transparent and in conformity with the laws in force. For this purpose, the Authority establishes an internal audit and oversight unit, to be headed by an auditing specialist.

The said unit lives up to its functions, in keeping with the international professional internal auditing standards, through the adoption of an annual plan, to be approved by the Board of the Authority, with the view to enhance the performance, manage the risks and monitor the entire functions of the Authority.

The Internal Audit and Oversight Unit directly submits its reports to the Board of the Authority on a periodical basis.



**Article 30:** The financial records of the Independent High Authority for Elections are presented to two auditors who are registered at the Board of Auditing Experts, to be appointed by the Board of the Authority, as per the law in force, regarding the public institutions and organizations for three years, that may be renewed once only.

The Board of the Authority approves the annual financial records of the Authority, in the light of the auditors' report, which is submitted to the Legislative Assembly for approval and will be disseminated on the Official Gazette of the Republic of Tunisia and the website of the Authority by 30 June of the subsequent year, at the latest.

If the Legislative Assembly does not approve the financial report, a call is made to establish an investigation committee comprising three auditing experts registered at the Board of Expert Auditors, to be selected by the Legislative Assembly.

The financial records of the Independent High Authority for Elections are subject to later oversight of the Department of Audits.

The Audits Department develops a special report on the financial management of the Authority, regarding each election or referendum operation, which will be disseminated in the Official Gazette of the Republic of Tunisia.

**Article 31:** The rules of procedure for the staff of the Independent High Authority for Elections will be regulated upon an order, based on a proposal by the Board thereof.

During elections or referenda, the Independent High Authority for Elections may appoint staff for a limited duration on a contractual basis.

The administrative staff of the Independent High Authority for Elections commit to respecting the code of conduct, and compliance with impartiality, discretion and non-disclosure of professional confidential information.

### Chapter III

## Transitional Clauses

**Article 32:** One-third of the Board of the Independent High Authority for Elections will be renewed on a biennial basis. During the first two times, those included in the renewal will be selected based on a draw among members of the first Board of the Authority. The chairperson is not affected by the renewal during the first two times.

**Article 32 (bis):** The deadline for submission of candidacy may be extended, upon a decision by the chair of the special committee, as per the procedures stipulated in Article 6. Such procedures will be implemented retroactively.

**Article 33:** Contrary to the provisions of Article 3 – item 5 of the law herein, the National Constituent Assembly will exceptionally determine the dates for the next elections and referenda, in the light of which, the Independent High Authority for Elections proposes a timeline.

**Article 34:** Pending the enactment of an election legislation, the capacity of a voter, cited in Article 6 - first paragraph of the Organic Law herein, will be determined in keeping with Articles 2, 4 and 5 of Decree 35 (2011) dated on 10 May 2011, on the election of the National Constituent Assembly.

**Article 34 (bis):** Immediately upon the approval of the law herein, all outstanding cases, before the Administrative Court, pertaining to challenges against the functions of the vetting committee of the election of the members of the Independent High Authority for Elections, will be referred to the public sitting of the Administrative Court for adjudication within three days from the date of approval.

**Article 35:** One or two additional members are elected, in accordance with the procedures and requirements stipulated in Articles 5, 6 and 7 of the law herein, from the members of the Central Commission of the former Independent High Authority for Elections established pursuant to Decree 27 (2011) dated on 18 April 2011, as the case

may be and on an exceptional basis, if they are not elected from the candidates for the Board of the Authority that was established.

The tenure of the additional member(s), as per the Article herein, in the Board of the Independent High Authority for Elections established, pursuant to the Law herein, ends immediately after the announcement of the final results of the first legislative and presidential elections.

**Article 36:** Regarding the appointment of the staff of the Independent High Authority for Elections, established pursuant to the Law herein, priority is given to the staff who started with the Independent High Authority for Elections, established pursuant to Decree 27 (2011) dated on 18 April 2011, within the needs of the Authority, as well as those that have been laid off. The experience of senior staff is taken into account within the evaluation scale developed by the Board of the Authority, which accurately specifies the requirements upon the opening of candidatures.

**Article 37:** The functions of the Independent High Authority for Elections established upon Decree 27 (2011) dated on 18 April 2011, are deemed completed by 31 December 2011. The said Independent High Authority for Elections will be dissolved as of the date of the commencement of functions of the Authority established by the Law herein, and shall transfer all premises, equipment, archive and documents to the new Authority.

**Article 38:** The Law herein comes into force immediately after the approval thereon by the National Constituent Assembly and will be disseminated on the Official Gazette of the Republic of Tunisia.

The Law herein will be disseminated in the Official Gazette of the Republic of Tunisia and will be implemented as a state law.

Tunis, 20 December 2012

**President of the Republic**

**Mohamed Moncef Marzouki**

## II

## DECREES

**Decree 1088 (2011) dated 3 August 2011 on boundaries delineation and apportionment of the number of seats allocated to each for the election of the members of the National Constituent Assembly<sup>1</sup>**

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1. Official Gazette, Issue 59, dated on 9 August 2011

The Interim President of the Republic,

Upon a proposal by the Independent High Authority for Elections,

Upon Perusal of the Decree dated on 21 June 1956 pertaining to the administrative organization of the national territory, amended and completed by the subsequent provisions, pertaining to Law 78 (2000) dated on 31 July 2000,

Decree 6 (2011) dated on 18 February 2011 on the Establishment of the Independent Higher Authority to live up to the objectives of the Revolution, political reform and democratic transition,

Decree 14 (2011) dated on 23 March 2011 on the Interim Organization of Public Authorities,

Decree 27 (2011) dated on 18 April 2011 on the Establishment of the Independent High Authority for Elections,

Decree 35 (2011) dated on 10 May 2011 on the Election of the National Constituent Assembly,

Decree 1086 (2011) dated on 3 August 2011 on the Call on Voters to Elect Members of the National Constituent Assembly,

The Table on the population estimates developed by the National Institute for Statistics 1 January 2011,

The Table on the statistics on persons registered in the out-of-country voters' lists developed by the General Department for Consular Affairs at the Ministry of Foreign Affairs,

The opinion of the High Authority to live up to the objectives of the Revolution, political reform and democratic transition,

The opinion of the Administrative Court,

The following Decree has been promulgated:

**Article 1:** The total number of seats at the National Constituent Assembly has been limited to two-hundred and seventeen (217), whereas the total number of electoral constituencies to thirty-three (33).

**Article 2:** The number of seats allocated to electoral constituencies in the national territory of Tunisia has been limited to one-hundred

and ninety-nine (199) to be apportioned across twenty-seven (27) electoral constituencies, as per Table (A) annexed to the Decree herein. The number of seats allocated for out-of-country constituencies has been limited to eighteen (18), to be apportioned among six (6) constituencies, as per the table annexed to the Decree herein.

**Article 3:** The First Minister, Ministers, State Delegates and the Independent High Authority for Elections are tasked, in their respective areas, to implement the Decree herein, which is disseminated in the Official Gazette of the Republic of Tunisia

Tunis, on 3 August 2011

Interim President of the Republic

**Fouad Mebazaa**

**Table (A)**  
**Electoral Constituencies in the national territory of Tunisia and  
number of seats allocated to each**

States	Constituencies	Governorates	Number of Seats
Tunis	First Constituency	Tunis Medina Bab Bhar Bab Souika Essijoumi Ezzouhour Hrairia Sid Hassine El Ouerdia El Kabbaria Sidi El Bechir Jebel Jelloud	9
	Second Constituency	Carthage El Omrane El Omrane Superieure El Tahrir El Menzah Cite El Khadra Bardo La Goulette Le Kram La Marsa	8
Ariana	One Constituency	Ariana Ville Kalaat Landalous Sidi Thabet Ettadamen Mnihla La Soukra Raoued	
Manouba	One Constituency	Manouba Oued Ellil Jedaïda El Battan Tebourba Douar Hicher Mornaguia Borj El Amri	7

States	Constituencies	Governorates	Number of Seats
Ben Arous	One Constituency	Ben Arous Nouvelle Medina El Mourouj Megrine Hammam Lif Boumhel El Bassatine Hammam Chatt Ezzahra Rades Mohamadia Fouchana Mornag	10
Bizerte	One Constituency	Bizerte Nord Bizerte Sud Sejnane Joumine Mateur Ghezala Menzel Bourguiba Utique Menzel Jemil El Alia Jarzouna Tinja Ghar El Melh Ras Jebel	9
Nabeul	First Constituency	Nabeul Dar Chaaban Elfehri Beni Khiair Korba Menzel Temime El Mida Klibia Hammam El Gezzaz El Haouaria	7
	Second Constituency	Takelsa Soliman Menzel Bouzelfa Beni Khalled Grombalia Bou Argoub Hammamet	6



States	Constituencies	Governorates	Number of Seats
Zaghouan	One Constituency	Zaghouan Bir Mcherga El Fahs Ennadhour Zriba Saouef	5
Beja	One Constituency	Beja Nord Beja Sud Amdoun Nefza Teboursouk Testour Goubellat Mejez El Bab Thibar	6
Le Kef	One Constituency	Le Kef Ouest Le Kef Est Nebeur Sakiet Sidi Youssef Tajerouine Kalaat Sinane Kalaa El Khasba Jerissa El Ksour Dahmani Le Sers	6
Siliana	One Constituency	Siliana Nord Siliana Sud Bou Arada Gaafour Le Krib Bou Rouis Makthar Rohia Kesra Bargou El Aroussa	6

States	Constituencies	Governorates	Number of Seats
Jendouba	One Constituency	Jendouba Jendouba Nord Oued Mliz Bou Salem Balta Bou Aouene Tabarka Ain Drahem Fernana Ghardimaou	8
Kairouan	One Constituency	Kairouan Nord Kairouan Sud Chebika Sbikha Haffouz El Ala Hajeb El Ayoun Nasrallah Cherarda Bouhajla Oueslatia	9
Sousse	One Constituency	Sousse Ville Sousse Riadh Sousse Jaouhara Hammam Sousse Akouda Kalaa El Kebira Sidi Bou Ali Hergla Enfidha Bou Fichta Kondar Sidi El Heni Sousse Sidi Abdelhamid Msaken Kalaa Esseghira Zaouia, Ksiba, Thurayat	10

States	Constituencies	Governorates	Number of Seats
Monastir	One Constituency	Monastir Ouerdanine Sahline Zeramidine Beni Hassen Jemmal Bembla Moknine Bekalta Teboulba Ksar Helal Ksibet El Mediouni Sayada, Lamta, Bou Hajar	9
Mahdia	One Constituency	Mahdia Bou Merdes Ouled Chamakh Chorbane Hbira Souassi El Jem La Chebba Sidi Alouene Ksour Essaf Melloulech	8
Kasserine	One Constituency	Kasserine Nord Kasserine Sud Hassi El Frid Sbeitla Sbiba Jedilane El Ayoun Thala Haidra Foussana Feriana Mejel Bel Abbes Ezzouhour	8

States	Constituencies	Governorates	Number of Seats
Sidi Bouzid	One Constituency	Sidi Bouzid Ouest Sidi Bouzid Est Jilma Cebbala Ouled Askar Bir El Haffey Sidi Ali Ben Oun Souk Jedid Menzel Bouzienne Maknassy Mezzouna Regueb Ouled Haffouz	8
Gafsa	One Constituency	Gafsa Nord Gafsa Sud Moulares Redeyef Metlaoui El Mdhila El Guettar Belkhir Sned El Ksar Sidi Aich	7
Tozeur	One Constituency	Tozeur Degueche Tameghza Nefta Hezoua	4

States	Constituencies	Governorates	Number of Seats
Sfax	First Constituency	Sakiet Ezzit Sakiet Eddaier Kerkenah Jebeniana El Amra El Hencha Menzel Chaker Bir Ali Ben Khelifa	7
	Second Constituency	Sfax Ville Sfax Ouest Sfax Sud Agareb Tina Mahras Esskhira Ghraiba	9
Gabes	One Constituency	Gabes Ouest Gabes Sud Gabes Ville El Metouia Menzel Habib El Hamma Matmata Nouvelle Matmata Mareth Ghannouche	7
Medenine	One Constituency	Medenine Nord Medenine Sud Beni Keddache Ben Guerdane Zarzis Djerba – Houmet Essouk Djerba – Midoun Djerba – Ajim Sidi Makhlouf	9

States	Constituencies	Governorates	Number of Seats
Tataouine	One Constituency	Tataouine Sud Tataouine Nord Smar Bir Lahmar Ghomrassen Dhehiba Remada	4
Kebili	One Constituency	Kebili Nord Kebili Sud Souk El Ahad Douz Nord Douz Sud El Faouar	5
Total: 24	27	264	199

**Table (B)**  
**OCV Constituencies for Tunisians Abroad and number of seats allocated thereto**

Country	Constituencies	Number of Seats
Tunisians residing and registered in France	First Constituency that includes Tunisians who are registered in the Consulates of Paris, Pantin, Strasbourg	5
	Second Constituency that includes the Tunisians that are registered at the Consulates of Lyon, Toulouse, Grenoble, Nice and Marseille	5
Tunisians who reside and are registered in Italy	1	3
Tunisians who reside and are registered in Germany	1	1
Tunisians who reside and are registered in North America and the remaining European Countries	1	2
Tunisians who reside and are registered in Arab states and the rest of the world	1	2
Total	6	18

**Presidential Decree 111 (2019)  
dated on 5 July 2019 on the call  
on voters for the legislative and  
presidential elections of 2019<sup>1</sup>,  
as modified, pursuant to the  
Presidential Decree 122 (2019)  
dated on 31 July 2019<sup>2</sup>**

The President of the Republic,

Upon perusal of the Constitution, particularly Article 126 thereof,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all modifying and complementary provisions, particularly paragraph 5 of Article 3 thereof,

Organic Law 16 (2014) dated on 26 May 2014 on Elections and Referenda, as modified and complemented by Organic Law 7 (2017) dated on 14 February 2017, particularly Articles 101 (New), 102 and 103 thereof,

Decision 5 (2019) of the Independent High Authority for Elections dated on 14 March 2019, on the timeline for the 2019 legislative and presidential elections, as modified by Decision 10 (2019) dated on 3 April 2019 and Decision 14 (2019) dated on 31 May 2019,

The following Presidential Decree has been promulgated:

**Article 1:** In-country polling for the legislative elections takes place on Sunday 6 October 2019, whereas for Tunisians abroad, it will be on Friday, Saturday and Sunday 4, 5 and 6 October 2019.

**Article 2:** [superseded, pursuant to Presidential Decree 122 (2019) dated on 31 July 2019]

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1. Official Gazette, Issue 54, dated on 5 July 2019

2. Official Gazette, Issue 62, dated on 2 August 2019



**Article 3:** In the event of a second round during the presidential elections, within the two weeks succeeding the announcement of the final results of the first round, the Independent High Authority for Elections determines the timelines for the second round of the presidential elections, upon a decision that will be promulgated immediately following the announcement of the final results of the first round.

**Article 4:** The Presidential Decree herein will be disseminated in the Official Gazette of the Republic of Tunisia.

Tunis, 5 July 2019

President of the Republic  
**Mohammed Beji Caid Essebsi**

**Presidential Decree 122 (2019)  
dated on 31 July 2019 on the call  
on voters to participate in the  
2019 presidential elections<sup>1</sup>**

The President of the Republic,

Upon perusal of the Constitution, particularly Article 84, 86 and 126 thereof,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all the modifying and complementary provisions thereof, particularly paragraph 5 of Article 3 thereof,

Organic Law 16 (2014) dated on 26 May 2014 on Elections and Referenda, as modified and complemented by Organic Law 7 (2017) dated on 14 February 2017, particularly Article 49 thereof,

Presidential Decree 111 (2019) dated on 5 July 2019 on the call on voters for the 2019 legislative and presidential elections,

Decision 20 (2019) of the Independent High Authority for Election, dated on 25 July 2019, on the Timeline of the Presidential Elections of 2019,

The Presidential Decree herein has been promulgated:

**Article 1:** For the first round of the Presidential elections, in-country polling takes place on 15 September 2019, whereas out-of-country, is on Friday, Saturday and Sunday, 13, 14 and 15 September 2019.

**Article 2:** The provisions of Article 2 of the Presidential Decree 111 (2019) mentioned above shall be superseded.

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1. Official Gazette, Issue 62, dated on 2 August 2019

**Article 3:** The Presidential Decree herein will be disseminated in the Official Gazette of the Republic of Tunisia.

Tunis, on 31 July 2019

Acting President of the Republic

**Mohammed Ennaceur**

**Governmental Decree 754 (2019)  
dated on 22 August 2019 on  
determining the total spending  
limit on the election campaign,  
private funding limit and setting  
the limits for public funding,  
requirements and procedures  
thereof, vis-à-vis the 2019  
presidential elections<sup>1</sup>**

The Prime Minister,

Upon perusal of the Constitution,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, as modified and complemented by Organic Law 44 (2013) dated on 1 November 2013 and Organic Law 52 (2013) dated on 28 December 2013,

Organic Law 16 (2014) dated on 26 May 2014 on the Elections and Referenda, as modified and complemented by Organic Law 7 (2017) dated on 14 February 2017, particularly Articles 42, 48, 76, 77, 78, 81, 87 thereof,

Public Accounting Code, promulgated as per Law 81 (1973) dated on 31 December 1973, and all modifying or complementary provisions, the most recent of which is Law 56 (2018) dated on 27 December 2018 on the Finance Law of 2019, particularly Article 46 thereof.

Presidential Decree 107 (2016) dated on 27 August 2016, on the appointment of the Prime Minister and members of the Cabinet,

Presidential Decree 124 (2017) dated on 12 September 2017, on the

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1. Official Gazette, Issue 68, dated on 22 August 2019

appointment of members of the Cabinet,

Presidential Decree 122 (2019) dated on 31 July 2019 on the call on voters to participate in the presidential elections of 2019,

The opinion of the Independent High Authority for Elections,

The opinion of the Minister of Finance,

The Opinion of the Administrative Court,

The Presidential Decree herein is promulgated:

**Article 1:** The total spending limit on the elections campaign for each round and for the benefit of each candidate, the approval on whose candidature has been finally announced shall be set to ten times the limit on the public fund, titled Reimbursement of Electoral Expenses.

**Article 2:** The monetary and in-kind private funding limit for each round and for each candidate, the approval on whose candidature has been announced may not exceed the equivalent of eight-tenths of the total limit of spending on the electoral campaign.

**Article 3:** All candidates for the presidential elections of 2019, the approvals on their candidatures have been finally announced by the Independent High Authority for Elections, will benefit from an estimated public fund, titled Reimbursement of Electoral Expenses, as per the requirements determined by the Government Decree herein, which will be charged to the budget of the Ministry handling finances.

**Article 4:** The fund referred to in Article 3 of the Governmental Decree herein, will be payable to the benefit of each candidate running for the presidential elections of 2019, who earns at least three percent (3%) of the valid votes at the national level, following the announcement of the final results of the elections by the Independent High Authority for Elections and that the candidate meets the requirements stipulated in the aforementioned Article 78 of the Organic Law 16 (2014), and pursuant to the value of the electoral expenses determined by the Court of Auditors, to be adopted in the calculation of the due amount of the public fund.

**Article 5:** The limit of the public fund, titled Reimbursement of Electoral Expenses, assigned to each candidate running for the presidential elections of 2019 will be calculated in the following manner:

1. Twenty-five Dinars (25TND) for each one thousand registered voters at the national level, during the first round of the presidential elections
2. Fifteen Dinars (15TND) for each one thousand registered voters, at the national level, during the second round of the presidential elections.

**Article 6:** The Independent High Authority for Elections will be responsible for disseminating information via the website thereof and all available means on the limit of the public fund titled Reimbursement of Electoral Expenses, as specified in Article 5 of the Governmental Decree herein.

**Article 7:** The amount of the estimated public fund titled “Reimbursement of Electoral Expenses” may be expended upon a written request to be submitted by the candidate to the Secretary of Public Funds of the Republic of Tunisia, as per a form designed for this purpose, to be availed for the candidates on the website of the Ministry, in charge of finances.

The following documents shall be enclosed to the request:

- A copy of the receipt of the financial records submitted to the Court of Auditors,
- Original ruling of the Court of Auditors pertaining to setting the estimated due public fund titled Reimbursement of the Electoral Expenses, alongside a proof of the ruling becoming final,
- A copy of the notice on the ruling of the Court of Auditors,
- The Bank ID of the sole bank account of the election campaign

**Article 8:** The amount of the estimated public fund titled Reimbursement of the Electoral Expenses will be deposited into the sole bank account associated with the elections campaign, as stipulated by Article 82 of the aforementioned Organic Law 16 (2014).

**Article 9:** Pursuant to the provisions of the last paragraph of Article 78 of the aforementioned Organic Law 16 (2014), a candidate may be deprived of the estimated public fund titled Reimbursement of Electoral Expenses, in the event of violating the provisions of Article 87 of the same law.

**Article 10:** The Governmental Decree herein will be disseminated in the Official Gazette of the Republic of Tunisia.

Tunis, on 22 August 2019

Prime Minister  
**Youssef Chahed**

**Governmental Decree 755 (2019) dated 22 August 2019 on determining the total spending limit on the election campaign, private funding limit, as well as the public funding limit, requirements, and procedures thereof, vis-à-vis the 2019 legislative elections<sup>1</sup>**

The Prime Minister,

Upon perusal of the Constitution,

Organic Law 23 (2012) dated on 20 December 2012, on the Independent High Authority for Elections, as modified and complemented by Organic Law 44 (2013) dated on 1 November 2013 and Organic Law 52 (2013), dated on 28 December 2013,

Organic Law 16 (2014) dated on 26 May 2014 on the Elections and Referenda, as modified and complemented by Organic Law 7 (2017) dated on 14 February 2017, particularly 25, 34, 75, 76, 77, 78, 81, 82 and 87 thereof,

The Public Accounting Code promulgated, in accordance with Law 81 (1973) dated on 31 December 1973, and all the modifying and complementary provisions thereof, the most recent of which is Law 56 (2018) dated on 27 December 2018, on Finance Law (2019), particularly Article 46 thereof,

Presidential Decree 107 (2016), dated on 27 August 2016 on the appointment of the Prime Minister and members of the Cabinet, Presidential Decree 124 (2017) dated on 12 September 2017, on the

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1. Official Gazette, Issue 68, dated on 22 August 2019



appointment of members of the Cabinet

Presidential Decree 111 (2019) dated on 5 July 2019 on the call on voters for the 2019 legislative and presidential elections,

The opinion of the Independent High Authority for Elections,

The opinion of the Minister of Finance,

The opinion of the Administrative Court

The following Government Decree has been promulgated:

**Article 1:** The total limit for spending on the election campaign for each list, the approval on whose candidature has been finally declared, is determined by six times more than the limit of the public fund, titled “Reimbursement of Electoral Expenses.

**Article 2:** The monetary and in-kind funding limit, for each list, the approval on whose candidature has been finally declared, may not exceed the limit of the public fund titled “Reimbursement of Electoral Expenses” by four times.

**Article 3:** Each list running for the 2019 legislative elections will benefit from an estimated public fund titled “Reimbursement of Electoral Expenses”, as per the requirements determined by the Governmental Decree herein and will be charged to the budget of the Ministry in charge of finances.

**Article 4:** The fund and the amounts of increase cited in Articles 5 and 6 of the Governmental Decree herein are payable to the benefit of each list running for the 2019 legislative elections that has earned at least three percent (3%) of valid votes in the constituency it is running for, following the announcement of the final results of the concerned elections by the Independent High Authority for Elections and that the list meets the requirements stipulated by Article 78 of the aforementioned Organic Law 16 (2014), and based on the value of electoral expenses determined by the Court of Auditors, to be adopted in the calculation of the due amount of public fund.

**Article 5:** The limit of the public fund titled Reimbursement of Electoral Expenses assigned to each list running for the 2019 legislative elections is calculated, based on the number of voters registered in the concerned constituency, in the following manner:

1. Seventy-three Dinars (73TND) for each one thousand voters, within the limit of fifty thousand (50,000) voters.
2. Fifty Dinars (50TND) for each one thousand voters for over fifty thousand (50,000) voters, within the limit of one-hundred thousand (100,000) voters.
3. Forty-two Dinars (42TND) for each one thousand (1,000) voters over one-hundred thousand (100,000) voters and within the limits of one-hundred and fifty thousand (150,00) voters.
4. Thirty-nine Dinars (39TND) for each one thousand voters over one-hundred and fifty thousand (150,000) voters, within the limit of two-hundred thousand (200,000) voters.
5. Thirty-six Dinars (36TND) for each one thousand voters over two-hundred thousand (200,000) voters.

The amount of the fund may be increased as determined in the first paragraph of the Article herein, depending on the population density, in the following manner:

1. Six-hundred Dinars (600TND) for constituencies, where population density is less than 100 inhabitants per square kilometre (100 inhabitants/km<sup>2</sup>).
2. Four-hundred Dinars (400TND) for constituencies, where population density is over 100 inhabitants per square kilometre (100 inhabitants/km<sup>2</sup>) and less than 300 inhabitants per square kilometre (300 inhabitant/km<sup>2</sup>).
3. Two-hundred Dinars (200TND) for constituencies, where the population density is over 300 inhabitants per square kilometres (300 inhabitants/km<sup>2</sup>).

**Article 6:** The limit of the public fund titled “Reimbursement of Electoral Expenses” set for each list running for out-of-country constituencies, will be calculated based on the number of voters registered in the concerned constituency, through allocating the same amounts and adopting the same calculation method cited in the first paragraph of Article 4 of the Governmental Decree herein.

The amount of the authorized fund may be increased by three times, as determined in the first paragraph of the Article herein, for each list

running for elections in an out-of-country constituency.

**Article 7:** The Independent High Authority for Elections disseminates information on the website thereof and all available mass media on the limit of the public fund titled “Reimbursement of Electoral Expenses” for the concerned constituency, as specified in Articles 5 and 6 of the Governmental Decree herein.

**Article 8:** The amount of the estimated public fund titled “Reimbursement of Electoral Expenses” is payable upon a written request to be submitted by the head of the list, as per a form designed of this purpose, to be availed for the lists, on the website of the Ministry responsible for finances, to the following:

- The Secretary General of Expenditures, vis-à-vis the lists running for out-of-country constituencies, which opened sole bank accounts in Tunisia, in convertible Tunisian Dinars,
- The competent public accountant at the diplomatic mission or consulate abroad, vis-à-vis the lists running for elections, in out-of-country constituencies, which have opened sole bank accounts abroad.
- The regional territorially competent treasurer, vis-à-vis the lists running for elections, in-country.

The application shall include the following documents:

- A copy of the receipt of the bank records submitted to the Court of Auditors,
- An original copy of the ruling of the Court of Auditors pertaining to the due amount of the estimated public fund titled “Reimbursement of Electoral Expenses”, alongside a proof of the ruling becoming final,
- A copy of the notice on the ruling of the Court of Auditors,
- The Bank ID of the sole bank account associated with the election campaign.

**Article 9:** The amount of the estimated public fund titled “Reimbursement of Electoral Expenses” will be deposited into the sole bank account associated with the election campaign, as stipulated in

Article 82 of the Organic Law 16 (2014) above.

**Article 10:** Pursuant to the provisions of the last paragraph of Article 78 of the Organic Law 16 (2014) above, lists violating the provisions of Article 87 of the same law will be denied the estimated public fund titled “Reimbursement of Electoral Expenses”.

In the event of violating the provisions of Article 25 of the Organic Law 16 (2014) mentioned above, the lists will be denied half the amount of the fund.

**Article 11:** The Governmental Decree herein will be disseminated in the Official Gazette of the Republic of Tunisia.

Tunis, on 22 August 2019

Prime Minister  
**Youssef Chahed**

## III

**REGULATORY DECISIONS**

## **1. Regulating and Managing the Independent High Authority for Elections and Structures thereof**

**Decision 5 (2014) of the Independent High Authority for Elections dated on 24 April 2014 on determining the internal rules of procedure of the Independent Higher Authority for Elections<sup>1</sup>, as modified by Decision 12 (2014) dated on 16 July 2014<sup>2</sup>**

The Board of the Independent High Authority for Elections,

Upon a proposal of the Executive Director of the Independent High Authority for Elections,

Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 125 and 126 thereof,

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1. Official Gazette, Issue 39, dated on 16 May 2014

2. Official Gazette, Issue 63, dated on 5 August 2014

Constituent Law 6 (2011) dated on 16 December 2011 on the interim organization of public authorities

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all modifying and complementary provisions thereof, the most recent of which is the Organic Law 52 (2013) dated on 28 December 2013, particularly Article 27 thereof

Following deliberations and discussions, the following has been decided

**Article 1:** The Independent High Authority for Elections is a public, independent and permanent authority, whose seat is the capital of Tunis. It has legal personality, and financial and administrative independence.

**Article 2:** The Independent High Authority for Elections ensures democratic, free, pluralism-based, credible and transparent elections, to be organized, administered and overseen, as per the election law and Organic Law 23 (2012) dated on 20 December 2012, as modified and complemented by the subsequent provisions.

## Chapter I

### Composition and Competences of the Authority

**Article 3:** The Independent High Authority for Elections is comprised of the Board of the Authority, an executive body and sub-commissions, when needed. During elections or referenda, the Board of the Authority may establish temporary structures.

**Article 4:** The Board of the Authority will be responsible for determining the general guidelines governing the functions of the Authority and decide on all matters in the jurisdiction thereof, as per the law. The Board may delegate some of such competences to the chairperson thereof, the executive body or the sub-commissions that the Board may establish during elections or referenda.

The Board of the Authority may delegate tasks it determines to members and may establish permanent or ad hoc committees.

The Board of the Authority may create working groups comprising expertise for technical support, whose form, composition and area of work will be determined.

**Article 5:** The duration of the membership of the members of the Board of the Independent High Authority for Elections will be limited to six years, non-renewable.

The composition of the Board of the Authority will be renewed, as per the procedures stipulated in Articles 5, 6 and 7 of the Organic Law 23 (2012) dated on 20 December 2012, as modified and complemented by the subsequent provisions.

The Chairperson of the Independent High Authority for Elections will inform the Speaker of the Assembly of People's Representatives on the list of members concerned by the renewal and the date of the end of their term in office, at least three months prior to the expiration of their membership.

Outgoing members will exercise all their competences that are relevant to the Board of the Authority pending the assumption of the new members of their tasks.

**Article 6:** During their term in office, members of the Board of the Authority shall commit to the tasks delegated to them by the law and shall avoid any act or speech that may affect their compliance with the requirements and tasks assigned to them or affect the good performance of the Authority of the functions thereof.

Members of the Board of the Authority commit to exercising their functions, on a full-time basis, and to attend the sessions of the Board of the Authority.

A member may not be absent, without legitimate reasons, from meetings called for, as per the legal means, for three consecutive times.

The Board of the Authority reminds the member, who has not attended the Board sessions, that were called for through legal means, twice in a row, without justification, on the obligation bestowed upon them

by the law to be present and sends them an ultimatum through any means capable of producing a written record.

The member who is unjustifiably absent from the meetings of the Board of the Authority, despite being warned by the Board of the Authority, shall be deemed withdrawn.

A member may not take part in any deliberations revolving around matters that may directly or indirectly be of personal interest to him/her, or direct or indirect relation that may compromise the compliance of the concerned member with the requirements and responsibilities bestowed upon him/her or the exercise of the Authority of the functions thereof.

**Article 7:** The Chairperson of the Independent High Authority for Elections is the legal representative, Chair of the Board, Manager of the budget thereof and will undertake the following:

- Charing the meetings of the Board of the Authority and committees as s/he attends their meetings.
- Scheduling the times and dates for meetings, convening them, deciding on the agenda, management and keeping order thereof.
- Taking the necessary decisions to carry out the deliberations of the Board of the Authority, as per the law and provisions of the internal rules of procedure.
- Representing the Authority before all constitutional authorities, as well as the competent political, administrative and judicial authorities.
- Monitoring the executive body and ensuring periodical reports on the administrative, financial and technical management of the said body are submitted to the Board of the Authority.
- Managing the budget, as per the laws in force, general guidelines developed by the Board of the Authority and principles of good governance, in a manner that ensures the good, credible and transparent financial management.

Following consultations with the Board, the Chairperson of the Authority may delegate some of his/her competences to his/her deputy or any of the members of the Board of Authority. S/he may



delegate his/her signature to his/her deputy, a member of the Board of the executive department.

Decisions on the delegation of tasks will be disseminated on the Official Gazette of the Republic of Tunisia and the website of the Authority.

**Article 8:** The Deputy Chairperson of the Authority will be selected from the members of the Board, upon consensus among them, otherwise through the absolute majority of members.

The Deputy Chairperson of the Authority assists the Chairperson in living up to the main tasks assigned to him/her or delegated to him/her by the Board of the Authority, within the scope of the delegation assigned thereto by the Chairperson of the Authority, or within the framework of the division of tasks determined by the Board of the Authority.

**Article 9:** The following will be directly under the Board of the Authority:

- Office of the Board,
- Documentation and Archiving Unit,
- Internal Auditing and Oversight Unit,

The Office of the Board will oversee the following essential tasks:

- Central controls
- Board Clerk
- Protocols
- Media
- International Cooperation

The organization of the office of the Board and *modus operandi* will be determined in accordance with the organizational structure approved by the Board of the Authority.

**Article 10:** The Authority will ensure an internal auditing system on the administrative, financial and accounting procedures are in place to ensure the financial statements are intact, credible, transparent and in keeping with the laws in force. For this purpose, an internal

auditing and oversight unit will be established to be chaired by an auditing expert and will operate directly under the Board of the Authority.

The Internal Auditing and Oversight Authority lives up to its functions with utmost independence and professionalism, in keeping with the international standards of internal auditing, through adopting an annual plan to be approved by the Board of the Authority, with the view to enhance the performance, manage risks and oversee the entire functions of the Authority.

The Internal Auditing and Oversight Unit directly submits reports thereof to the Board of the Authority on a periodical basis. The Board of the Authority may delegate auditing tasks to this unit, when the need arises.

The Internal Auditing and Oversight Unit develops an annual report that is presented to the Board of the Authority and will be disseminated in the website thereof.

The Board of the Authority deliberates on the reports submitted thereto by the Internal Auditing and Oversight Unit and decides on the recommendations and cases cited in them.

## Chapter II

## Executive Body

**Article 11:** The executive body of the Independent High Authority for Elections comprises an Executive Director, central administration and sub-departments.

The Executive Director manages the executive body under the supervision of the Board of the Authority and the oversight of the chairperson thereof. S/he ensures the administrative, financial and technical management of the Authority is well administered. S/he submits to the Chairperson and Board of the Authority reports on the administrative, financial and technical management, either periodically or upon request, and avails to them, upon request all

data and documents that are required to be viewed.

**The Executive Director may delegate his/her signature to any of his/her associates. The decision on such delegation will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority.**

The administrative, financial and technical organization of the Executive Body will be regulated upon a decision to be promulgated by the Board of the Authority.

## Chapter III

### Sub-Commissions

**Article 12:** During elections or referenda, the Authority may establish sub-commissions to undertake assisting the Authority to live up to its tasks, as stipulated by the law.

The Sub-Commission comprises a chair and a maximum of three members, who are selected by the Board of the Commission with an absolute majority of the members thereof, as per the requirements stipulated in Articles 7 and 12 of the Law 23 (2012), without prejudice to Article 5 of the same law.

The Board of the Authority promulgates a decision to determine the procedures for the selection of members of Sub-Commissions and the modalities of their appointments and recruitment system.

Without prejudice to the provisions of the Elections Law, the Board of the Authority may delegate to the Sub-Commissions the following tasks:

- Monitoring voter registration processes, reviewing challenges and following up on the relevant appeals in the concerned constituencies,
- Ensuring the Voter Register is disseminated and updated across their respective geographical jurisdiction,

- Reviewing the files of the lists of candidates or submitting recommendations in their regard,
- Reviewing and deciding on the distribution of the places and spaces allocated for election campaigning,
- Monitoring the violations of election campaigns and deciding over them,
- Monitoring polling and sorting processes and overseeing the process of aggregation of results,
- Following up on the appeals pertaining to the lists running for elections and representing the Authority in this regard before the competent courts,
- Contributing to the development of the final report on the electoral process and coming up with recommendations,
- Representing the Board of the Authority before political parties and civil society organizations that are active in their respective geographical jurisdiction, as per the guidelines promulgated by the Board of the Authority,
- Any other tasks the Board of the Authority may delegate to the Sub-Commissions.

The Authority organizes programs and workshops to train members of the Sub-Commissions, which they will commit to attend.

Upon resumption of their functions, members of the Sub-Commissions will sign on a pledge to commit to the scope of their mandate and competences bestowed upon them.

The Board of the Authority may take the necessary measure towards any member, who does not comply with the scope of their mandate.

Under the supervision of the Central Administration of the Authority, the Sub-Administration Coordinator of the Authority will brief the members of the Sub-Commission on the operational developments and procedures promulgated by the Board of the Authority and will develop the material preparations for the functions of the Authority.

## Chapter IV

# Meetings of the Authority

**Article 13:** Meetings of the Board of the Authority are held upon a request from the Chairperson or half the number of members of the Board thereof and may only convene with the presence of two-thirds of the members.

The Board of the Authority will determine the regulations for approving the remote attendance of the members via secure cutting-edge telecommunication technologies.

In the event of incomplete quorum, the Board of the Authority may convene unofficially, with the presence of the members, who have attended. However, the meeting will be confined to deliberations without the possibility of taking decisions.

The Board of the Authority will determine the frequency of the regular meetings, provided there will be at least one periodical meeting per month, during non-operational periods of elections or referenda.

Written invites will be sent to call for a meeting to the members and Executive Director, at least two days prior to the date of the regular meeting.

A detailed meeting agenda, a copy of the minutes of the last meeting and all the available documents pertaining to the topics listed in the agenda will be enclosed to the invite.

During operational periods of elections and referenda, calls for meetings of the Board of the Authority will be sent in a tight timeline that takes into consideration the urgency of the situation, and will be sent through any means capable of producing a written record.

Members and the Executive Director may propose the addition of further items to the agenda, at the beginning of the meeting.

The Executive Director attends the meetings of the Board of the Authority, without having the right to vote on decisions.

The deliberations of the Board of the Authority will be written down in serially numbered minutes, that will be enclosed to a serially numbered file, marked by the Chairperson of the Authority, that shall include the following data:

- Date, time and venue of the session,
- List of present and absent members and reasons for absence, if any,
- Agenda of the meeting,
- Decisions taken and the majority that approved of them

The minutes will be signed by all present members of the Board.

The Board of the Authority will take decisions, by an absolute majority of the members thereof, to be signed off by the Chairperson of the Board.

The Chairperson alongside the other members of the Board of the Authority will follow up on the implementation of the decisions, with the Executive Director.

A summary of the deliberations of the meetings of the Board of the Independent High Authority for Elections will be disseminated in the Official Gazette of the Republic of Tunisia and website of the Authority.

**Article 14:** The Board of the Authority may establish specialized committees to be in charge of the development of policies, following up on updates, approval on, reviewing and monitoring the implementation of operational plans of the elections and referenda alongside the executive body. Such committee may be central or regional, permanent or ad hoc.

The Board of the Authority determines the composition and competences of the committees, in a manner that does not overlap with the functions of the executive body. All committees operate under the supervision of and report to the Board of Authority and submit their recommendations thereto.

The Board of the Authority will determine the duties assigned to all its staff, collaborators and contractors, in codes of conduct that are disseminated on the website of the Authority.

The code of conduct is deemed an inseparable part of all the contracts and agreements signed with the Authority. The party that is contracting or collaborating with the Authority will declare, on a form developed by the Authority, that they have viewed the contents of the code of conduct and commit to non-violation of the provisions thereof.

To live up to its functions, the Authority may seek the assistance of experts and specialists.

## Chapter V

## Regulatory Powers

**Article 15:** The Independent High Authority for Elections has regulatory powers pertaining to elections.

The Board of the Authority develops the regulations that are required for the implementation of the election law, carrying out the functions bestowed upon it, and ensuring the compliance of all electoral stakeholders with the election law. This includes the enforcement of non-criminal sanctions arising from electoral violations. Regulations in the following areas will be taken in particular:

- The organizational structure of the Board of the Authority and executive body thereof
- Financial and administrative management systems
- Codes of conduct
- Determining the timeline for elections and referenda in a manner that is in keeping with the durations stipulated by the Constitution and Election Law,
- Rules and procedures regulating the accreditation of the functions of candidates' agents, observers, guests, domestic and internal journalists.
- Rules and procedures for the registration of voters

- Rules and procedures for candidates' nomination
- Rules and procedures for monitoring the elections campaigns and financing thereof
- Polling and sorting rules and procedures
- Procedures of the announcement of the results
- Rules and procedures for the security of the electoral memory

## Chapter VI

### Budget and Management Means

**Article 16:** The Authority has its own budget. Its resources comprise annual appropriations allocated from the State budget.

Expenses from the budget of the Authority are embodied in the following:

- Authority running expenditures
- Capital expenditures
- Elections and referenda expenditures

The Board of the Authority determines the general guidelines for the annual budget of the Authority and informs the Executive Director of them.

The Executive Director develops a draft annual budget for the Authority, as per the general guidelines set by the Board of the Authority, taking into consideration the timelines stipulated in the Organic Law on the budget and the relevant legal provisions, and then refers it to the Board of the Authority for approval.

The Board of the Authority deliberates over the draft budget presented before it by the Executive Director and determines the final version thereof.

The Chairperson of the Authority presents the draft budget to the government to seek the opinion thereof, with due consideration to



the timelines stipulated by the Organic Law on the budget as well as the relevant legal provisions, and then refers it to the Assembly of the People's Representatives, as per the procedures pertaining to the State budget.

The Authority disseminates the budget on its website.

The Authority may develop a complementary draft budget in the event of contingencies that necessitate the conduct of elections or referenda at times that differ from the regular timelines.

**Article 17:** Financial statements are determined, in keeping with the accountancy rules in institutions, as per Law 112 (1996) dated on 30 December 1996.

**Article 18:** All transactions of the Authority shall be signed and implemented, as per the procedures pertaining to public transactions in public institutions, without prejudice to the provisions of Law 23 (2012) or the laws modifying them.

The Board of the Authority will develop special regulations that ensure the transparency of the entire operations of public transactions, and that all stakeholders in such processes commit to the need to refrain from any conflict of interest.

Expenses of the Independent High Authority for Elections are exempted from the ex-ante control of public expenditures.

**Article 19:** The cases where pre-approval is required to initiate orders for payment by the Board of the Authority will be determined upon a decision by the Board of the Authority.

The Board of the Authority promulgates a decision on the formulas and requirements for delegation of financial competences.

**Article 20:** The financial records of the Independent High Authority for Elections are presented to auditors who are registered at the Board of Auditing Experts in Tunisia, to be appointed by the Board of the Authority, as per the law in force, regarding the public institutions and organizations for three years, that may be renewed once only.

Upon the selection of the auditors, the Authority complies with the principle of competition, transparency and non-conflict of interest.

The Board of the Authority decides on the qualified opinions of the auditors that are included in the annual financial report, if any, and when necessary, it gives orders to form an investigation committee to inspect the causes and develop plans to avert such cases in the future.

The Board of the Authority approves the annual financial records of the Authority, in the light of the report of the auditors, by 30 April of the subsequent year, at the latest, and then refers it to the Assembly of the People's Representatives for approval.

Following the approval of the Assembly of the People's Representatives on the financial report of the Authority, it will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority, by 30 June of the subsequent year, at the latest.

If the financial report is not approved by the Assembly of the People's Representatives and an investigation committee is formed, the Board of the Authority will put a team of the financial department and auditors at the disposal of the said committee, to facilitate the functions thereof. If the said committee confirms the existence of discrepancies in the records, the Board of the Authority, without delay, will conduct an internal investigation, in the light of which accountabilities for such discrepancies shall be identified and the necessary disciplinary and judicial measures will be taken to deter them.

Financial records of the Authority are subject to subsequent auditing by the Auditing Department.

**Chapter  
VII****Cases of Dismissal and Expiration  
of Membership**

**Article 21:** The Chairperson or any of the members of the Board of the Authority may only be dismissed in the following cases:

- Committing a grave mistake, while exercising the duties bestowed upon him/her, as per the law.
- Not declaring the state of permanent conflict of interest, as stated in the fifth paragraph of Article 13 of the updated law governing the Authority.
- Indictment, as per a final ruling over an intentional crime or a felony.

The Board of the Authority deliberates over the merits of the request for dismissal of the chairperson or any of its members, prior to addressing it to the Assembly of People's Representatives. The Board will hear the chairperson or the concerned member and enable him/her to the conducive means of defence and include all this in the minutes of the session.

The request for dismissal will be submitted by at least half the number of members of the Board of the Authority and will be presented before the plenary session of the Legislative Assembly for approval by an absolute majority of the members thereof.

**Article 22:** Membership in the Authority expires in any of the following cases:

- End of the legal term in office,
- Death,
- Resignation,
- Permanent infirmity,
- Dismissal,
- Withdrawal.

The Board of the Authority will decide on the request for resignation within at least a week from the inclusion of the claim into the registry office.

The Board of the Authority inspects the state of vacancy, writes it down in a special report, that will be referred, alongside the rest of the file, to the Assembly of People's Representatives, that undertakes addressing the vacancy, as per the procedures stipulated in Article 6 of the Organic Law 23 (2012), upon the request of the Chairperson or half the number of members of the Board of the Authority.

This system herein shall be enforced as of the date of promulgation thereof and will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Independent High Authority for Elections.

Promulgated in Tunis, on 24 April 2014

Chairperson of the Independent  
High Authority for Elections  
**Mohamed Chefik Sarsar**

**Decision 3 (2019) of the Independent High Authority for Elections dated on 21 February 2019, on regulating the system that applies to members and associates of the Office of the Board of the Independent High Authority for Elections<sup>1</sup>**

The Board of the Independent High Authority for Elections,

Upon a proposal by the Executive Director,

Upon perusal of the Constitution, particularly Articles 125, 126 thereof,

Organic Law 23 (2012) dated on 20 December 2012, on the Independent High Authority for Elections, and all modifying and complementary provisions thereof,

Decree 843 (1976) dated on 23 September 1976, on regulating the system that applies to members of ministerial offices, and the allowances granted to them, as modified and complemented by the subsequent provisions,

Decision 5 (2014) dated on 24 April 2014, on determining the internal rules of procedure of the Independent High Authority for Elections, as modified by Decision 12 (2014) dated on 16 July 2014,

Decision 6 (2014) dated on 30 April 2014, on determining the means for administrative, financial and technical organization of the Independent High Authority for Elections.

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1. Official Gazette, Issue 21, dated on 12 March 2019

Following deliberations and discussions, the following has been decided:

**Article 1:** The decision herein aims at regulating the system that applies to members and associates of the Office of the Board of the Independent High Authority for Elections.

## Chapter I

### Members of the Office of the Board of the Authority

**Article 2:** Office of the Board of the Independent Higher Authority comprises the following:

- Head of the Office of the Board
- Special Advisors
- Attachés to the Office of the Board

**Article 3:** The number of special advisors and attachés to the Office of the Board, cited in Article 2 of the Decision herein, will be determined, as per a decision promulgated by the Chairperson of the Authority.

**Article 4:** The head and members of the Office of the Board will be appointed upon a decision by the Chairperson of the Authority. They shall be qualified in administrative management or have experience in the areas that are relevant to the competences of the Authority.

**Article 5:** The Head of the Office of the Board enjoys allowances and prerequisites that are determined upon a decision by the Chairperson of the Authority.

The special advisors will benefit from a total allowance to be determined on a case-by-case basis upon a decision by the Chairperson of the Authority, with due consideration to their academic degrees, experience and responsibilities they have assumed prior to their appointment in such capacity.

**Article 6:** Members of the Office of the Board may be assigned to

manage a service, or several services attached to the Office. In this event, their salaries will be regulated based on the allowances and salaries allocated, as per the plan for their occupation.

## Chapter II

### Associates of the Office of the Board of the Authority

**Article 7:** The number of associates of the Office of the Board of the Authority will be determined, as per a decision of the Chairperson of the Authority.

**Article 8:** The Chairperson of the Authority may appoint associates to operate at the Office, from the Authority staff, or through secondment or contractual agreement. They are assigned to assist a member or more of the Board of the Authority.

**Article 9:** The associates of the Office, who have been appointed, either from the Authority staff or seconded staff, will keep their original salaries and allowances. They will be granted special allowances titled “Functions at the Office of the Board”, whose value will be determined upon a decision of the chairperson of the Authority.

Contracted associates of the Office of the Board will receive a total allowance, whose value will be determined upon a decision of the Chairperson of the Authority.

**Article 10:** The decision herein will come into force, as of the date of signature thereof, and will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority.

Tunis, on 21 February 2019

Chairperson of the Independent  
High Authority for Elections

**Nabil Baffoun**

**Decision 5 of the Independent High Authority for Election dated on 11 April 2017 on the requirements and procedures for the establishment of Electoral Sub-Commissions, determining the terms of reference thereof and operation modalities<sup>1</sup>**

The Board of the Independent High Authority for Elections,

Upon perusal of the Constitution, particularly Articles 125 and 126 thereof,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections and all modifying and complementary provisions thereof, particularly Article 21 thereof,

Organic Law 16 (2014) dated on 26 May 2014 on the Elections and Referenda, as modified and complemented by Organic Law 7 (2017) dated on 14 February 2017,

Decision 5 (2014) dated on 24 April 2014, on determining the internal rules of procedure for the Independent High Authority for Elections, and all the modifying and complementary provisions thereof, particularly Articles 4 and 12 thereof,

Following deliberations, has decided:

**Article 1:** The decision herein regulates the requirements and procedures for the establishment of electoral sub-commissions and determining the terms of reference and operation modalities thereof.

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1. Official Gazette, Issue 35, dated on 2 May 2017



## Chapter I

# Establishment of Electoral Sub-Commissions and requirements for appointment of members thereof

**Article 2:** During elections or referenda, the Authority may establish electoral sub-commissions to assist the Board of the Authority to live up to its tasks, as regulated by the law, the internal rules of procedure for the Authority, and the Decision herein. The Board of the Authority will identify the constituency/constituencies under the jurisdiction of each sub-commission.

**Article 3:** Each sub-commission comprises a maximum of four members, the chair will be selected from them. They have the following backgrounds:

- A judicial magistrate
- An administrative judge
- A lawyer
- Notary public or a bailiff
- A university professor, associate, associate professor, lecturer or higher education academic
- An engineer specialized in networks and IT security
- Telecommunications expert
- Public finance expert
- A representative of Tunisians abroad, in the OCV electoral sub-commissions.

**Article 4:** Each candidate applying for the membership of the Sub-Commissions shall:

- Have the capacity of a voter
- Be at least 35 years of age

- Characterized by integrity, independence and impartiality
- Have qualifications and experience
- Not an elected member of any professional body
- Not engaged or active in any political party during the five years preceding the date for opening candidacies
- Not in charge of any tasks within the disbanded Constitutional Democratic Rally Party or engaged in the pleas to the ousted President of the Republic for a new term in office,
- Not in charge of any functions in the government or has not assumed the position of a Governor, Secretary General of the Governorate, Delegate, or Chief of Sector, throughout the tenure of the ousted president
- Ten years of experience in one's area of expertise, apart from the member representing out-of-country Tunisians,

As for the Out-Of-Country Sub-Commissions, in addition to the requirements above, the candidate shall be:

- A resident in the country, under the jurisdiction of the concerned Electoral Sub-Commission,
- A proficient speaker of Arabic and the foreign language of the country, where the Electoral Sub-Commission s/he is running for candidacy for is based.

**Article 5:** The Authority will determine the timelines for receiving applications for candidacy, which will be announced via mass media and the website thereof.

Candidacy file shall include the following documents:

- A candidacy application form that may be downloaded off the Authority website
  - A copy of the national ID
  - A resume
  - Two photographs
  - Authentic copies of academic degrees

- Authentic copies of proofs of experience
- Bulletin 3, that has been issued three months earlier
- A medical certificate that has been issued no later than three months earlier
- A proof of approval on resignation, if the candidate is an elected member of a professional body
- Affidavit with legalized signature confirming the candidate meets the requirements cited in Article 7 of the Organic Law 23 (2012) and the validity of the data in the candidacy application form.
- For OCV Sub-Commissions, a consular registration card in the country under the jurisdiction of the concerned Sub-Commission.

Any person, who deliberately gives false statements or withholds information regarding any hindrance to the candidacy shall be subject to the sanctions stipulated in the final paragraph of Article 7 of the Organic Law 23 (2012).

**Article 6:** Candidacy application file will be submitted to the Central Registry of the Independent High Authority for Elections, or via a registered mail, with notification upon receipt, or via express courier.

Candidates applying for membership of the OCV Sub-Commissions may send their candidacy files via email. However, the original documents may only be submitted upon final approval.

**Article 7:** At a first stage, the Authority will vet the applications for candidacy that meet the requirements.

The Board of the Authority may invite the candidates for an interview with the Board or a delegate thereof for this purpose.

If a Sub-Commission or more does not receive any submissions for candidacy, or the number of applications that meet the requirements are below the required number, the Board of the Authority may complement the shortage through considering candidacies for membership in other Sub-Commissions.

The Board of the Authority selects chairs and members of the Sub-

Commissions by an absolute majority of its members. The list of accepted candidates will be disseminated on the website of the Authority.

The list of accepted candidates may be challenged within five days, at the latest, from the date of dissemination.

The Board of the Authority decides on the challenges within three days, at the latest, from the deadline for challenges. The chairperson of the Authority promulgates a decision to determine the final list of approved candidates for each Sub-Commission.

**Article 8:** The Board of the Authority may select members from the chairs and members of the Sub-Commissions that were formed during previous elections in any of the following cases:

- To fill in the shortage in the composition of the Sub-Commissions, after exhausting all procedures stipulated in Article 7 above.
- In the event of vacancy
- During partial or premature elections

Appointment is carried out upon confirming that the selected members meet the requirements, with due consideration to the evaluation conducted by the Board of the Authority for the functions of the Sub-Commissions, following each election. A list of appointed members will be disseminated via any means cited above on the website of the Authority. Challenges against the list may be submitted and adjudicated, as per the provisions of Article 7 of the Decision herein.

**Article 9:** The Board of the Authority determines allowances and prerequisites granted to the chairs and members of the Sub-Commissions upon promulgating a decision in this regard.

## Chapter II

### Duties of the Chair and Members of the Electoral Sub-Commissions

**Article 10:** Sub-Commissions chairs and members live up to the duties they are tasked with, as per Articles 7 and 12 of Law 23 (2012). Prior to assuming their roles, they take oath before the Board of the Authority.

**Article 11:** The Board of the Authority dismisses any chair or member of the Sub-Commission, in the event of a final court ruling of indictment over an intentional crime or felony, if any of the requirements for membership is forfeited. Moreover, in the event of non-compliance with the duties cited above or engagement in any act or speech that may affect the Authority's exercise of the functions thereof in a good manner, the Board may dismiss the concerned member, after s/he is enabled to have the right for defence.

**Article 12:** Resignation from the membership of the Electoral Sub-Commission is submitted to the Chairperson of the Authority and may only be enforced upon the approval of the Board.

**Article 13:** The Board of the Authority examines the vacancy that affects the composition of the Sub-Commissions resulting from death, infirmity, dismissal or withdrawal. The vacant position is filled in as per the procedures stipulated in Article 7 above.

## Chapter III

### Powers of the Electoral Sub-Commissions

**Article 14:** Pursuant to the provisions of Article 21 of Organic Law 23 (2012), the Board of the Authority delegates the following tasks to the Electoral Sub-Commissions:

### **1. Accreditation:**

- To decide on the applications for accreditation of agents representing lists running for legislative, regional and local elections, and presidential candidates and decide on the files related to the revocation of their accreditation,

### **2. Voter Registration:**

- Monitor voter registration processes, as per a decision promulgated by the Board of the Authority, pertaining to the rules and procedures of voter registration for elections and referenda,
- Decide on objection claims against voter rolls,
- Represent the Authority before the competent courts over disputes pertaining to registration in voter lists, except those pertaining to OCV voter rolls.

### **3. Candidacy for Legislative, Regional and Municipal Elections:**

- Decide on candidacy applications
- Decide on requests for withdrawal of candidacy
- Represent the Authority before the competent courts over disputes pertaining to candidacy, apart from those related to candidacies to represent Tunisians abroad.
- Enforce final court rulings regarding candidacy-related disputes.

### **4. Election Campaign**

- Monitor the compliance with the principles, rules and procedures of the elections campaign, as per the decisions of the Board of the Authority in this regard,
- Oversee field visits to observe campaign financing
- Oversee the development of periodical reports to observe the campaign
- Mark the checklist of completed events, activities and gatherings
- Mark the checklist of electoral revenues and expenditures
- Submit summary reports on the outcome of monitoring elections

campaigns and the major violations and infringements that have been detected.

### **5. Polling, Sorting and Aggregation of Results:**

- Decide on the appointment of staff of polling centres/stations, central offices and collection centres, if any, as per the requirements and procedures provided for in the decisions of the Authority, in this regard,
- Oversee polling centres/stations, central offices and collection centres, if any,
- Coordinate with the competent administrative structures to ensure the progress of the processes of polling, sorting and aggregation of results,
- Sign off the results aggregation reports.

Members of the Electoral Sub-Commissions exercise the functions and competences delegated to them, in coordination with the Electoral Sub-Administration coordinator.

**Article 15:** Chairs of Sub-Commissions inform, in writing, the Board of the Authority, of all the decisions, immediately upon making them.

## **Chapter IV**

### **Powers of the Electoral Sub-Commissions**

**Article 16:** Sub-Commissions hold their meetings, upon requests by the chair or half the number of members thereof and may only be held with the presence of two-thirds of the members thereof.

Electoral Sub-Administration coordinator attends the meetings of the Sub-Commission and may discuss various issues listed in the agenda, without having the right to vote. The chair of the Sub-Commission may call any person s/he deems fit from the Authority staff to attend such meetings.

The Sub-Commission takes its decisions by an absolute majority of the members thereof. In the event of a tie, the chair will have the casting vote.

Decisions are promulgated under the name of the Sub-Commission and are signed by the chair or his/her delegate.

The Sub-Administration coordinator keeps and maintains all records, books, documents and reports and takes all the procedures to carry out the decisions of the Sub-Commission.

**Article 17:** The Sub-Commission records all its deliberations in a serially numbered and stamped report that shall contain the following particulars:

- Date, time and place of the session
- Attendance and absence and reasons for the latter if any,
- Meeting agenda,
- The decisions made and the majority that has approved them.

The report is signed by the members, who are present as well as the Sub-Administration coordinator.

**Article 18:** If the Sub-Commission fails to take a decision regarding any of the delegated competences, or when the need arises, the concerned competence(s) may be reclaimed, upon a decision by the Board of the Authority.

**Article 19:** Prior to the completion of functions, each Sub-Commission develops a report on its activities that will be referred to the Board of the Authority.

**Article 20:** Upon completion of the functions of the Sub-Commissions, the Board of the Authority will evaluate their work and performance of their members, in accordance with criteria to be preidentified by the Board of the Authority

**Article 21:** Decision 8 of the Authority, dated on 3 June 2014, on the establishment of Electoral Sub-Commissions and determining the terms of reference and operation modalities thereof and Decision 23 (2014) dated on 29 August 2014 on the organization of the meetings



of the Sub-Commissions and decision-making mechanisms will be superseded.

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority.

Tunis, on 11 April 2017

Chairperson of the Independent  
High Authority for Election  
**Mohamed Chefik Sarsar**

## 2. 2019 Legislative and Presidential Elections Timeline

**Decision 5 (2019) of the Independent High Authority for Election dated on 14 March 2019 on the 2019 Legislative and Presidential Elections Timeline<sup>1</sup>, as modified and complemented by Decision 10 (2019) dated on 3 April 2019<sup>2</sup> and Decision 14 (2019) dated on 31 May 2019<sup>3</sup> and Decision 20 (2019) dated on 25 July 2019<sup>4</sup>**

The Board of the Independent High Authority for Elections,  
Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 56, 75, and 126 thereof,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all modifying and complementary provisions, particularly Article 3 – fifth thereof,

Organic Law 16 (2014) dated on 26 May 2014 on Elections and Referenda, as modified and complemented by Organic Law 7 (2017) dated on 14 February 2017,

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1. Official Gazette, Issue 25, Dated on 26 March 2019

2. Official Gazette, Issue 29, Dated on 29 April 2019

3. Official Gazette, Issue 47, Dated on 11 June 2019

4. Official Gazette, Issue 62, Dated on 2 August 2019

Decision 06 (2017) dated on 11 April 2017, on the rules and procedures of voter registration for elections and referenda, particularly Articles 5, 15 and 24 thereof,

Following deliberations, has decided:

**Article 1:** The timeline, subject of the Decision herein, will apply to the 2019 legislative and presidential elections.

## Chapter I

### Voter List

**Article 2:** Pursuant to provisions of Article 5 of Decision 6 (2017) cited above, the Authority continues to accept requests for voter registration, on a continuous basis. As of Wednesday, 10 April 2019, the Authority will expand the voter registration process and update the list of fixed and mobile registration stations and enable voters to register remotely in the OCV constituencies.

Regardless of the provisions of the second paragraph of Article 24 of Decision 6 (2017), referred to above, registration for the 2019 legislative elections, will be closed Saturday, 15 June 2019, whereas registration for the 2019 presidential elections will be closed Thursday 4 July 2019.

**Article 3 (New):** The preliminary voters' lists for the legislative elections will be made public on Sunday, Monday and Tuesday, 23, 24 and 25 June 2019. Challenges against such lists may be submitted Wednesday, Thursday and Friday, 26, 27 and 28 June 2019.

**Article 4 (New):** The Preliminary voters' lists for the presidential elections will be made public on Friday, Saturday and Sunday, 12, 13 and 14 July 2019. Challenges against those lists may be submitted on Monday, Tuesday and Wednesday 15, 16 and 17 July 2019.

**Article 5 (New):** The Authority declares the final lists of voters, following the elapsing of the challenges by Friday, 19 July 2019, at the latest, regarding legislative elections-related voter roll, and by

Thursday, 15 August 2019, at the latest, for Presidential Elections voter register.

## Chapter II

## Legislative Elections

**Article 6:** As far as the legislative elections are concerned, the election period commences on Tuesday, 16 July 2019 at 00:00 hours. As for the lists contesting over out-of-country constituencies, it starts on Sunday 14 July 2019 at 00:00 hours.

**Article 7:** Submission of applications for candidacy for the legislative elections commences on Monday 22 July 2019 at 8:00 A.M and closes Monday 29 July 2019 at 6:00 PM. The announcement of the lists that are accepted to run for the legislative elections will be made by Tuesday 6 August 2019, at the latest.

**Article 8:** Applications for withdrawal of candidacy from the legislative elections may be accepted by Thursday 29 August 2019, at the latest. As for the candidates running for out-of-country constituencies, applications may be accepted by Tuesday 27 August 2019.

**Article 9:** The Authority announces the final lists that have been accepted, following the elapsing of challenges period, by Friday, 30 August 2019, at the latest.

**Article 10:** As far as the legislative elections are concerned, the election campaign will be launched Saturday 14 September 2019 at 00:00 and ends Friday 04 October 2019 at midnight.

Regarding the lists running for out-of-country constituencies, the election campaign will be launched Thursday, 12 September 2019, at 00:00 hours and ends Wednesday 2 October 2019 at midnight.

**Article 11:** Election silence period, for legislative elections will be on Saturday, 5 October 2019, as of 00:00 and will continue until the last polling station is closed in the concerned constituency.

As for the lists contesting over the out-of-country constituencies,

silence period will be on Thursday 3 October 2019, as of 00:00 hours and continues until the last polling station in the concerned constituency is closed.

**Article 12:** In-country polling for the legislative elections will be on Sunday 6 October 2019.

Out of country polling for Tunisians abroad will take place on Friday, Saturday and Sunday, 4, 5 and 6 October 2019.

**Article 13:** The preliminary results of the legislative elections will be announced by Thursday, 10 October 2019, at the latest. The Authority will announce the final results, in the wake of the elapsing of challenges, by Wednesday 13 November 2019, at the latest.

### Chapter III

## Presidential Elections

**Article 14 (New):** [superseded, as per Decision 20 (2019) dated on 25 July 2019]

**Article 15 (New):** [superseded, as per Decision 20 (2019) dated on 25 July 2019]

**Article 16 (New):** [superseded, as per Decision 20 (2019) dated on 25 July 2019]

**Article 17 (New):** [superseded, as per Decision 20 (2019) dated on 25 July 2019]

**Article 18 (New):** [superseded, as per Decision 20 (2019) dated on 25 July 2019]

**Article 19 (New):** [superseded, as per Decision 20 (2019) dated on 25 July 2019]

**Article 20:** If none of the candidates obtains an absolute majority of the valid votes in the first round, a second round will be conducted within the two weeks succeeding the announcement of the final results of the first round.

In this case, the Authority will determine the timelines for the second round of the Presidential Elections, upon a decision to be promulgated immediately after the announcement of the final results of the first round.

The decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority.

Tunis, on 14 March 2019

Chairperson of the Independent  
High Authority for Elections  
**Nabil Baffoun**

## **Decision 20 (2019) of the Independent High Authority for Elections dated on 25 July 2019 on the timeline of the 2019 Presidential Elections<sup>1</sup>**

The Board of the Independent High Authority for Elections,  
Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 75, 84, 86 and 126 thereof,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all the modifying and complementary provisions, particularly Article 3 – fifth thereof,  
Organic Law 16 (2014) dated on 26 May 2014 on the Elections and Referenda, as modified and complemented by the Organic Law 7 (2017) dated on 14 February 2017, particularly Article 49 thereof,  
Decision 05 (2019) of the Authority dated on 14 March 2019, on the timeline of the 2019 legislative and presidential elections, as modified and complemented by Decision 10 (2019) dated on 3 April 2019 and Decision 14 (2019) dated on 31 May 2019,

Following deliberation, has decided:

**Article 1:** The timeline, subject of the Decision herein will apply to the 2019 presidential elections.

**Article 2:** The Authority announces the final voters' lists for the presidential elections by Thursday 1 August 2019, at the latest.

**Article 3:** The election period for the Presidential Election will be extended pending the announcement of the final results of the first round of the presidential elections.

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1. Official Gazette, Issue 62, dated on 2 August 2019

**Article 4:** Submission of applications for candidacies for the presidential elections will commence on Friday 2 August 2019, at 8:00 AM and close Friday, 9 August 2019 at 6:00 PM. The list of accepted candidates contesting for the presidential elections will be announced by Wednesday 14 August 2019.

The Authority announces the final list of approved candidates, following the elapsing of the challenges period, by Saturday 31 August 2019, at the latest.

**Article 5:** The presidential election campaign commences on Monday 2 September 2019 at 00:00 hours and ends Friday, 13 September 2019 at midnight.

As for the out-of-country election campaign, it commences Saturday 31 August 2019 at 00:00 hours and ends Wednesday 11 September 2019 at midnight.

**Article 6:** Regarding the presidential elections, the election silence period takes place on Saturday 14 September 2019, as of 00:00 hours and continues until the closure of the last polling station.

Out-of-country election silence will be on Thursday, 12 September 2019, as of 00:00 hours until the closure of the last polling station.

**Article 7:** In-country polling on the first round of the presidential elections takes place on Sunday, 15 September 2019.

Out-of-country polling will be on Friday, Saturday and Sunday, 13, 14 and 15 September 2019.

**Article 8:** The announcement of the preliminary results of the presidential elections will be by Tuesday, 17 September 2019, at the latest. The Authority will announce the final results, following the elapsing of the challenges period, by Monday, 21 October 2019, at the latest.

**Article 9:** If none of the candidates obtains an absolute majority of the valid votes on the first round, a second round will be organized within the two weeks succeeding the announcement of the final results of the first round.



In this case, the Authority will determine the timelines related to the second round of the presidential elections, upon a decision to be promulgated immediately following the announcement of the final results of the first round.

**Article 10:** Provisions of Decision 5 (2019) mentioned above, as modified and complemented, will be superseded, without prejudice to the Decision herein, particularly Articles 14 (New) to 19 (New) thereof.

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority and will be enforced with immediate effect.

Tunis, 25 July 2019

Chairperson of the Independent  
High Authority for Elections  
**Nabil Baffoun**

### 3. Accreditation

**Decision 9 (2014) of the Independent High Authority for Elections, dated on 9 June 2014, on the requirements and procedures of the accreditation of domestic and international observers for the elections and referenda<sup>1</sup>, as modified by Decision 2 (2017) dated on 10 April 2017<sup>2</sup>**

The Board of the Independent High Authority for Elections,  
Upon perusal of the Constitution of the Republic of Tunisia, particularly Article 55, 75, 125 and 126 thereof,

Organic Law 6 (2011) dated on 16 December 2011, on the Interim Organization of Public Authorities, as modified and complemented by subsequent provisions,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, as modified and complemented by the subsequent provisions, particularly Article 3, paragraphs 9 and 10 and Article 19 thereof,

Organic Law 16 (2014) dated on 26 May 2014, on the elections and referenda, particularly Article 2 and 4 thereof,

The internal rules of procedure of the Independent High Authority for Elections promulgated, in pursuance to Decision 5 (2014) dated on 24

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1. Official Gazette, Issue 50, dated on 24 June 2014

2. Official Gazette, Issue 35, dated on 2 May 2017

April 2014, particularly Article 15 thereof,

Following deliberations and discussions, has decided:

**Article 1:** The Decision herein determines the requirements and procedures of the accreditation of domestic and international observers of elections and referenda.

**Article 2:** Any organization or association may only observe the elections and referenda upon obtaining accreditation by the Independent High Authority for Elections.

**Article 3:** The Code of Conduct of the domestic and international observers, promulgated by the Independent High Authority for Elections, annexed to the Decision herein, encompasses all the responsibilities assigned to them. An essential requirement for acquiring accreditation is for the observers to sign the code of conduct.

**Article 4 (New):** The observers nominated by the organizations and associations will have the following requirements:

**1. Observers affiliated to domestic associations or organizations:**

- To be a voter registered in the voter roll
- Not affiliated to the Independent High Authority for Elections
- Not a candidate running for the elections, subject of the observation
- Nominated by an organization or association that is active in elections or democracy, human rights and citizenship,
- Received election observation training or acquired experience in observing elections.

**2. Observers affiliated to international organizations or associations:**

- To be, at least, 18 years of age on the day of submission of the application for accreditation,
- Nominated by an organization or association active in observing elections,
- Received training or acquired experience in observing elections,

**Article 5:** Applications for accreditation will be accepted during the timelines determined by the Authority for each election or referendum. However, the applications shall be submitted at least seven days prior to polling or referendum day.

The organization or association wishing to obtain accreditation will directly submit applications for accreditation to the Authority, via registered mail with notification of receipt or via the web, enclosed to which are the following documents:

- An official document proving the appointment of the person in charge of the submission of the application for accreditation
- Documents outlining the activities of the organization or association
- Proof of training or experience in election observation
- The form downloaded off the website of the Authority, signed by the legal representative of the concerned organization or association,
- List of names of observers, the interpreters who work with them when needed, signed by the legal representative of the organization or association,
- The code of conduct for observers, acquired from the Authority premises or downloaded off the website, to be signed and stamped by the legal representative of the organization or association submitting the application for accreditation,
- Copies of the national IDs or passports of the observers and interpreters,
- Two photographs for each observer or interpreter, stating their names and surnames.

**Article 6:** The Authority decides on the applications for accreditation within five days from the date of submission of the application to the Authority or notification of receipt, at the latest.

The Authority informs the applicant of its decision, via any means capable of producing a written record. Rejections shall be substantiated. The list of accredited observers will be consecutively disseminated on the website of the Authority.

**Article 7:** Domestic and international observers will have the right to monitor different stages of the electoral or referendum processes regarding the following:

- Registration in the voter register,
- Candidate nomination,
- Election or referendum period,
- Polling,
- Sorting,
- Aggregation of results,
- Electoral or referendum disputes
- Announcement of preliminary and final results

Moreover, domestic and international observers may:

- Enter registration, polling and sorting stations,
- Acquire data from the Authority on the progress of the electoral or referendum process,
- International observers may seek the assistance of an interpreter, who holds an accreditation card issued by the Authority,
- Demand the inclusion of all observations and reservations regarding polling and sorting processes in a memo to be enclosed to the polling or sorting process report.

**Article 8:** Domestic and international observers comply with the following:

- Respect the election law and the code of conduct for observers,
- The international observers in particular, shall respect the domestic laws and the sovereignty of the Tunisian State,
- Impartiality, independence and integrity towards all stakeholders of the electoral or referendum process,
- Operate in accordance with the international standards of election observation,
- Abstain from any act or speech that may affect or impede the

regular progress of the electoral or referendum process,

- Avoid all that may lead to a state of conflict of interest.

The same obligations hold true for the interpreters functioning alongside the international observers.

**Article 9 (New):** Upon detecting a violation, on the part of the observers, of the obligations and responsibilities assigned to them, the Authority may send an ultimatum to the concerned person or revoke his/her accreditation card and inform his/her organization or association. If the violations may jeopardize the progress of the electoral process, recur or are perpetrated collectively, following the necessary investigation and hearing the concerned persons or representative of the concerned organization or association, the Authority may take a substantiated decision to revoke the accreditation of the organization or associated and inform the latter, via any means capable of producing a written record.

The same provisions apply to the interpreters operating with the international observers.

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority and will be enforced with immediate effect.

Tunis, on 9 June 2014

Chairperson of the Independent  
High Authority for Elections  
**Mohamed Chefik Sarsar**

## Code of Conduct for Domestic and International Observers of Elections and Referenda<sup>1</sup>

Election observation embodies one of the key safeguards that contribute to democratic, fair and transparent elections. Engagement of the civil society and international community in the electoral process may create a climate of safety and credibility of the electoral process, corroborate the transparency of the electoral process and the confidence therein, and ensure the acceptance of the final results of the elections or referendum by the voters, lists and political parties;

Pursuant to the provisions of the Constitution, particularly Articles 55, 75, 125 and 126 thereof, and Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, particularly Article 3, paragraphs 2 and 10 and Article 19 thereof, and Organic Law 16 (2014) dated on 26 May 2014 on the elections and referenda, particularly Articles 2 and 4 thereof;

The Independent High Authority for Elections has decided to regulate the principles and rules governing observation of elections and referendum within a code of conduct designed for observers, which shall be signed by any person who wishes to observe the elections and referendum.

### • **Obligations of the Organization or Association**

All **Organizations or Associations** that are interested in observing the elections or referendum shall comply with the following:

- Respect the election law and decisions promulgated by the Independent High Authority for Elections,
- International organizations or associations shall commit to respecting the sovereignty or the Tunisian State and domestic legislations,

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1. Annex to Decision 9 (2014) dated on 9 June 2014

- Adhere to impartiality and independence towards all stakeholders of the electoral and referendum processes,
- Train the observers affiliated to them on observing elections and familiarize them with the election law and code of conduct,
- The ability to oversee the observers operating under their supervision,
- Adhere to discretion and objectivity and ensure information and data are collected from official sources that are authorized, as per the election law,
- Refrain from disclosing the results of the elections and referendum,
- Develop a report that includes an objective evaluation of the electoral process and send a copy thereof to the Authority, following the announcement of the final results of the elections or referendum within reasonable timeline.

### • **Obligations of the Observer**

While on duty, the **Observer** shall:

- Visibly carry the accreditation card,
- Refrain from affecting or obstructing the regular progress of the electoral process,
- Avoid all that may influence the will of the voters,
- Refrain from donning any attire or logo that may denote a political affiliation,
- Refrain from providing any sort of support to any political party, list or candidate running for elections,
- Refrain from receiving any amounts of money, material prerequisites or others from political parties, lists, candidates or any authority that has to do with the elections or referendum,
- Refrain from any act or speech that may affect or obstruct the regular progress of the electoral or referendum process,
- Avoid all that may lead to a state of conflict of interest,



- Courteously deal with different officials in charge of the electoral process and comply with the instructions they deliver within the limits of their competences and as per the provisions of the election law,
- Respect the principle of the secrecy of the vote,
- Refrain from engagement in any sort of negotiations or arguments inside the polling stations and different sites of the electoral process,
- Refrain from carrying any sort of weapons inside different sites of the electoral process,

### **Wording of the Commitment:**

The Organization/Association acknowledges .....  
 ..... through  
 its legal representative .....  
 .....  
 ..... the following:

- Having viewed the election law and code of conduct and commitment and respect thereof,
- Familiarization of its observers with the election law and code of conduct and their commitment to and compliance with the responsibilities bestowed upon them,
- Absence of any sort of conflict of interest, political, economic or other, which may influence compliance with the responsibilities of the organization, association or the observers affiliated to it.

**Date**

**Signature and Stamp**

**Decision 10 (2014) of the Independent High Authority for Elections, dated on 9 June 2014 on the requirements and procedures for the accreditation of domestic and international journalists for elections and referendum<sup>1</sup> as modified by Decision 4 (2017) dated on 10 April 2017<sup>2</sup>**

The Board of the Independent High Authority for Elections,  
Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 55, 75, 125 and 126 thereof,  
Constituent Law 6 (2011) dated on 16 December 2011, on the Interim Organization of Public Authorities, as modified and complemented by subsequent provisions,  
Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, as modified and complemented by subsequent provisions, particularly Article 3, paragraphs 9 and 10 and Article 19 thereof,  
Organic Law 16 (2014) dated on 26 May 2014 on elections and referenda, particularly Article 2 thereof,  
The internal rules of procedure of the Independent High Authority for Elections, promulgated in pursuance to Decision 5 (2014) dated on 24 April 2014, particularly Article 15 thereof,  
Following deliberations and discussions, has decided:

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1. Official Gazette, Issue 50, dated on 24 June 2014

2. Official Gazette, Issue 35, dated on 2 May 2017

**Article 1:** The decision herein regulates the requirements and procedures of the accreditation of journalists and representatives of media institutions for the elections and referendum. The provisions thereof shall apply to audio-visual, print and online media, public and private, domestic and international.

**Article 2:** The Independent High Authority for Elections is the only entity that is authorized to grant accreditations and decide on the applications in this regard.

**Article 3:** The code of conduct for domestic and international journalists and representatives of media organizations, promulgated by the Independent High Authority for Elections, annexed to the Decision herein, encompasses various responsibilities bestowed upon them. It is mandatory to sign the code of conduct to be granted accreditation.

**Article 4 (New):** Journalists and representatives of media institutions, that wish to obtain accreditation shall meet the following requirements:

**1. Domestic journalists or those affiliated to domestic media institutions:**

- Must be voters
- Not affiliated to the Independent High Authority for Elections,
- Not a candidate running for elections
- Carry professional IDs or that of any of the trade unions established for Tunisian journalists.

**2. International journalists or those affiliation to international media institutions:**

- Obtain accreditation or license to exercise activities in Tunisia, issued by the competent Tunisian public authorities
- Carry professional IDs

In all cases, owners of domestic and international media institutions shall be exempted from submission of professional IDs.

**Article 5:** Applications for accreditation will be accepted during the timelines determined by the Authority for each election or referendum. Applications will be directly submitted to the Authority, through the web or registered mail with notification of the receipt. The applications shall include the following documents:

- The form posted on the website of the Authority, signed by the requestor of the accreditation or the legal representative of the media institution,
- The code of conduct for journalists annexed to the Decision herein, to be collected from the Authority premises or downloaded off its website and signed by the journalist requesting accreditation or the legal representative of the media institution,
- A copy of the national ID or passport for each accreditation requestor,
- A copy of the professional ID of each accreditation requestor. Tunisian journalists may only submit an ID of any of the trade unions established for Tunisian journalists,
- Two photographs of each accreditation requestor.

Moreover, media institutions shall submit the following:

- A copy of an official document certifying the appointment of the official in charge of submitting the application,
- The list of the names of journalists, photojournalists/camerapersons, technician and interpreters, when needed, signed by the concerned media institution, alongside the documents mentioned above that are required for each accreditation applicant. Technicians and interpreters shall be exempted from submitting professional IDs.

International journalists and media institutions submit copies of the official document certifying accreditation by the competent Tunisian public authorities.

**Article 6:** The Authority decides on the applications for accreditation in five days, at the latest, from the date of submission of the application at the Authority or notification of the receipt. The Authority informs the requestor of its decision, via any means capable of producing a

written record, or through the dissemination of the list of accredited media institutions and journalists on the website of the Authority. Rejection of applications shall be substantiated.

**Article 7:** Domestic and international media institutions and journalists may access information without obstruction or discrimination and obtain from the Independent High Authority for Elections all the publishable data related to the progress of the different stages of the electoral and referendum processes.

**Article 8:** Representatives of media institutions and journalists comply with the following duties:

- Respect the professional rules and ethics, as well as the national legislation governing journalism and the work of mass media
- Adhere to the election law and code of conduct for domestic and international journalists,
- International media institutions and journalists shall respect the domestic legislation and the sovereignty of the Tunisian State,
- Respect the decisions promulgated by the Independent High Authority for Elections,
- Respect the rules and obligations bestowed upon media institutions during the electoral or referendum period, pursuant to the election law,
- Ensure objective, balanced and impartial media coverage of the electoral and referendum process,
- Refrain from compromising or obstructing the regular progress of the electoral or referendum process,

The same obligations apply to technicians and interpreters operating with the journalists and media institutions.

**Article 9 (New):** In the event of detecting a violation, on the part of a journalist, of the obligations and duties bestowed upon him/her, the Authority may send an ultimatum to the concerned person or revoke his/her accreditation card and inform his/her institution, if any. If the violations may jeopardize the progress of the electoral process, recur or are perpetrated collectively, as far

as media institutions are concerned, following the conduct of the necessary investigations and hearing the concerned persons or the representative of the concerned media institution, the Authority may take a substantiated decision to revoke the accreditation of the institution and informing it via any means capable of producing a written record.

**The same provisions apply to technicians and interpreters operating with journalists and media institutions.**

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority and will be enforced with immediate effect.

Tunis, on 9 June 2014

Chairperson of the Independent  
High Authority for Elections  
**Mohamed Chefik Sarsar**

## Code of Conduct for Domestic and International Journalists during Elections and Referendum<sup>1</sup>

The accreditation of domestic and international journalists falls into the framework of enabling them to access different electoral process sites to ensure comprehensive and impartial coverage of the electoral and referendum processes.

Pursuant to the provisions of the Constitution, particularly Articles 55, 75, 125 and 126 thereof, Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, particularly Article 3, paragraphs 9 and 10 and Article 19 thereof, and Organic Law 16 (2014) dated on 26 May 2014 on the elections and referendum, particularly Article 2 thereof,

The Independent High Authority for Elections has decided to regulate the key principles and rules governing the monitoring and coverage of domestic and international media institutions and journalists of the electoral or referendum processes, in the relevant sites, in a code of conduct that shall be signed by all that wish to request to be accredited by the Authority.

### • General Obligations:

All journalists or media institutions, that wish to acquire accreditation from the Authority shall comply with the following:

- Respect the professional rules and ethics as well as the national legislations governing journalism and the work of media institutions, election law and code of conduct,
- International media institutions and journalists, in particular, shall commit to respecting the sovereignty of the State of Tunisia and domestic legislations,

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1. Annex to Decision 10 (2014), dated on 9 June 2014

- Respect decisions pertaining to the rules and obligations of the mass media during the election or referendum period,
- Ensure objective media coverage of the electoral process and adhere to impartiality towards all stakeholders of the electoral and referendum process,
- Ensure information and data are collected from authorized official sources, as per the election legislation,
- Refrain from accepting funds or gifts from any party, in return for disseminating incorrect information or withholding correct information,
- Refrain from disseminating or broadcasting statements or information to the public with the intention of inciting violence or obstructing the electoral or referendum process,
- Refrain from donning an attire or logo that may denote a political affiliation,
- Carry the accreditation card while monitoring or covering various electoral or referendum processes,

- **Duties related to polling day:**

In addition to the general duties, in the course of monitoring the polling process, each journalist shall adhere to:

- Refraining from any conduct that may impede the functions of the Authority, obstruct the polling and sorting processes or influence the will of voters,
- Refraining from filming inside the polling station, until permission is granted by the head of the polling station,
- Courteously dealing with different officials in charge of the electoral process and complying with the instructions they deliver within the limits of their competences, as per the provisions of the election law,
- Refraining from carrying any type of weapons inside different electoral or referendum sites.



**Wording of the Commitment:**

The journalist/media institution .....  
.....  
..... acknowledges through the legal  
representative thereof .....  
.....  
..... the following:

- Having viewed the electoral legislation and code of conduct for journalists and commit to respecting the content thereof,
- Compliance with the rules and obligations of the mass media throughout the election and referendum period,
- Non-existence of conflict of interest of any sort, political, economic or other, which may affect the commitment of the journalist or media institution.

**Date**

**Signature and Stamp**

**Decision 29 (2014) of the Independent High Authority for Elections dated on 13 September 2014 on the accreditation of guests of the Authority during elections and referendum<sup>1</sup>**

The Board of the Independent High Authority for Elections,  
Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 125 and 126,

Constituent Law 6 (2011) dated on 16 December 2011 on the interim organization of public authorities and all modifying and complementary provisions thereof,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections and all modifying and complementary provisions, particularly Article 3, paragraph 10 thereof,

Organic Law 16 (2014) dated on 26 May 2014 on the elections and referendum

Following deliberations, has decided:

**Article 1:** The Decision herein regulates the requirements and procedures for the accreditation of guests during elections and referendum.

**Article 2:** Guests of the Authority from states, international organizations, national or international dignitaries are accredited during elections and referendum, upon a decision by the chairperson thereof, pursuant to an invitation from him/her or a request addressed to the Authority.

**Article 3:** Guests of the Authority may have the right to follow up on

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1. Official Gazette, Issue 80, dated on 3 September 2014

different stages of the electoral or referendum process. In particular, they have the right to:

- Access registration, polling and sorting stations as well as central and collection offices, if any,
- When needed, seek the assistance of interpreters and escorts, to be accredited by the Authority.

**Article 4:** The guests will comply with the following:

- Respect the election legislation,
- Respect the domestic legislation and sovereignty of the State of Tunisia,
- Impartiality, independence and integrity towards all stakeholders of the electoral and referendum processes,
- Refrain from any act or speech that may compromise or obstruct the electoral or referendum process.

The same obligations apply to the interpreters and escorts accompanying the guests.

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority.

Tunis, on 13 September 2014

Chairperson of the Independent  
High Authority for Elections  
**Mohamed Chefik Sarsar**

**Decision 31 (2014) of the Independent High Authority for Elections dated on 6 October 2014 on regulating the requirements and procedures for the accreditation of agents representing lists, candidates and political parties<sup>1</sup>, as modified by Decision 3 (2017) dated on 10 April 2017<sup>2</sup>**

The Board of the Independent High Authority for Elections,

Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 34, 55, 75, 125 and 126 thereof,

Constituent Law 6 (2011) dated on 16 December 2011 on the Interim Organization of Public Authorities, as modified and complemented by subsequent provisions,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, as modified and complemented by subsequent provisions, particularly Article 3, paragraphs 9 and 10 and Article 19 thereof,

Organic Law 16 (2014) dated on 26 May 2014 on the elections and referenda, particularly Articles 123, 124, 129, 133, 134, 139 and 140 thereof,

Following deliberations, has decided:

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1. Official Gazette, Issue 86, dated on 24 October 2014

2. Official Gazette, Issue 35, dated on 2 May 2017

**Article 1:** The Decision herein regulates the requirements and procedures of the accreditation of agents representing lists, candidates and political parties to monitor the polling, sorting and aggregation of results processes.

**Article 2:** The list, candidate and political party, pursuant to the Decision herein, stand for the list running for the legislative, **regional and municipal** elections and candidates running for the presidential elections and political party in the referendum.

**Article 3:** Lists, candidates and political parties may propose an agent or more to monitor the progress of the polling, sorting and aggregation of results processes, provided they have received the accreditation of the Independent High Authority for Elections.

**Article 4:** The Independent High Authority for Elections promulgates the code of conduct, annexed to the Decision herein, for the lists, candidates, political parties and their agents during elections and referendum, that encompasses different responsibilities bestowed upon them. Signing this code of conduct is deemed an essential requirement to earn accreditation.

**Article 5:** The proposed agents representing the lists, candidates and political parties shall meet the following requirements:

- Presidential Elections: the agent shall be proposed by a candidate. Legislative, **Regional and Municipal** Elections: the agent shall be proposed by a list running for elections. Referendum: agent shall be proposed by a political party taking part in the referendum,
- Must be voter registered in the voters' lists,
- Must not be affiliated to the Independent High Authority for Elections,
- Must not be accredited as an observer during the same elections or referendum,
- Not introduced to represent more than one candidate, list or political party,
- As for the legislative, presidential, **regional and municipal elections**, the agent must not be a candidate running for the same elections.

**Article 6:** Applications for accreditation shall be received during the timelines defined by the Authority for each elections or referendum. They shall be submitted by at least one week prior to polling or referendum day.

Applications shall be addressed by the head of the list, candidate or political party, that wishes to obtain accreditation, or one's delegate, as per a power of attorney for this purpose, through the web or directly at the Authority premises, alongside the following documents:

- 1.** The form for the accreditation of agents representing the list, candidate or political party running for elections, signed by the head or representative of the list, candidate or legal representative of the political party. The form may be downloaded off the website of the Authority
- 2.** A list of the names of agents representing the list, candidate or political party, in which their national ID numbers are cited. The list of names shall be signed, as the case may be, by the head or representative of the list, candidate or legal representative of the political party. The form of the list of names may be downloaded off the website of the Authority,
- 3.** Copies of the national IDs of the proposed agents,
- 4.** Two photographs for each proposed agent,
- 5.** A copy of the code of conduct that is relevant to the lists, candidate or political parties and the agents representing them during the elections and referendum, which may be collected from the Authority premises or downloaded off its website, and signed, as the case may be, by the head of the list, representative, candidate or legal representative of the political party.

**Article 7:** The Authority adjudicates the applications for accreditation in five days, at the latest, from the date of submission of the application to the Authority.

The Authority informs the applicant of its decision, via any means capable of producing a written record, or through the dissemination of the list of accredited agents on the website of the Authority. However, decisions of rejections shall be substantiated.

**Article 8:** To monitor the polling, sorting and aggregation of results processes, agents of the lists, candidates or political parties have the right to:

- Access polling and sorting stations, central offices and collection centres, if any, and follow up on all the electoral processes taking place there,
- Sign the report regarding the polling or sorting process that has been monitored,
- When the need arises, demand the inclusion of all remarks and reservations regarding polling and sorting processes in a memo developed for this purpose, that shall be enclosed to the polling or sorting process report,

**Article 9:** Agents of the lists, candidates or political parties shall comply with the following, in particular:

- Respect the election law and code of conduct for lists, candidates or political parties,
- Carry accreditation cards throughout the time they are on duty,
- Refrain from donning any badges that may reflect their political affiliations,
- Agents representing the same list, candidate or the political party may not be concurrently present at the same polling or central office,
- Respect the staff in charge of the electoral process and comply with the instructions and decisions of the head of the polling and central office,
- Refrain from interfering in the functions of the staff in charge of the electoral process,
- Refrain from compromising or obstructing the regular progress of the polling, sorting and aggregation of results processes,
- Refrain from abusing one's capacity as an agent representing a list, candidate or political party running for elections, for any purpose other than monitoring the electoral process.

**Article 10:** The head of the polling station may take the necessary measures towards an agent representing a list, candidate or political party running for elections, in the event of non-compliance with the election law and the decisions promulgated by the Authority, particularly in the following cases:

- Violation of the duties bestowed upon the agents representing the lists, candidates or political parties running for elections, included in the Decision herein, or the code of conduct annexed thereto,
- Violation of the regular progress of the polling, sorting and aggregation of results processes,
- Non-compliance with the instructions and decisions of the head of the polling station.

Upon detecting a violation of the obligations bestowed upon any agent representing lists, candidates or political parties running for elections, the head of the polling station may warn him/her, order that s/he leaves the polling station or confiscate his/her accreditation card. The case shall be mentioned in the polling station journal.

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority and shall be enforced with immediate effect.

Tunis, on 6 October 2014

Chairperson of the Independent  
High Authority for Elections  
**Mohammed Chefik Sarsar**



## **Code of Conduct for the lists, candidates, political parties and their agents during the elections and referendum<sup>1</sup>**

The successful conduct of democratic, free, fair and transparent elections reflects common stakes of the Independent High Authority for Elections and the political actors taking part in the electoral process. In this framework, the Authority strives to enable the lists running for the legislative elections, candidates contesting for the presidential elections and the political parties for the referendum, to communicate their platforms with utmost freedom to the voters, in order to earn their trust and votes. Furthermore, the Authority strives to safeguard the freedom of choice for the voters, without restrictions, intimidations, or illegitimate influence of any sort.

On the other hand, the political actors taking part in the elections need to comply with the criteria stipulated by the election law and the regulatory decisions promulgated by the Authority, to create a climate that is conducive for successful elections and referendum.

The monitoring of polling and sorting processes by lists, candidates and political parties running for elections embodies one of the key safeguards that contribute to democratic, fair and transparent elections. As engaging them in the political process aims to corroborate transparency and trust in such process, coats the electoral process with a climate of safety and credibility, and that the lists, candidates and political parties accept the final results of the elections or referendum.

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1. Annexed to Decision 31 (2014), dated on 6 October 2014

## **I. Duties of lists, candidates and political parties running for elections**

### **1. During the election or referendum period:**

The following rules need to be adhered to:

- Respect to the election law and decisions promulgated by the Independent High Authority for Elections,
- Refrainment from violating the bodily inviolability, dignity and honour of candidates, voters,
- Refrainment from violating the privacy and personal data of candidates,
- Refrainment from calling for hatred, violence, discrimination fanaticism, incitement of racism, regionalism, sectarianism, tribalism or religious bigotry,
- Refrainment from defamation, slander, insults, tarnishing reputation, excommunication, accusation of treason, terrorism, espionage, or other serious allegations,
- Refrainment from the dissemination of opinion polls-related reports and surveys via any mass media,
- Refrainment from political publicity, apart for presidential candidates' use of publicity media, as per the requirements defined by the Authority,
- Refrainment from the advertising toll-free phone numbers, voice servers, or call centres,
- Respect to members, staff and monitors of the Independent High Authority for Elections and commitment to refrainment from obstructing their functions.

## 2. During Election or Referendum Campaign:

Refraining from the following is mandatory:

- Copying the logos, concealing, disfiguring or tearing the campaign posters of a rival party,
- Use of public state resources, means, authorities, institutions, installations and other public characters, for electoral purposes or to prevent rivals from conducting their electoral or referendum campaigning activities,
- Employing associations, places of worship and educational institutions to carry out electoral or referendum campaigning activities,
- Using illicit resources and means to finance the electoral or referendum campaign or to influence the voters,
- Directly or indirectly accepting non-Tunisian funding,
- Obstructing the access of monitors affiliated to the Independent High Authority for Elections to their public gatherings and electoral activities.

## 3. During Silence Day, Polling and Sorting Days:

The following rules need to be adhered to:

- Refrainment from any electoral or publicity-driven activities related to the election or referendum campaign throughout the silence period, inside the polling centres and stations and their environs,
- Respect to the principles of freedom and secrecy of polling,
- Respect to the officials in charge of the electoral process, and generally all persons inside the polling centres/stations and central offices,
- Ensuring their agents adhere to the responsibilities bestowed upon them by the laws and decisions promulgated by the Authority,
- Refrainment from leaking or disseminating information regarding

the potential outcome of the polling process, throughout the silence period,

- Acceptance of the polling outcome, taking legal routes for challenges, when the need arises and compliance with the rulings of the judicial authorities in charge of adjudicating the challenges.

## II. Responsibilities of agents representing lists, candidates or political parties running for elections

Upon assuming one's role, the **Agent** representing the list, candidate or political party running for elections shall:

- Carry the accreditation card,
- Refrain from affecting or obstructing the regular progress of the electoral or referendum period,
- Respect the principles of the freedom and secrecy of polling,
- Refrain from any act or speech that may influence the will of voters,
- Refrain from disseminating false information regarding the electoral process or attempting to mislead the voters,
- Refrain from donning an attire, logo or badge that may denote political affiliation,
- Refrain from giving statements or engaging in acts aiming to instigate violence or obstruct the electoral or referendum process,
- Courteously deal with different officials in charge of the electoral or referendum process and comply with their instructions within the limits of their competences, as per the provisions of the election law,
- Refrain from interfering in the functions of the staff in charge of the electoral process or taking over their positions. However, agents

may reserve the rights to include their remarks and reservations in a memo to be enclosed to the polling or sorting report,

- Refrain from presence inside the polling centre or its environs to influence the will of the voters through urging them or coercing them to vote for/against a particular party, or to hold them back from voting,
- Refrain from abusing their capacity as agents of lists, candidates or political parties running for elections, for purposes other than monitoring the electoral process.

**Wording of the Commitment:**

The list/candidate/political party running for elections .....  
.....  
.....  
.....acknowledges:

- Having viewed the election law, code of conduct and commitment to adhering to their responsibilities.
- Agents have viewed the election law, code of conduct, and they commit to adherence to their duties.

Name of the candidate, agent of the list or legal representative of the political party: .....  
.....  
.....

**Date**

**Signature and Stamp**

## IV. Voter Registration

### **Decision 6 (2017) of the Independent High Authority for Elections, dated on 11 April 2017 on the rules and procedures of voter registration for the elections and referendum<sup>1</sup>**

The Board of the Independent High Authority for Elections,  
Upon perusal of the Constitution, particularly Articles 34, 54, 125 and 126 thereof,

Organic Law 63 (2004) dated on 27 July 2004 on the protection of personal data,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections and all modifying and complementary provisions thereof,

Organic Law 16 (2014) dated on 26 May 2014 on the elections and referenda, as modified and complemented by Organic Law 7 (2017) dated on 14 February 2017,

Law 20 (1967) dated on 31 May 1967 on the General Statute for Military Personnel, and all modifying and complementary provisions thereof,

Law 40 (1975) dated on 14 May 1975 on passports and travel documents, as modified and complemented by Organic Law 46 (2015) dated on 23 November 2015,

Law 70 (1982) dated on 6 August 1982 on the General Statute of the Internal Security Forces, and all the modifying or complementary

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1. Official Gazette, Issue 35, dated on 2 May 2017

provisions thereof, particularly Article 10 of Additional Law 60 (1988) dated on 2 June 1988 on Finance (1988),

Personal Income and Corporate Tax Code enacted as per Law 114 (1989) dated on 30 December 1989, and all modifying and complementary provisions thereof,

Law 27 (1993) dated on 22 March 1993 on the National Identification Card,

Local Taxation Code enacted, as per Law 11 (1997) dated on 3 February 1997,

Following deliberations and discussions, has decided the following:

**Article 1:** The Decision herein regulates the rules and procedures of registering voters for the elections and referendum.

**Article 2:** The following terminology denote the following, as per the Decision herein:

Authority	The Independent High Authority for Elections
Sub-Commissions	The commissions that may be established by the Board of the Authority, as per Article 21 of the Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, as modified and complemented by subsequent provisions.
Sub-Administrations	The structures under the Executive Office of the Independent High Authority for Elections, that are in charge of the tasks assigned to the Authority within the geographical jurisdictions assigned to each, as per the decisions of the Board of the Authority.
Voter Register	A database of the registered persons who are eligible to vote during elections and the referendum.

Voters' Lists	Lists extracted from the Voter Register to be made public. They include the particulars of persons, who have the right to vote during the elections or referendum.
Direct Registration	Registration that is carried out at fixed or mobile registration stations.
Remote Registration	Registration that is carried out via the post or the web or any other means opted for by the Authority.

## Chapter I

## General Clauses

**Article 3:** Registration is mandatory. Any person who wishes to exercise the right to vote requests to be registered as per the legal requirements and procedures stipulated in the Decision herein.

**Article 4:** The Authority maintains a permanent voter register that is accurate, comprehensive and updated, and will strive to make the registration process accessible and inclusive.

**Article 5:** Registration is conducted on a continuous basis throughout the year, as regulated by the Decisions herein.

**Article 6:** The Authority provides the public, civil society organizations and political parties with the available statistics related to voter registration. For this purpose, the Authority disseminates on its website or any other means, the age and sex disaggregated statistics on the number of registrants in each constituency and polling station. This is done in the framework of maintaining the confidentiality of personal data, and the requirements of safeguarding public security and national defence, regarding the statistics related to military and internal security forces personnel registrants.



**Article 7:** Observers accredited by the Independent High Authority for Elections may monitor the voter registration process and ensure the reliability of the procedures and their compliance with the law.

**Article 8:** Voter register includes the necessary data to keep it maintained and updated, particularly:

- Name and surname of the voter
- Father's name
- Sex
- Date of Birth
- National ID or passport Number
- Voter's physical address.

**Article 9:** The Authority, periodically requests from the concerned administrative structures and municipal authorities the necessary data for maintaining and updating the voter register.

In this vein, the Authority omits the names of the deceased persons, following the registration of deaths, as well as the persons whose any of the voters requirements has been forfeited.

## Chapter II

## Registration Requirements

**Article 10:** Any person who meets the following requirements will be registered in the voter register:

- To be of Tunisian nationality,
- To be 18 years of age one day prior to polling day,
- To enjoy civil and political rights

**Article 11:** Those who have not turned 18 years in full may be registered in the voter register, if they meet the legal age requirement one day prior to polling day.

During the year when no periodic election is scheduled, meeting the legal age requirement is mandatory, one day prior to the publication of the preliminary voters' lists.

**Article 12:** Military personnel, as defined by the General Organic Law on military personnel, as well as internal security staff, as defined by the General Organic Law on Internal Security Forces, shall be registered in the voters' lists to vote during the Municipal and Regional Elections only, they are as follows:

- National Security and National Police personnel
- National Guards personnel
- Civil Defence Personnel
- Prison and Correction Facilities personnel
- Close Protection Personnel of the Head of the State and Official Figures

**Article 13:** Persons included in any forms of legal incapacity may not be registered in the voter register:

- Persons sentenced to ancillary punishment, pursuant to Article 5 of the penal code, which denies them the right to vote pending reclaiming their rights,
- Persons interdicted of legal capacity due to mental illness, as per a final court ruling.

### Chapter III

## Registration Modalities and Procedures

**Article 14:** Registration is conducted based on the National ID. It may also be done based on the passport for Tunisians abroad. The original document shall be presented, copies thereof may not be accepted.

**Article 15:** Registration is conducted directly at fixed or mobile registration stations. It may be done remotely for out of country registration.

The Authority develops a list of registration stations, in which registration takes place throughout the year. The list will be disseminated on its website and will be updated when the need arises.

**Article 16:** Spouses, ascendants and descendants may be registered.

The requestor of registration for others is required to:

- Be of Tunisian nationality,
- Eighteen years of age at the time of registration,
- Present a national ID card.

A requestor of registration for others shall present the National ID of the person, s/he wishes to register and a proof of consanguinity.

**Article 17:** Registration is done upon verification of the physical address of the voter, which is used by the Authority to identify the constituency to which the voter is associated.

Each voter has a sole physical address that may not be altered until a proof of a new address is submitted.

The physical address of the voter is the one cited in the National ID card, or the address where s/he usually resides, exercises one's economic activities, or where s/he is subject to the local taxation associated with an estate.

As for the registered voters, who have not updated their addresses, the Authority will use the address of the last polling centre, where the voter was included.

**Article 18:** The voter may prove the address of the estate, where s/he usually resides, based on his/her national ID or any of the following documents, particularly:

- A certificate of residence,
- A certificate or document denoting ownership,
- A rental contract bearing legalized signature,

- Paid water, electricity or landline phone bills, issued a year, at the latest, prior to the time of presenting them.

**Article 19:** The voter may prove the address, where s/he exercises one's economic activity through any of the following documents, particularly:

- Registration of Identity for Tax purposes,
- Taxation Registry Card,
- An extract of commercial registration.

**Article 20:** The voter may prove the address, where s/he undergoes the local taxation associated with the estate, on the basis of any of the following documents, particularly:

- A certificate of registration of the property in the tax assessment notice or a copy extracted therefrom,
- A proof or a receipt proving the payment of taxes to the local authorities,
- A proof of clearance from all taxes payable to the local authorities.

**Article 21:** A voter may prove his/her permanent address through any other document issued or marked by a governmental authority, within its jurisdiction, provided that:

1. They include particulars that cite the full name of the voter,
2. They include sufficient data to identify the physical address. Data are deemed sufficient if they lead to the identification of the municipality.
3. They are valid if the documents have expiration dates.

As for registering in Out-Of-Country constituencies, besides the above, one may present the documents issued by international authorities that certify the physical address.

The voter who resides with ascendants, descendants or spouses may prove the physical address through presenting the documents associated with the estate, where the ascendant, descendant or spouse resides, alongside a proof of consanguinity.

**Article 22:** A voter may not be registered in more than one voter list or more than once in the same list.

**Article 23:** The Authority may adopt the unstructured data service or the web, to change polling centres within the same municipal constituency, where the voter is registered, within the timelines defined by the Authority.

## Chapter IV

### Publication of Preliminary Voter Lists

**Article 24:** At the beginning of each fiscal year, the Authority regulates the voters' lists of those registered until the end of the past year and publishes them during the second half of January, for at least two weeks.

During the year, when periodical elections are organized, registration process is discontinued two months prior to the launch of the period for candidate nomination. The Authority disseminates the voter rolls to the public within two weeks from the date of the end of the registration period.

In the event of organizing partial or premature elections or referendum, the most recent voter roll will be used as a final voter list.

**Article 25:** The Authority announces the timelines for the dissemination of the voter rolls via print and audio-visual mass media and strives to provide sign language interpretation for its visual announcements.

**Article 26:** The Authority disseminates the preliminary voter rolls to the public at the premises of the Authority, municipalities, governorates, sectors, diplomatic missions or Tunisian consulates abroad. The voters' data that are disseminated to the public are limited to the full name of the voter and polling centre where s/he will vote.

## Chapter V

### Challenges against the Voter Rolls

**Article 27:** Voters' lists may be challenged within the three days that succeed the elapsing of the timeline dedicated for the dissemination of voter lists.

Applications for challenges may be directly submitted at the premises of the Authority through any means capable of producing a written record.

**Article 28:** An application to lodge a challenge may be submitted to:

- Delete the name of a person registered in the voter roll, due to the non-existence of or forfeiting any of the voter requirements or name duplication,
- Register the name of a person, who has applied for registration during registration period, however his/her name was not included in the voter roll,
- Correct an error in the data of a voter.

**Article 29:** Challenges will be submitted in a written application that shall include the following entries:

- Name of the challenger, as written in the national ID card or passport,
- Mailing address, phone number and email, if any, of the challenger,
- If the challenge is related to others, the name of the challenged person shall be stated as written in the voter roll, and description of the list, in which the name is placed, and the mailing address of the challenged person, if any,
- Subject of the challenge: omission or addition of a name or correction of an error,
- Reasons for challenges and supporting evidence.

**Article 30:** The challenge application shall be signed by the challenger. A copy of the ID or passport of the challenger shall be enclosed to the application, as well as all supporting documents that corroborate the challenge.

**Article 31:** Requests for challenges will be adjudicated within three days, at the latest, from the date of receipt of the challenges.

The Authority may request further information or supporting documents from the challenger, during the period for adjudication.

**Article 32:** The Decision promulgated by the Authority includes, in particular, the full name of the challenger, date of receipt of the challenge, subject of the challenge, outcome of the application. However, decisions of rejection shall be substantiated.

**Article 33:** The Authority informs the challenger, and the challenged person, when need be, of its decision within 48 hours, at the latest, from the date of promulgation, through dissemination thereof on its website or any means capable of producing a written record.

**Article 34:** Decisions of the Authority pertaining to challenges against voters' lists may be appealed in accordance with the provisions of Articles 16, 17 and 18 of the Election Law.

## Chapter VI

### Defining the Final Voter Rolls

**Article 35:** The Authority defines the final voter rolls and disseminates them on its website following the elapsing of the timeline for challenges and notifications on the final decisions in their regard.

**Chapter  
VII****Provisional and Final Clauses**

**Article 36:** Contrary to the provisions pertaining to continuous registration, the Authority determines the timelines for opening and closing voter registration process and dissemination of the voter rolls for the public. The Authority launches continuous registration process, after three months from the announcement of the final results of the elections, following the promulgation of the Decision herein.

**Article 37:** Decision 7 (2014) of the Independent High Authority for Elections dated on 3 June 2014 on the rules and procedures for voter registration for the elections and referendum shall be superseded.

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority.

Tunis, on 11 April 2017

Chairperson of the Independent  
High Authority for Elections  
**Mohamed Chefik Sarsar**



## V. Candidacies

**Decision of the Independent High Authority for Elections, dated on 1 August 2014 on the rules and procedures of candidate nomination for the legislative elections<sup>1</sup>, as modified and complemented by Decision 15 (2017) dated on 10 October 2017<sup>2</sup> and Decision 17 (2019) dated on 14 June 2019<sup>3</sup>**

The Board of the Independent High Authority for Elections,  
Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 34, 46, 53, 55, 126 thereof,  
Constituent Law 6 (2011) dated on 16 December 2011 on the Interim Organization of Public Authorities and all modifying and complementary provisions thereof,  
Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all modifying and complementary provisions thereof,  
Organic Law 16 (2014) dated on 26 May 2014 on elections and referenda, particularly the first Section of Chapter III thereof,  
Following deliberations, has decided the following:

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1. Official Gazette, Issue 63, dated on 5 August 2014  
2. Official Gazette, Issue 84, dated on 20 October 2017  
3. Official Gazette, Issue 50, dated on 21 June 2019

**Chapter  
I****General Clauses**

**Article 1:** The Decision herein determines the rules and procedures governing candidacy for the membership of the Assembly of People's Representatives.

**Article 2:** the following terminology denote the following, as per the Decision herein:

Authority:	The Independent High Authority for Elections
Sub-Commissions:	The commissions that may be established by the Board of the Authority, as per Article 21 of the Elections Law.
Sub-Administration:	The structure under the Executive Office of the Independent High Authority for Elections, in charge of the tasks assigned to the Authority within its geographical jurisdictions, defined upon the decisions of the Board of the Authority.
List running for elections:	A list of candidates contesting for the membership of the Assembly of the People's Representatives, which includes the main and complementary lists.
Main List:	A list of candidates running for the membership of the Assembly of People's Representatives. It may belong to a political party, coalition or may be independent.

Complementary List:	A list of reserve candidates to be submitted alongside the main list. It contains at least two candidates, whose number may not exceed the number of the seats allocated for the constituency, in all cases.
Electoral Coalition:	An electoral alliance comprising two political parties or more, a political party or more or with independent candidates, or several independent lists. It runs for the elections under one name and logo.

## Chapter II

## Registration Requirements

### Section 1 - Requirements of the Candidate

**Article 3 (New):** Each candidate running for the membership of the Assembly of the People's Representatives, whether in the main or complementary list, shall meet the following requirements:

- To be a voter registered in the voter register,
- To be of Tunisian nationality, by birth, or naturalized, at least ten years earlier than the date of submission of the application for candidacy,
- To be at least 23 years of age on the date of submission of application for candidacy,
- Not included in any of the following forms of legal incapacity:
  - Forfeiting the right to run for elections, pursuant to Article 88 of the Constitution,

- o Indicted over obtaining foreign funding for his/her campaign during past elections, pursuant to Article 163 of the Elections Law,
- o Sentenced to ancillary punishment denying the right to polling, as per a final court ruling.
- To submit one's resignation or go under unpaid leave, as per the legislation in force, if s/he is one of the following:
  - o Magistrates
  - o Heads of diplomatic and consular missions and centres
  - o Governors
  - o First Delegates
  - o Secretary Generals of Governorates
  - o Delegates
  - o Chiefs of Sectors

Applications for candidacy submitted by any of those cited above may not be accepted in the constituency/constituencies where they exercised their functions one year prior to submission of their candidacy.

## Section 2 - Requirements of the List Running for Elections

**Article 4:** Each list running for elections shall:

- Include main and complementary lists in the following manner:
  - o The number of candidates in the main list equals the number of seats allocated to the concerned constituency,
  - o The number of candidates in the complementary list may be at least two and may not exceed the number of candidates in the main list, in all cases,
- May not represent a political party or coalition that has previously submitted an application for candidacy in the same constituency,

- To consider the principle of parity among women and men, within the limits necessitated by the odd number of seats allocated to some constituencies,
- To consider the principle of rotation among men and women in the main and complementary lists, with due consideration to the limits imposed by the odd number of the seats allocated to some constituencies,
- Not include a candidate who has already been nominated in another list or constituency,
- **Not affiliated to a political party or coalition that is taking part in the formation of a list running in the same constituency.**

In the constituencies whose number of seats equals or is over four, any list that does not include within its first four candidates a male or female member who is not older than 35 years of age will be denied half of the total value of the public fund.

**Article 5:** The selection of the name and logo of each list is subject to the following rules:

- The name or logo of the list running for elections does not match that of a political party that was formally established prior to the opening of candidacies, unless the list represents that political party,
- The name or logo does not match that of another list that has already applied for candidacy in the same constituency, or the governorates that are divided into more than one constituency or the constituencies in Greater Tunis,
- The name or logo of more than one list running for elections in the same constituency may not be identical, which may confuse the voter.

If a party list uses the name or logo of its political party that has been legally formed prior to the beginning of the period for submission of candidacies, it is not considered as confusing.

- The logo of the list may not be the flag or emblem of the Republic of Tunisia,

- The name or logo may not violate public order or incite hatred, violence, bigotry or discrimination,
- The number of words constituting the name may not exceed five, apart from the word “list” or prepositions,
- **As for the lists under the same political party or coalition running for elections in more than one constituency, the same name and logo shall be used.**

### Chapter III

## Submission of Candidacies

**Article 6:** The Board of the Authority determines the dates of commencement and closure of submissions of candidacies for membership into the Assembly of People’s Representatives, as well as the final date, when withdrawal of candidacies is allowed. This will be announced on the website of the Authority as well as print and audio-visual mass media.

**Article 7:** Applications for candidacy may be submitted by the head or any of the members of the list. They may be submitted directly to the Sub-Commission of the constituency, where the list is contesting.

As for lists contesting out-of-country, applications are submitted to the Sub-Commission, either directly by the head or any member of the list or a delegate, upon a power of attorney, signed by the head thereof, whose signature is legalized at the diplomatic or consular mission.

**When the need arises, the Authority may decide to have applications for candidacy for out-of-country constituencies, submitted into an office designated for this purpose at any of its in-country premises.**

## Section I - Candidacy Application

**Article 8 (New):** The application for candidacy is submitted on the form developed by the Authority, which shall include the following entries:

- Full name and capacity of the person submitting the application,
- Name of the list
- Description of the list, whether it belongs to a political party, coalition or independent
- The constituency, where the list is contesting
- Address of the list, during the challenges stage. The premises selected, shall be in-country. This also applies to the lists contesting in out-of-country constituencies,
- Full names, dates and places of birth, professions, personal addresses, phone numbers and national IDs or passport numbers of all candidates in the main and complementary lists, as well as the voter rolls, in which they are registered.
- Order of the candidates in the main and complementary lists
- Contacts of the head of the list. The first candidate listed in the main list is considered the head,
- Name of representative of the list among the candidates, his/her contacts. The head of the list may be the representative thereof,
- As for the political party lists, the name and contacts of the legal representative of the political party,
- Regarding coalition lists: the name and contacts of the representative of the coalition,
- Regarding candidates, who served as magistrates, heads of consular and diplomatic missions and centres, governors, first delegates, secretaries general of the governorates, delegates and chiefs of sectors: the places where they functioned in such capacity during the year preceding the date of submission of

the application for candidacy, and the duration of their terms in office respectively.

All candidates in the main and complementary lists shall declare that they have met all candidacy requirements and the validity of the information provided and the signature of the candidate who does not submit the application at the Authority premises in person. His/her signature shall be legalized.

**Article 9 (New):** The following shall be enclosed to the application for candidacy:

- An electronic copy of the logo of the political party, political party list, coalition list or independent list, which shall meet the technical guidelines promulgated by the Authority,
- An identical hard copy of the logo of the political party, political party list, coalition list or independent list, signed by the head or representative of the list,
- A copy of the national ID or passport of each candidate in the main or complementary lists,
- A proof of the annual income tax declaration of the previous year for each candidate,
- As for the political party lists: a statement stamped and signed by the first official of the political party authorizing the head or representative of the list to submit the candidacy in the name of the political party in the concerned constituency,
- As for coalition lists: a copy of the document of the formation of the electoral coalition, as well as the legalized signatures of the parties under the coalition,
- As for magistrates, heads of diplomatic and consular missions and centres, governors, first delegates, secretary generals of governorates, delegates and chiefs of sectors:
- An authentic copy of the decision of approval on the resignation or unpaid leave,
- A certificate from the concerned administrative authorities certifying places of work during the year prior to the date of



submission of the application for candidacy.

As for members of the lists, who previously ran for the National Constituent Assembly Elections or the first legislative and presidential elections: a receipt or certificate issued by the Ministry of Finance confirming the refund of the due value of the public fund, and payment of the fines imposed on them, upon final court rulings, or authentic copies thereof.

## Section II - Receipt of Applications for Candidacy

**Article 10:** Upon receipt of submission of the application for candidacy, the receiving official verifies the following:

- The capacity of the person submitting the application, as per Article 7 above. Application submitted by a person without the relevant capacity may not be received,
- The application includes all mandatory entries, as per Article 8 above,
- The required documents are enclosed to the application, as per Article 9 above.

**Article 11:** The recipient of the application writes down the following particulars in the candidacy record that is serially number and stamped on all its pages by the Sub-Commission:

- Name of the list, as written in the application for candidacy,
- Date of submission of the application (day, month and year),
- Time of submission of the application (hour, minutes),
- Name and surname of the person submitting the application.

The applicant signs in the allocated field in the record. It is prohibited to tear any papers off the record.

**Article 12:** A copy of the proof of receipt of the candidacy is handed out to the applicant, that includes the attachment received.

If any documents or mandatory entries are missing, they may be

redressed within a period not exceeding the deadline for receipt of candidacies.

## Chapter IV

### Consideration of applications for candidacy

**Article 13 (New):** During the period for adjudication of applications, the Sub-Commission may request the correction of applications for candidacy.

The following may not be corrected:

- An application that does not contain the minimum required number of candidates,
- An application that does not include the full names and signatures of the candidates, as per the provisions of Article 8 above, within the range of the required minimum number of candidates,
- An application that does not comply with the principle of parity within the required minimum number of candidates,
- Any cases that may cause a decrease in the required number of candidates in the main list or the replacement of a candidate from outside the complementary list.

The required minimum number of candidates is calculated based on the names cited in the main and complementary lists collectively.

**Article 14:** In the event of identical or similar names or logos in a manner that may confuse the voter, the following rules apply:

- The right to use the name or logo of a legally formed political party established prior to the commencement of the period for submission of applications, is confined to the lists of the political party only,

Otherwise, the list that applied first for candidacy keeps the name or logo it has selected, and other list(s) will be informed to change their name or logo,

- If more than one political party list dispute over the same name or logo, due to rivalry over heading the political party, the name is assigned to the list endorsed by the first official of the political party, as per the data at the competent administrative authority, in charge of political parties affairs. The other list will be informed to change its name or logo.

**Article 15:** The Authority verifies that a name and logo are not shared by a set of independent lists. In this event, the Authority may:

- Inform the representatives of those lists to change the name and logo, in a timeline defined by the Authority, apart from the independent list that first applied with such name and logo.
- Deem such lists as one coalition. The decision of the Authority will be substantiated.

**Article 16:** If the name or logo violates the other rules provided for in Article 5 of the Decision herein, the concerned list will be notified to change the name or logo.

**Article 17:** The concerned person shall conduct the changes or corrections cited in Articles 13, 14, 15 and 16 above, in 24 hours from the date of notification. However, this may not surpass the timeline dedicated for adjudication of the candidacies, in all cases.

Notifications will be communicated via any means capable of producing a written record.

## Chapter V

## Adjudication of Candidacies

**Article 18:** Sub-Commissions adjudicate candidacy applications in seven days from the deadline of the receipt of submissions. The Board of the Authority decides over the cases, where a set of independent

lists share the name and logo, in five days from the deadline of the receipt of submissions and immediately refers its decisions to the concerned Sub-Commission.

**Article 19:** The decision promulgated by the Sub-Commissions includes the full name of the list, head and representative thereof, as well as the date of receipt of the candidacy application and the outcome thereof.

**Article 20:** The Sub-Commission decides to approve the applications that meet candidacy requirements. As for independent lists, the Authority will not take any decision in their regard until the Board of the Authority decides over the cases of shared names and logos.

**Article 21:** The Sub-Commission decides to reject the candidacy application in the following cases:

- Submission of the candidacy application beyond the set timeline,
- The application lacks the mandatory entries, or the required documents are not enclosed,
- The list does not meet the candidacy requirements,
- A member in the list does not meet the candidacy requirements,

In all cases, the rejection decision shall be substantiated.

**Article 22:** The Sub-Commission informs the head or representative of the list of its decision in 24 hours from the promulgation thereof, via any means capable of producing a written record.

**Article 23:** The approved lists will be posted at the Sub-Commissions premises and disseminated on the Authority website the next day following the end of the timeline dedicated for deciding over candidacy applications, at the latest.

**Lists are placed on the basis of the anteriority of the date of submission of the application for candidacy. For this purpose, the date of completion of all entries and relevant candidacy application attachment, will be used throughout the period for submission of applications.**

**The same order will be used in the ballot papers.**

## Chapter VI

### Challenging Candidacy Decisions

**Article 24:** Authority decisions regarding candidacies may be challenged by the head or any member of the list or the legal representative of the political party or members of other lists contesting in the same constituency, as per the provisions of Articles 27 and 29 of the Elections Law.

**Article 25:** The Sub-Commission enforces the court rulings pronounced by:

- The Court of First Instance, which has not been appealed, provided they receive a carbon copy of the ruling and a certificate of non-appeal,
- Appellate Circuits of the Administrative Court, upon receipt of the verdict regarding the appeal and a certificate of the wording of the judgement.

The court ruling shall be enforced by including the list within the final approved set of electoral lists contesting the elections or omitting it.

**Article 26:** The Authority announces the finally accepted lists, following the elapsing of the challenges period, by disseminating those lists on its website.

## Chapter VII

### Withdrawal of Candidacies

**Article 27:** Applications for candidacy may be withdrawn in 15 days, at the latest, prior to the commencement of the Election Campaign.

**Article 28:** Application for withdrawal of candidacy may be submitted at the Sub-Commission in the constituency, where the list is contesting,

by the withdrawing candidate in person or the head or representative of the list. As for the lists contesting for OCV constituencies, the application may also be submitted by a delegate of the list, as per a power of attorney, bearing the signature of the withdrawing candidate, legalized at the diplomatic or consular mission.

The application will be filed in two copies and include the name of the list and signature of the candidate and enclosed to which copies of the national ID or passport.

The signature of the withdrawing member, who does not lodge the application at the Authority in person shall be legalized.

**Article 29:** If the application is submitted by the withdrawing candidate, the Sub-Commission immediately informs the list on the withdrawal of the candidate from the list.

If the representative of the list is the one who is withdrawing, the Sub-Commission informs the rest of the members of the list.

If the withdrawal is from a political party list, the Authority informs the legal representative of the political party of the withdrawal.

In all cases, notification is done via any means capable of producing a written record.

**Article 30:** The head of the list may redress the shortage, based on the complementary list and may reshuffle the order of the candidates, in a manner that does not compromise the principles of parity and rotation.

If reshuffling the order compromises the condition of representing the youth, as per Article 25 of the Elections Law, the list shall be denied half the total value of the public fund.

The shortage shall be redressed in 24 hours, at the latest, from the time of the notification, cited above. Amendments to the list may not be applied following the elapsing of this timeline.

Applications for withdrawal may not be accepted after running out of candidates from the complementary list, which may compromise the principle of parity and rotation rule.

The application for withdrawal of candidacy lodged following the elapsing of the timeline shall not affect the list. The Sub-Commission will register the application and refer a copy thereof to the headquarters of the Authority.

## Chapter VIII

### Death or Infirmary of a Candidate

**Article 31:** A candidate who passes away or is afflicted by infirmity during the timelines cited in Article 27 above shall be replaced.

If the application for replacement is not filed, or is submitted beyond the set timeline, the death or infirmity of the candidate shall not affect the list.

**Article 32:** Notification on the death or infirmity as well as the application for replacement are lodged at the Sub-Commission in the constituency, where the list is contesting by the head or representative of the list. As for the lists contesting in OCV constituencies, the notification may also be filed by a delegate of the list, upon a power of attorney, bearing the signature of the head or representative of the list legalized at the diplomatic or consular mission.

The application is lodged in two copies and includes the name of the list and signature of its head or representative. The death or medical certificate proving infirmity shall be enclosed to the application.

The shortage in the list will be redressed as per the provisions of Article 30 above.

**Chapter  
IX****Final Clauses**

**Article 33:** If Sub-Commissions are not established, or they were not concerned with or delegated the competences cited in the Decision herein of the Board of the Authority, the Board of the Authority identifies the concerned entity/entities assuming such competences. The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority and shall be enforced with immediate effect.

Tunis, 1 August 2014

Chairperson of the Independent  
High Authority for Elections  
**Mohamed Chefik Sarsar**



**Decision 18 (2014) of the Independent High Authority for Elections, dated on 4 August 2014 on the rules and procedures of candidacy for presidential elections<sup>1</sup> as modified and complemented upon Decision 18 (2019), dated on 14 June 2019<sup>2</sup>**

The Board of the Independent High Authority for Elections,  
Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 34, 74, 75, 125, 126, and paragraph 4 of Article 148 thereof,  
Constituent Law 6 (2011) dated on 16 December 2011, on the Interim Organization of Public Authorities, and all modifying and complementary provisions thereof,  
Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all modifying and complementary provisions thereof,  
Organic Law 16 (2014) dated on 26 May 2014 on elections and referenda, particularly Section II of Chapter III thereof,  
Following deliberations, has decided:

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1. Official Gazette, Issue 64, dated on 8 August 2014

2. Official Gazette, Issue 50, dated on 21 June 2019

**Chapter  
I****General Clauses**

**Article 1:** The Decision herein determines the rules and procedures of candidacy for the presidency of the Republic.

**Article 2:** The following terminology denote the following, as per the Decision herein:

<b>Authority:</b>	The Independent High Authority for Elections.
<b>The Financial Agent of the Candidate:</b>	<b>A person appointed by the candidate, who is authorized to manage the sole bank account for funding his/her election campaign and to represent him/her in financial and auditing matters.</b>
<b>Candidate's Representative:</b>	A person who may be appointed by the candidate to represent him/her before the Authority, in all matters associated with his/her candidacy, apart from financial and auditing issues.

**Chapter  
II****Candidacy Requirements****Sub-Section I - Candidate's Requirements**

**Article 3:** A presidential candidate shall meet the following criteria:

- To be a voter registered in the Voter Register,
- To be of Tunisian nationality by birth,
- To be Muslim,

- To be at least 35 years of age on the date of submission of candidacy,
- Has not assumed office as President of the Republic for two entire terms in office, continuous or separate,
- Not included in any of the following forms of legal incapacity:
  - Forfeiting one's capacity as a voter,
  - Forfeiting the right to candidacy, as a result of dismissal from position as President of the Republic, as per a Constitutional Court ruling, pursuant to Article 88 of the Constitution,
  - Forfeiting the right to candidacy, due to indictment over obtaining foreign funding for the election campaign of previous elections, as per Article 163 of the Election Law.

## Sub-Section II - Secondment Requirements

**Article 4 (New):** A candidate shall be seconded by ten members of the Assembly of People's Representatives, forty chairs of elected assemblies of local authorities, or ten thousand voters registered in the Voter Register, distributed across at least ten legislative constituencies, whose number shall be at least 500 voter in each constituency.

**Article 5:** A seconder is prohibited from seconding more than one presidential candidate.

### Chapter III

## Submission of Candidacies

**Article 6:** The Board of the Authority determines the dates of opening and closure of candidacies for the presidency of the Republic. The announcement will be made on the website of the Authority as well as print and audio-visual mass media.

**Article 7:** Applications for candidacy may be directly submitted to the main headquarters of the Authority by the candidate or his/her delegate, as per a signed power of attorney, legalized by the competent Tunisian authorities.

**Article 8:** The application for candidacy shall be submitted in two copies of the form developed by the Authority for this purpose. They shall include the following entries:

- Full name and capacity of the person submitting the application,
- Full name of the candidate, date and place of birth, religion, profession, address, phone number, national ID or passport number and the voter roll, in which his/her name is registered,
- Reference to dual nationalities the candidate has, stating which nationalities,
- Contacts of the candidate, his/her delegate, if any, and agent,
- Signed statement proving that all candidacy requirements have been met and verifying the validity of all submitted information.

Signature shall be legalized, if the application is not submitted by the candidate in person.

- Regarding the candidates from political parties: the legal representative of the political party shall mark the application for candidacy and add his/her contacts.

**Article 9 (New):** The following documents shall be enclosed to the application for candidacy:

- A copy of the national ID card or passport of the candidate,
- Two recent photographs of the candidate, as per the technical guidelines determined by the Authority,
- A proof of Tunisian citizenship of the candidate,
- Birth certificate of the candidate, issued no later than six months earlier,

- Regarding holders of dual nationalities: a signed legalized declaration of renunciation of the foreign citizenship(s) upon the announcement of the election of the candidate as president of the Republic,
- A copy of the national ID or passport of the financial agent and representative of the candidate,
- A receipt of a deposit of ten thousand Tunisian Dinars, at the Public Treasury of Tunisia,
- Hard and soft copies of the list of seconders, that shall include the full names and capacity of the seconders, the legislative constituencies they are associated with, and their national ID numbers, whereas the hard copy shall include the signature of the candidate.

The Authority issues a template of the hard copy, as well as the technical guidelines of the soft copy. Hard and soft copies shall match. This applies also to the order of the names of the seconders.

## Chapter IV

### Receipt of Candidacy Applications

**Article 10:** Upon submission of the application for candidacy, the officer in charge of receiving applications verifies:

- The capacity of the person filing the application, as per Article 7 above,
- The application includes the mandatory entries,
- The required documents are enclosed to the application.

Applications submitted by persons, not in the relevant capacity may not be received.

**Article 11:** The recipient of the application writes in the candidacy record that is serially numbered and stamped in all its pages by the Authority the following particulars:

- Name of the candidate,
- Date of submission of the application (day, month and year),
- Time of submission of the application (hours and minutes),
- Name, surname, address, email and fax if any of the person submitting the application,

The person submitting the application signs the field for this purpose in the record.

It is prohibited to remove any pages of the record.

**Article 12:** A copy of the proof of receipt of the candidacy will be handed to the person submitting the application, that includes the attachment received.

If any document or mandatory entries are missing, they may be redressed by the date of closure of submissions of candidacy applications, at the latest.

## Chapter V

### Considering Candidacy Applications

**Article 13:** The Authority verifies all eligibility criteria for candidacy, provided for in Article 3 above apply.

**Article 14:** The Authority verifies the seconders, their number and whether they seconded more than one candidate. The date of submission of the application at the Authority Registry Office will be used to verify whether a voter has seconded a candidate earlier.

Secondment that does not contain the mandatory entries, such as the full name, national ID number and signature of the seconder shall not be counted.

The Authority informs the candidate or his/her representative of the number of secondments that do not meet the legal requirements or whether they are less than the required number. The candidate may redress the shortage within 48 hours, at the latest, from the date of

being notified, and may not exceed the deadline for deciding over the candidacies, in all cases, otherwise, the application for candidacy will be rejected.

**Article 15:** The Authority verifies whether the secondment has been submitted by voters from at least ten constituencies and are at least 500 voters from each constituency.

**Article 16:** The Authority may request the completion of the application or further documents for clarification. The concerned person shall respond within 24 hours, at the latest, from the date of notification, which may not exceed the deadline for deciding over the candidacies, in all cases.

**Article 17:** Notification, referenced in Articles 14 and 16 above may be done through any of the following means:

- Fax, if any,
- Email, if any,
- Telegram,
- Registered letter, with notification of receipt.

The candidate may be notified through any means capable of producing a written record.

## Chapter VI

## Adjudication of Candidacies

**Article 18:** The Board of the Authority decides over the applications for candidacies, within four days, from the date of closure of candidacy submission, at the latest.

In the cases cited in the second and third paragraphs of Article 49 of the Elections Law, mentioned above, the Board decides on the applications, within two days at the latest.

**Article 19:** The decision promulgated by the Board of the Authority includes, in particular, the full name of the candidate, the date of receipt of the application for candidacy and the outcome of the application.

The Board of the Authority decides to reject the application in the following cases:

- Application for candidacy is submitted following the elapsing of the timeline,
- The mandatory entries are not completed in the application, or the required documents are not attached,
- Candidate does not meet the eligibility requirements for candidacy.

In all cases, the rejection decision shall be substantiated.

**Article 20:** The Authority informs the candidate of its decision within 24 hours, at the latest, from the date of promulgation, through any of the following means:

- Registered mail with notification of receipt,
- Telegram,
- Fax, if any,
- Email, if any

The candidate may be notified via any means capable of producing a written record.

**Article 21:** The list of accepted candidates will be posted at the main headquarters of the Authority and will be disseminated on its website, within 24 hours, at the latest from the date of deciding on the applications for candidacy.

**Candidates will be placed as per the date of anteriority of submission of the application for candidacy. For this, the date of completion of all entries and relevant candidacy documents, will be used throughout the period of submission of applications for candidacy.**

**The same method of placing the final list of accepted candidates in order will be replicated in the ballot paper.**



## Chapter VII

# Challenging Decisions on Candidacies

**Article 22:** Decisions of the Authority regarding candidacies may be challenged, as per the provisions of Articles 46 and 47 of the Elections Law.

**Article 23:** The Authority enforces the rulings delivered by the Appellate Circuits of the Administrative Court, which were not appealed before the public judiciary sitting of the Administrative Court, if provided with the following documents:

- A carbon copy of the court ruling,
- A certificate of non-appeal.

**Article 24:** The Authority will enforce the rulings delivered by the public sitting of the Administrative Court, upon receipt of the ruling or a statement of the wording thereof.

**Article 25:** The enforcement of rulings or decisions is done through the inclusion/omission of the candidate into/from the final list of accepted candidates.

**Article 26:** The Authority declares the final list of accepted candidates through the dissemination thereof in the Official Gazette of the Republic of Tunisia and its website.

## Chapter VIII

# Withdrawal of Candidacies

**Article 27:** Candidacies may be withdrawn prior to the announcement of the final list of accepted candidates.

**Article 28:** Application for withdrawal of candidacy is done through the submission of the application, in person, by the candidate, or his/her delegate at the main headquarters of the Authority.

**Article 29:** The application for the withdrawal of candidacy shall include the name and signature of the candidate who wishes to withdraw. The signature shall be legalized if the application is submitted by a delegate of the candidate.

The application for the withdrawal of candidacy submitted after the announcement of the final list of accepted candidates shall not be legally effective.

**Article 30:** In the event of the death of any of the candidates during the first round, or one of the two candidates during the second round, submission of application for candidacies will be relaunched, as per the provisions of the second paragraph of Article 49 of the Elections Law.

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority and will be enforced with immediate effect.

Tunis, on 4 August 2014

Chairperson of the Independent  
High Authority for Elections  
**Mohamed Chefik Sarsar**

**Decision 10 (2017) of the Independent High Authority for Elections dated on 20 July 2017 on the rules and procedures of candidacy for the Municipal and Regional Elections<sup>1</sup>, as modified and complemented by Decision 1 (2018) dated on 2 January 2018<sup>2</sup>**

The Board of the Independent High Authority for Elections,

Upon perusal of the Constitution, particularly Articles 34, 46, 126 and 133 thereof,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections and all modifying and complementary provisions thereof, particularly Articles 12, 21 and 26 thereof,

Organic Law 16 (2014) dated on 26 May 2014 on the elections and referenda, as modified and complemented by Organic Law 7 (2017) dated on 14 February 2017, particularly the third Section of Chapter 3 thereof,

Following deliberations, has decided the following:

**Chapter  
I**

**General Clauses**

**Article 1:** The Decision herein determines the rules and regulations of candidacy for the membership of municipal and regional assemblies.

1. Official Gazette, Issue 60, dated on 28 July 2017

2. Official Gazette, Issue 4, dated on 2 January 2018

**Article 2:** The following terms denote the following, as per the Decision herein:

Authority:	The Independent High Authority for Elections
Sub-Commissions:	The Electoral Sub-Commissions that may be established by the Board of the Authority, as per Article 21 of the Organic Law 23 (2012) dated on 20 December 2012, as modified and complemented.
List running for Elections:	A slate of candidates running for the membership of a municipal or regional assembly, which includes the main and complementary lists.
Electoral Coalition:	An electoral alliance that comprises two political parties or more, one political party or more with independent candidates, or several independent lists, which participates in the elections under one name and logo.

## Chapter II

## Candidacy Requirements

### Section I - Candidate's Eligibility Requirements

**Article 3:** Each candidate running for the membership of municipal or regional assemblies is required to:

- To be a voter, of Tunisian nationality, registered at the constituency, to which s/he is running for elections,

- To be at least 18 years of age, at least on the date of submission of the application for candidacy.

**Article 4:** Persons who are subject to any of the following forms of legal incapacity may NOT run for municipal or regional elections:

- Loss of the right to run for elections, as per Article 88 of the Constitution,
- Final indictment ruling over foreign financing of the campaign, pursuant to Article 163 of the Elections Law,
- Sentenced to an ancillary punishment denying the right to vote, as per final court ruling.

Moreover, the following shall be denied the right to run for municipal or regional elections:

- Military and internal security forces personnel,
- Chairperson or members of the Board of the Authority or any member of the Sub-Commissions or the Executive Director thereof, throughout their tenure at the Authority and following the elapsing thereof for at least five years.

**Article 5:** The following persons may not run for the elections in the constituencies where they function, or served in such capacity during the year prior to the date of submission of candidacy:

- Magistrates,
- Governors,
- First Delegates,
- Secretary General of Governorates,
- Delegates,
- Chiefs of Sectors,
- Municipal and regional auditors,
- Permanent, contractor or temporary personnel of municipalities, regions, governorates and sectors

## Section II - Lists Eligibility Requirements

**Article 6:** Each list running for the elections is required to:

- The number of candidates in the main list equals the number of seats allocated to the concerned constituency,
- The number of candidates in the complementary list may not be less than three nor over the number of candidates in the main list, in all cases.

**Article 7:** Each list running for elections is required to:

- Not belong to a political party or coalition that has already run for elections in the same constituency,
- Not belong to a political party of coalition that has participated in the formation of a list running for elections in the same constituency,
- Not include more than two persons, who are related, ascendants, descendants or siblings,
- Not include a candidate who has run for elections within more than one list or in more than one constituency. In the event of non-compliance with this rule, the candidacy of the violating candidate may not be accepted in all the lists under which s/he is running for elections.

**Article 8:** Each list running for elections is required to:

- To be presented, with due consideration to parity and rotation among women and men,
- To be presented with due consideration to parity among women and men in heading the lists that are running in more than one constituency. This holds true for the lists that belong to the same political party or coalition, with due consideration to the odd numbers of the lists running for elections.

**Article 9:** The list must include a male or female candidate who is not older than 35 years of age on the date of submission of the application for candidacy, among the first three candidates, and within every six candidates in a row in the rest of the list.

**Article 10:** The main list shall include, among the first ten candidates, a male or female candidate with physical disability, who has a disability card. Upon violating such condition, the list shall be denied the public fund.

### Section III - Name and Logo Requirements

**Article 11:** The name and logo of each list running for elections are subject to the following rules:

- The logo of the list may not be the flag or emblem of the Republic of Tunisia,
- The name or logo may not violate public order or incite hatred, violence, bigotry or discrimination,

The number of words constituting the name may not exceed five, apart from the word “list” and prepositions.

**Article 12:** Without prejudice to the provisions of Article 13 of the Decision herein, the name or the logo may not be identical to that of another list in the same constituency.

The list that applied earlier keeps the name or logo it selected. As for the coalition lists, the application for candidacy in the constituency where it was first submitted by the coalition will be used.

In both cases, to determine the anteriority, the date and time of submission/updating of the application for candidacy during the period for the submission of candidacies will be used.

**Article 13:** As for the lists under the same political party or coalition running for over one constituency, the same name and logo shall be used.

It is prohibited to use the name or logo of a legally established political party by lists or coalition lists, other than those, in which the political party is taking part. In the event of a dispute over representing the legally established political party by more than one list, the name and logo of the list marked by the legal representative of the party, as per the data available at the competent administrations in charge of

political parties affairs, shall be used.

**Article 14:** The use of names or logos may not cause the confusion of the voter.

Cases of confusion to the voters include:

- Similar name or logo used by more than one list running for the same constituency,
- During municipal elections, regarding governorates that include more than one municipality, identical name or logo of two lists or more running for elections within the geographical boundaries of the same governorate,
- Identical or similar name or logo of over one list running for elections, in the event of overlapping geographical boundaries of the constituencies, during the concurrent conduct of elections,
- Any use of a name or logo that has a certain public denotation that may mislead the voter.

However, the use of a name or logo of a political party or coalition by political party or coalition lists may not be deemed confusing.

### Chapter III

## Submission of Candidacies

**Article 15:** The Authority determines the date for accepting submissions for the municipal and regional elections and closure thereof.

**Article 16:** Applications for candidacy may be submitted by the head or any member of the list running for elections. They shall be directly submitted to the Sub-Commission under the jurisdiction of the constituency, where the list is running for elections.

Applications submitted by persons without the relevant capacity may not be received.



## Section I - Application for Candidacy

**Article 17:** The application for candidacy shall be submitted in two copies, with the use of the form developed by the Authority for this purpose. The form shall be signed by all candidates on the list and shall include the following entries:

- Full name and capacity of the person submitting the application,
- Name of the list,
- Reference to whether the list belongs to a political party, coalition or independent,
- The constituency, where the list is contesting,
- Contacts of the list,
- Full names, national ID numbers, dates of birth, professions, addresses and phone numbers of all candidates on the list and reference to the municipal or regional constituency, where s/he is registered,
- The order of the candidates on the list. The first candidate on the list shall be deemed the head thereof,
- Name and contacts of the list representative, from the candidate. In the event of not identifying a representative, the head of the list shall be deemed the representative thereof,
- Political party lists: the name of the political party, legal representative of the political party and his/her contacts,
- Coalition lists: the name of the Coalition, representative of the Coalition and contacts thereof,
- A statement signed by all candidates in the list stating that they meet all candidacy eligibility requirements and that the data presented are correct. The signatures of all candidates shall be legalized,
- Magistrates, governors, first delegates, secretaries general of governorates, delegates, chiefs of sectors, municipal and regional auditors, personnel of municipalities, regions, governorates and

sectors, who are candidates running for elections: identifying the constituencies where they are functioning or exercised their functions during the year prior to the submission of the application for candidacy.

**Article 18:** The following documents shall be enclosed to the application for candidacy:

- A copy of the national ID of each candidate on the list,
- A valid birth extract of each candidate on the list,
- **A receipt of the annual income tax declaration for the past year, for each candidate on the list, or an authentic copy thereof. The declaration in question is the most recent that must be submitted, as per the timelines defined by the taxation law in force or the declaration of the past fiscal year,**
- **A certificate of municipal or regional non-taxation, or financial acquittal from taxes payable to the local authorities of the candidate running for membership in their assembly, to be issued the same or previous year of the submission of the application for candidacy, or an authentic copy thereof, for each candidate on the list,**
- Magistrates, governors, first delegates, secretaries general of governorates, delegates, chiefs of sectors, municipal and regional auditors, staff of municipalities, regions, governorates and sectors, shall submit a list of functions, or certificates issues by the concerned administrations proving the current employer and employment during the year prior to the submission of the application for candidacy,
- Candidates, who previously ran for the National Constituent Assembly elections or the first legislative and presidential elections shall submit a receipt or statement issued by the Ministry of Finance certifying that the required refund of the amount of the public fund has been returned, and all fines imposed on them, based on final court rulings, related to violations of the provisions of public funding, have been paid or authentic copies thereof,
- Candidates, with disabilities shall submit copies of their disability cards,

- A digital copy of the logo of the political party, coalition or independent list, that matches the technical specifications issued by the Authority,
- A hard copy, in colours, of the logo of the political party, political party, coalition or independent lists, signed by the head or representative thereof,
- Political party lists shall submit a statement stamped and signed by the legal representative of the political party that grants authorization to the head or representative of the list to be nominated in the name of the political party, in the concerned constituency,
- Coalition lists:
  - A copy or an authentic version of the document on the formation of an electoral coalition that states the name of the representative of the coalition, the signatures of the actors under the coalition shall be legalized,
  - A statement with the legalized signature of the representative of the coalition granting the head or representative of the list the permission to be nominated under the name of the coalition in the concerned constituency.

## Section II - Receipt of Applications for Candidacy

**Article 19:** The Authority maintains a record of candidacies that includes the following particulars:

- Name of the list,
- The constituency where the list is contesting,
- Date of submission of the application,
- The time of submission of the application, (hours and minutes),
- Name and surname of the person submitting the application.

Any amendments to the application for candidacy or attachment

thereof shall be included in the candidacies record, stating the date of applying the changes.

All pages of the record shall be serially numbered and stamped by the Authority.

**Article 20:** A carbon copy of the proof of receipt of the submission of the application for candidacy, that mentions the attachment received, will be handed out.

The list running for election may, on its own initiative, address any errors or missing attachment from the application by a period not exceeding the deadline for submission of candidacies, in return for a receipt to be handed out for this purpose.

## Chapter IV

### Adjudication of Candidacies

**Article 21:** Sub-Commissions adjudicates applications for candidacy, within a period not exceeding seven days from the deadline for submission of candidacies. The Sub-Commissions may request the correction of the applications for candidacy during period dedicated to the adjudication of applications.

Corrections may not be accepted in the following cases:

- If the application does not include the required number of candidates in the main and complementary lists,
- If the application does not include the full names of the candidates, their order and legalized signatures in the list running for elections, as per the requirements mentioned above,
- The application does not comply with the principle of parity in the main list or within the limits of the minimum number required in the complementary list,
- The application, whose complementary list does not include at least a female or male candidate, who is not older than 35 years

of age on the date of submission of the application for candidacy,

- Any cases that may lead to a shortage of the required number of candidates in the main list, or replacement of a candidate from outside the complementary list.

**Article 22:** In the event of contravening the rules related to the name or logo, stipulated in Articles 11, 12, 13 and 14 of the Decision herein, the concerned list will be notified to change the name or the logo.

**Article 23:** The Board of the Authority, through a substantiated decision, may deem a set of independent lists, sharing the same name and logo, in more than one constituency, as an electoral coalition, in the event of not receiving a response from the representatives of such lists to the instructions to change the name or logo. The list that submitted its application for candidacy first are not concerned by such changes.

**Article 24:** The concerned list shall apply the corrections or changes, referred to in the Chapter herein, within 24 hours, at the latest, from the date of notification, which in all cases, may not exceed the timeline for adjudication of the candidacies.

Notification is made via any means capable of producing a written record.

**Article 25:** The Authority verifies with the concerned administrations, whether the criminal records of candidates are free from any convictions that may hinder their candidacy.

**Article 26:** If the political party or coalition lists do not comply with the principle of parity in heading the lists, and if they do not apply the corrections, the Authority shall identify the cancelled lists, based on the anteriority of submission, through the date and time the application for candidacy was submitted or updated during the timeline for submission of applications for candidacy, as reflected in the candidacies record.

**Article 27:** The Sub-Commission decides to accept the applications that meet the candidacy requirements. Without prejudice to the provisions of Article 21, the Sub-Commission may reject the application in the following cases:

- Application is submitted beyond the allocated timeline,
- The application lacks the mandatory entries or enclosing the required documents,
- One of the candidates in the main list does not meet the candidacy requirements,
- The list does not meet the candidacy requirements,
- Non-compliance with the rules related to the name and logo.

However, rejections shall be substantiated.

**Article 28:** The Decision of the Sub-Commission will particularly mention the name of the list, the head and representative thereof, date of receipt of the application for candidacy and the outcome of the application.

**Article 29:** The Sub-Commission informs the head or representative of the list of the decision thereof, within two days, at the latest, from the date of promulgation of the decision, through any means capable of producing a written record.

**Article 30:** The accepted lists will be posted at the headquarters of the Sub-Commissions and disseminated on the website of the Authority, in three days, at the latest, from the deadline for adjudication of applications for candidacy.

The lists running for elections will be placed, on the basis of anteriority in the submission of the application for candidacy. The date of completion of all entries and relevant documents of the application for candidacy, will be referenced during the period devoted for the submission of applications for candidacy.

The same order will be reflected in the ballot papers.

**Article 31:** Decisions of the Authority pertaining to candidacies may be challenged by the head or legal representative of the list or heads of other lists running for elections in the same constituency, as per the provisions of Articles 49 – 17 to 49 – 20 of the Election Law.

**Article 32:** The lists that have earned a final court ruling will be accepted. The Authority announces the lists that have been finally approved, following the elapsing of the challenges period and will

disseminate them on the website of the Authority and post them at the premises of the Sub-Commissions.

## Chapter V

### Withdrawal of Candidacies

**Article 33:** Candidacies may be withdrawn within 15 days, at the latest, prior to the commencement of elections campaigning period.

Withdrawal applications may not be accepted, after running out of all candidates from the complementary list, which may compromise the principle of parity within the list and heading the political party and coalition lists, the principle of rotation or the provisions pertaining to the representation of the youth.

Withdrawal of candidacy application may be accepted within the timeline cited in the first paragraph, if it is related to all candidates in the main and complementary lists.

**Article 34:** Application for withdrawal of candidacy shall be submitted, in person, by the candidate, who wishes to withdraw, or head or representative of the list, at the Sub-Commission in the constituency, where the list is running for elections.

The applications shall be submitted in two copies, and include the name of the list, signature of the withdrawing candidate(s), which shall be legalized, for the member or members who wish to withdraw and are not present at the Authority premises, upon the submission of the application.

**Article 35:** If the application is submitted by the withdrawing candidate, in person, the Sub-Commission will immediately inform the representative of the list of the withdrawal and alert the representative of the list on the need to address the shortage. If the withdrawing candidate is the representative of the list, the Sub-Commission alerts the other members of the list on the need to designate a representative.

It may suffice for the Authority to alert the legal representative of the political party, if the withdrawal affects a political party list.

In all cases, alerts are communicated via any means capable of producing a written record.

**Article 36:** The head or representative of the list addresses the shortage from the complementary list. S/he may reshuffle the order of the candidates, within the limits of placing the candidates from one slot to a higher one, without prejudice to the provisions pertaining to the nomination of women and youth and with due consideration to the required number of candidates on the main list.

Until the public fund is obtained, the provisions pertaining to the representation of people with physical disability may not be compromised.

The shortage shall be addressed within 24 hours, at the latest, from the alert, cited above. Otherwise, replacement shall be done automatically, through changing the order of the candidates, as per the rules cited in the first paragraph.

**Article 37:** The application for withdrawal of candidacy submitted following the elapsing of the deadline may not affect the list. The candidate who withdraws after the elapsing of the deadline will not be counted in the results.

## Chapter VI

### Death or Infirmary of a Candidate

**Article 38:** In the event of the death or infirmity of a candidate within the timeline, cited in Article 33 above, the representative of the list or legal representative of the political party shall immediately inform the Authority.

The head or representative of the list will submit an application for replacement in two copies to the Sub-Commission at the constituency, where the list is contesting. The application includes the name of the



list and signature of the head or representative thereof, enclosing the death certificate or medical certificate certifying infirmity.

The shortage in the main list will be addressed as per the provisions of Article 36 above.

**Article 39:** Death, infirmity or the application for replacement submitted following the elapsing of the timeline stipulated in Article 33 may not affect the list.

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority and shall be enforced with immediate effect.

Tunis, 20 July 2017

Chairperson of the Independent  
High Authority for Elections  
**Mohamed Chefik Sarsar**

## VI. Elections and Referendum Campaigns

### **Decision 22 (2019) of the Independent High Authority for Elections, dated on 22 August 2019 on the rules and procedures regulating the campaigns for elections and referendum<sup>1</sup>**

The Board of the Independent High Authority for Elections,  
Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 6, 15, 16, 21, 31, 34 and 126 thereof,  
Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections and all modifying and complementary provisions thereof,  
Organic Law 16 (2014) dated on 26 May 2014 on the elections and referendum, as modified and complemented by the Organic Law 7 (2017) dated on 14 February 2017, particularly Article 51 thereof,  
Following deliberations, has decided the following:

#### **Chapter I**

### **General Clauses**

**Article 1:** The Decision herein determines the rules and procedures governing the conduct of campaigns of elections and referenda. The provisions cited in the Decision herein shall apply to the Presidential,

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1. Official Gazette, Issue 68, dated on 23 August 2019

Legislative, Municipal and Regional Elections, as well as the Referendum.

Upon a decision, the Authority defines the rules and general requirements the mass media shall abide by during the elections and referendum campaign. Moreover, upon a decision, the Authority defines the rules for financing election and referendum campaigns, as well as procedures and modalities thereof.

**Article 2:** The terms below denote the following, as per the Decision herein:

Authority:	The Independent High Authority for Elections
Sub-Commissions:	The commissions that may be established by the Board of the Authority, as per Article 21 of the Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, as modified and complemented by subsequent provisions.
Sub-Administrations	The structures under the Executive Office of the Independent High Authority for Elections, that are in charge of the tasks assigned to the Authority within the geographical jurisdictions assigned to each, as per the decisions of the Board of the Authority.
List, candidate and political party contesting the elections:	The lists running for legislative, municipal and regional elections. Candidate running for presidential elections and political party for the referendum.
Election or Referendum Period:	The period that includes pre-election/ referendum campaign, the campaign and silence period. Regarding the presidential elections, this period is extended up to the announcement of the final results of the first round.

Campaign	A set of activities exercised by the candidates, lists, supporters thereof or political parties during the period defined by the law to introduce their electoral or referendum platform, with the use of various means and techniques that are legally availed for campaigning to urge the voters to vote in their favour on polling day.
Silence period	The timeframe that includes election silence day and polling day pending the closure of the last polling station in the constituency.
Publicity means	Adverts, public gatherings, marches, processions, rallies and media activities via various audio-visual, print and electronic mass media, online websites and mass media, as well as other election or referendum publicity tools.
Election adverts	Posters, publications programs and information on the dates allocated for gatherings.
Political publicity	Any publicity or advertising process, paid or free of charge, that uses commercial marketing methods and techniques that targets the public and aims at promoting a person, position, platform or political party to attract voters and influence their behaviour or choices, through the audio-visual, print or electronic mass media, or via fixed or mobile publicity means that are stationed in venues, public or private means.

## Impartiality

Dealing with all candidates with utmost objectivity and integrity, without taking the sides of any list, candidate, or political party or obstructing the election campaign of a list or candidate or referendum campaign of a political party and averting all that may influence the will of the voters.

**Article 3:** The campaign will be launched 22 days prior to polling day. In the event of conducting elections, as per Articles 86, 89 and 99 of the Constitution, the campaign will commence 13 days prior to polling day. In the event of the conduct of a second round of the presidential elections, the election campaign begins the day following the announcement of the final results of the first round.

In all cases, the campaign ends 24 hours prior to polling day.

**Article 4:** During the campaign, the following principles shall be heeded:

- Impartiality of the Administration and places of worship,
- Impartiality of the national mass media,
- Transparency of the campaign, vis-à-vis the funding sources and means of spending the funds allocated thereto,
- Equity and equal opportunities for all candidates,
- Respect to the bodily inviolability, honour and dignity of the candidates and voters,
- Refrainment from harming the private lives of candidates and their personal data,
- Refrainment from the incitement of hatred, violence, bigotry and discrimination,
- Refrainment from spreading false information within the election campaign that may mislead the voters.

All principles regulating the campaign apply to online websites and tools, including social media platforms, accounts, webpages, blogs and smart phones applications.

**Article 5:** Military and Internal Security Forces personnel may not participate in election campaigns, political party meetings or any other activity related to the elections.

**Article 6:** The Administration, public institutions and installations commit to the treatment of all candidates, lists and political parties with utmost objectivity and integrity, and also not taking the sides of any candidate, list or political party or obstructing their election campaigns. They also refrain from abusing public means and resources for the benefit of any of them, such as human, material, financial or non-financial resources. They also commit to avoiding any conduct that may influence the will of the voters.

Urging the voters to participate in registration, elections or referendum without guiding them to select a particular candidate or list or encouraging them to vote during the referendum is not deemed as an attempt to influence the will of the voters.

**Article 7:** Election or referendum campaigning via any means is prohibited in the Administration, public institutions and installations, as well as places of worship, educational, academic, training, medical, social care and welfare institutions as well as private institutions that are not open to the public. This includes holding meetings and gatherings, distribution of adverts, documents, slogan, delivering sermons electoral seminars or speeches, regardless of their form or nature.

Spaces that belong to the Administration, public institutions and installations that are devoted to public activities may be availed to organize elections or referendum campaigning activities. However, they shall be availed to all candidates, lists, or political parties, on the basis of equity and equal opportunities.

**Article 8:** Political publicity during the elections and referendum period shall be prohibited, apart from adverts on newspapers that belong to political parties, and the use of publicity means by candidates running for presidential elections.

**Article 9:** During the election or referendum period, print, audio-visual or online mass media are prohibited from dedicating a toll-free phone number, voice server or call centre for the benefit of a candidate, list or political party.

**Article 10:** During the campaign and silence period, the broadcasting and dissemination of the outcome of opinion polls that are directly or indirectly related to the elections and referendum as well as relevant studies, and press commentaries shall be prohibited.

Pending the enactment of a law that regulates opinion polls, such prohibition shall apply to the entire election period.

**Article 11:** Monetary or in-kind donations granted with the intention to influence voters or hold them back from voting are prohibited. Such prohibition includes any donations made directly or indirectly by a list or political party running for elections or made for their benefit.

**Article 12:** In the framework of election or referendum campaign, the use of means, media or methods that violate the laws and regulations in force shall be prohibited.

**Article 13:** In the event of several concurrent or overlapping electoral or referendum campaigns, the lists, candidates or political parties shall specify the purpose of the activity they intend to conduct and nature of election or referendum, in the framework of which the events are organized, and adhere to this purpose.

**Article 14:** During election silence period, lists, candidates and political parties are prohibited from the inclusion or dissemination of new electoral campaigns, including via their own online media.

## Chapter II

## Posters

**Article 15:** The Sub-Administration, under the oversight of the Sub-Commission and in collaboration with municipalities and governorates identifies the places that will be allocated for hanging electoral or referendum campaigning posters. Such places will be divided into equal and identical slots to the number of lists, candidates or political parties.

Out of country Sub-Administration, under the oversight of the Sub-Commission, and in collaboration with consulates and diplomatic

missions determines the places for hanging posters, within the limits allowed by the host countries and the resources available for the Authority.

**Article 16:** Each list, candidate or political party will be placed, in various spots allocated for hanging posters, as per the order of the lists of presidential candidates or the final lists running for legislative, municipal or regional elections.

**Article 17:** Lists, candidates or political parties present two copies of electoral or referendum campaigning posters to the competent Sub-Commission to have them marked. The Authority keeps one of the copies.

The dimensions of the posters may not exceed 42 X 29,7cm. The Authority may define another dimension, to be announced on the website, at least one month prior to the commencement of the campaign.

Posters are printed and hanged in the allocated places by the lists, candidates or political parties.

**Article 18:** It is prohibited to use the flag or emblem of the Republic of Tunisia in the elections or referendum campaigning posters.

**Article 19:** It is essential to adhere to the spaces allocated to hanging the electoral and referendum campaigning posters. Any posters hanged anywhere other than the allocated places or in spaces for other lists, candidates or political parties is prohibited. Moreover, the removal of a poster that was hanged in its allocated place, tearing, covering, disfiguring or rendering them illegible, in any manner or form to alter their contents is prohibited.

Any list, candidate or political party may not use or allow others to use the places allocated to posters for non-electoral purposes or relinquish one's spot to others.

It is prohibited to purchase spaces from advertising agencies. This prohibition does not apply to presidential candidates.



## Chapter III

# Campaigning Activities

**Article 20:** Each list, candidate or political party keeps a logbook that includes a list of electoral activities, events, gatherings, meetings, marches, processions and rallies they organize.

The logbook is serially numbered and pre-marked by the Authority headquarters, vis-à-vis presidential candidates and political parties contesting for the referendum, as for the lists running for legislative, municipal or regional elections, it is marked by the Sub-Commission.

The logbook includes the title, brief description, date, time and venue of the activity.

**Article 21:** The Authority shall be informed in writing of the electoral meetings, marches, processions or gatherings, at least two days prior to their scheduled time. The notification particularly includes the date, time and place of the gathering as well as the names, surnames and addresses of each member attending the public office meeting, march, procession or rally.

The notification shall be issued by a member of the list, representative of the candidate or political party, and submitted through any means capable of producing a written record to the Sub-Commission premises in the constituency, where the list is contesting the legislative, municipal, or regional elections, or where the electoral activity is taking place, as far as the presidential candidates or political parties contesting for the referendum are concerned.

The Sub-Administration will keep a journal that includes the information cited in the notification on the public electoral gathering.

**Article 22:** The meeting office comprises at least two persons, who shall both have the capacity of voters, to be selected by the list, candidate or political party.

The meeting office maintains order, ensures smooth conduct thereof and prevents any speech that may:

- Disrupt public order and decencies,
- Incite any act that may be characterized as a felony or crime,
- Call for hatred, violence, bigotry or discrimination based on religion, ethnicity, region or gender,
- Harm the bodily inviolability, honour and dignity of candidates and voters,
- Harm the private lives and personal particulars of candidates.

Such prohibition may be extended to include stakeholders and those who are present.

## Chapter IV

### Online Campaigning Tools etc.

**Article 23:** During the election or referendum campaign, the Authority will monitor online websites and social media platforms to ensure their adherence to the principles and rules of the campaign.

Candidates, lists and political parties provide the Authority with a list of their websites, online platforms and social media accounts that they used during the election or referendum campaign before its commencement.

**Article 24:** During the campaign, political party-owned newspapers may launch publicity in the form of adverts, for the benefit of the political party, candidates, political party lists, coalition lists under the same political party, for which such newspaper speaks.

In such case, it is required that the advert is presented in an accentuated manner to stand out from the rest of the news items and articles, and be headlined “Publicity”, “Advert” or “Notification”.

**Article 25:** Presidential candidates may use fixed, mobile or online publicity means, in accordance with the following requirements:

- Refrain from using the flag or emblem of the Tunisian Republic,

- Provide the Authority with the data related to the publicity tools intended to be used, particularly and as the case may be, their dimensions, places where they will be hanged or touring or webpage addresses,
- Removal or suspension of such tools prior to the commencement of the silence period,
- Regarding fixed publicity tools: adherence to the provisions of Law 12 (2009) dated on 2 March 2009 on publicity in public properties, such as roads or neighbouring estates that belong to persons, and Decree 261 (2010) dated on 15 February 2010 on defining the requirements and procedures for licensing publicity on public properties, such as roads and neighbouring estates that belong to persons,
- Online publicity tools: The Authority must be provided with a proof that the candidate is charged the expenses of the webpages that are supporting or promoting the campaign.

Others are prohibited from using publicity tools for the benefit of candidates, paid or free of charge.

## Chapter V

### Monitoring Election and Referendum Campaigns

**Article 26:** The Authority, on its own initiative or upon request by any entity, pledges to monitor the adherence of the list, candidate or political party to the principles, rules and regulations governing the campaign.

**Article 27:** The Authority designates staff to monitor the campaign with utmost impartiality, independence and efficiency, who will take the following oath before the territorial cantonal magistrate, “I swear, by Almighty God that I would live up to my tasks with utmost diligence, impartiality and independence, and pledge to strive to ensure the

integrity of the electoral process.” They have the capacity of judicial police officers, pursuant to the provisions of Article 6 of Chapter 10 of the penal code.

Monitoring staff shall have legal protection granted to public employees, while on duty. They have the right to attend all electoral activities organized by the lists, candidates or political parties, throughout the campaign.

**Article 28:** Monitoring staff shall abide the following duties:

- Abide by the laws in force, particularly the elections law, relevant code of conduct, rules and procedures governing the elections and referendum campaigns, rules of financing those campaigns and the regulations and instructions promulgated by the Authority,
- Abide by impartiality, preserve professional confidentiality and the need for discretion,
- Respect the private lives and personal particulars of the candidates,
- Respect the bodily inviolability, honour and dignity of the candidates,
- Treatment of lists, candidates and political parties on equal footing,
- Monitoring training seminars organized by the Authority, including those conducted remotely when necessary,
- Maintain appropriate appearance and courteousness towards all stakeholders of the electoral process.

**Article 29:** Campaign monitoring staff draft reports on monitoring electoral activities that particularly include the dates and venues when and where such activities are held, the estimated number of participants and a brief description of the expenses, as per reference estimations to be determined by the Authority.

Moreover, they inspect violations of campaigning rules and electoral crimes and include them into the report, alongside all the relevant supporting documents and evidence, which will be immediately reported to the territorially competent Sub-Commission, and be

serially numbered and registered in a special record, to be maintained by the Sub-Commission.

Campaign monitoring staff may draft reports covering statements they receive or hearing witnesses. The Authority may initiate further researches and investigations, when necessary.

**Article 30:** The reports drafted by monitoring staff shall have opposability, as per the provisions of Article 155 of the penal code. They shall be referenced, as far as the validity of the cited material observations, as well as the statements and testimonies received.

Testimonies and statements recorded in the reports will be approved, unless otherwise is proven, as per Article 154 of the Code of Criminal Procedure.

The report shall include the following entries:

- Date, time and place of the report,
- Name of the list, member in the list, member or political party,
- Identity, capacity and signatures of the staff drafting the report and stamp of the concerned Sub-Commission,
- Information regarding the activity or detailed description of the factors constituting a violation,

In the event of the conduct of observations or obtaining documents, information or statements, they will be mentioned in the report alongside the supporting evidence obtained. Signatures of the persons, whose statements have been taken will be included, otherwise, if they refrain from signing, it will be cited in the report.

**Article 31:** If violations of the campaigning regulations are confirmed, the competent Sub-Commission alerts the concerned lists, through any means capable of producing a written record. The warning shall be enclosed to a copy of the detection of the violation, and a copy thereof will be referred to the Board of the Authority.

If the violations pertain to the presidential candidates or political parties taking part in the referendum, the Sub-Commission informs the Board of the Authority on such violations, alongside the detection report, for a decision to be taken in their regard, and when necessary,

the Board will alert them, through any means capable of producing a written record, alongside a copy of the violation detection report.

In all cases, the Sub-Commission takes the necessary measures and procedures to immediately put an end to the violations in the territory within its jurisdiction. In this regard, it can take the following measures:

- Seize the electoral or referendum campaigning advert. In this case, a report on the seizure is drafted, which mentions the reasons for, time and place of such action as well as the name of the violator, if known, and description of the seized item, name, capacity and signature of the staff member who drafted the seizure report, as well as the stamp of the concerned Sub-Commission,
- Disperse meetings, marches, processions and gatherings, with the use of public force, when the need arises,
- Warn the list, candidate or political party in order to remove any illegal posters or publicity means,

If the removal does not take place within 24 hours from receiving the ultimatum, this may be done on the expense of the list, candidate or political party, by seeking the assistance of the competent regional and local authorities,

- Respond to the violations taking place over the internet, including social media webpages and accounts, and strive to remove them, in coordination with various competent authorities.

**Article 32:** Grievances regarding the decisions of the Sub-Commissions over the election campaigns may be lodged before the Board of the Authority.

In the event of conflicting positions among Sub-Commissions, the Board of the Authority, when necessary, may pledge to review such decisions, upon its own initiative.

**Article 33:** Upon suspecting an electoral crime, the Authority informs the competent territorial public prosecutors.

**Chapter  
VI****Sanctions**

**Article 34:** The Authority either wholly or partially cancels the results of the winners, as per a substantiated decision, if it transpires that they have violated the rules of the electoral period and financing thereof, which has substantially and critically affected the outcome of the elections.

**Article 35:** Violation of the rule regarding the prohibition of the use of the flag and emblem of the Republic of Tunisia in the elections and referendum campaigning posters entails a fine of 500-1000 Dinars, as per Article 150 of the Elections Law.

**Article 36:** Violation of the rule regarding the prohibition of hanging elections posters in places other than those dedicated to them, or removal, tearing, covering, disfiguring posters or rendering them illegible, through any method or form that may alter its content may lead to a fine of 500-1000 Dinars, as per Article 150 of the Elections Law.

**Article 37:** Violation of the rule regarding the prohibition of the announcement on dedicating a toll-free phone number, via mass media, a voice server or call centre, for the benefit of a candidate, list or political party may lead to a fine of 3,000 Dinars, as per Article 152 of the Election Law.

**Article 38:** Violation of the rule regarding the prohibition of the distribution of documents, dissemination of slogans or speeches related to the election or referendum campaign at the Administration, public institutions and installations, as well as private institutions that are not open to the public, entails a fine of 2,000-5,000 Dinars, as per Article 153 of the Election Law.

**Article 39:** Violation of the prohibition of all forms of election campaigning at educational, academic and training institutions as well as places of worship entails a fine of 2,000 – 5,000 Dinars, as per Article 153 of the Election Law.

**Article 40:** Violation of the prohibition of political publicity during the election or referendum period, apart from the publicity adverts in political party-owned newspapers, and the use of publicity means by presidential candidates during their campaigns, entails a fine of 5,000-10,000 Dinars, as per Article 154 of the Elections Law.

**Article 41:** Violation of the prohibition of all forms of campaigning during the election silence period entails a fine of 3,000-20,000 Dinars, as per Article 155 of the Elections Law.

**Article 42:** Violation of the prohibition of broadcasting and dissemination of the outcome of opinion polls that are directly or indirectly related to the elections and referendum, as well as relevant studies and press commentaries during the campaign entails a fine of 20,000-50,000 Dinars, as per Article 156 of the Elections Law.

**Article 43:** Violation of the prohibition of granting monetary or in-kind donations with the intention of influencing the voters or making them refrain from voting entails a 6 month to three-year imprisonment sentence and fine of 1,000-3,000 Dinars, as per Article 161 of the Elections Law.

**Article 44:** Decision 28 (2014) of the Independent High Authority for Elections dated on 15 September 2014 on the rules and procedures governing the conduct of elections and referendum campaigns, as modified by Decision 18 (2017) dated on 23 October 2017, shall be superseded.

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority.

Tunis, 22 August 2019

Chairperson of the Independent  
High Authority for Elections  
**Nabil Baffoun**



**Decision 20 (2014) of the Independent High Authority for Elections, dated on 8 August 2014 on the rules, procedures and modalities governing the financing of election campaign<sup>1</sup> as modified and complemented by Decision 17 dated on 23 October 2017<sup>2</sup>**

The Board of the Independent High Authority for Elections,  
Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 10, 15, 34, 35, 117, 125 and 126 thereof,  
Constituent Law 6 (2011) dated on 16 December 2011 on the Interim Organization of Public Authorities, and all modifying and complementary provisions thereof,  
UN Convention Against Corruption, endorsed by Law 16 (2008) dated on 25 February 2008, particularly Article 7 – paragraph three thereof,  
Organic Law 23 (2012) dated on 20 December 2012, on the Independent High Authority for Elections, and all modifying and complementary provisions thereof,  
Organic Law 16 (2014) dated on 26 May 2014 on elections and referenda,  
Personal Income and Corporate Tax Code enacted as per Law 114 (1989) dated on 30 December 1989, and all modifying and complementary provisions thereof, particularly Articles 2 and 3 thereof,

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1. Official Gazette, Issue 65, dated on 12 August 2014

2. Official Gazette, Issue 86, dated on 27 October 2017

Decree 87 (2011) dated on 24 September 2011 on the organization of political parties,

Decree 88 (2011) dated on 24 September 2011 on the organization of associations, particularly Article 4 thereof,

Following deliberations, has decided:

**Chapter  
I**

**General Clauses**

**Article 1:** The Decision herein determines the rules, procedures and modalities of the financing of the election campaign. The provisions stipulated apply to the Presidential, Legislative, **Municipal and Regional Elections**.

**Article 2:** The following terminology denote the following, as per the Decision herein:

Authority:	The Independent High Authority for Elections
Sub-Commissions:	The commissions that may be established by the Board of the Authority, as per Article 21 of the Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, as modified and complemented by subsequent provisions.
Sub-Administrations	The structures under the Executive Office of the Independent High Authority for Elections, that are in charge of the tasks assigned to the Authority within the territorial jurisdictions assigned to them, as per the decisions of the Board of the Authority.

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List and candidate running for elections	The lists running for Legislative, <b>Municipal and Regional</b> Elections and candidate contesting the presidential elections.
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Election Period:	The duration that includes pre-election campaign phase, the campaign and silence period. As for presidential elections, it stretches up to the announcement of the final results of the first round.
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In the event of a second round for the presidential elections, the election period stretches up to the closure of the last polling station during the second round.

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<b>Pre-Campaign Period:</b>	<b>The period that lasts for two months prior to the election campaign.</b>
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Election Campaign:	A set of activities conducted by the candidates or lists running for elections or their supporters during the period defined by the law to introduce their electoral platform, with the use of various publicity means and methods that are legally made available with the intention to urge the voters to vote in their favour on polling day.
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<b>Silence Period</b>	<b>The period that includes election silence day as well as polling day that lasts until the closure of the last polling station at the constituency.</b>
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Election Publicity Means:	<p>The adverts, public gatherings, marches, processions, assemblies and advertising activities via various audio-visual, print and online mass media as well as other election publicity tools.</p> <p>Adverts are embodied in posters, publications, programs and information on the dates and times of meetings.</p>
Political Publicity:	<p>Any publicity or advertising process paid or free of charge, that use commercial marketing methods and techniques, that target the public. They aim at promoting a person, position, a program or a political party, with the intention to attract voters or influence their behaviour and choices through audio-visual, print or online mass media, or via fixed or mobile publicity tools, that are stationed in public or private places or means.</p>
Impartiality	<p>Treatment of all candidates with utmost objectivity and not taking the sides of any lists, candidates, or political parties nor obstruct the election campaign of a list or candidate and avoid all that may influence the will of voters.</p>
In-kind funding:	<p>A set of non-monetary resources allocated to cover the expenses of the campaign. They may be embodied in benefits or services extended to the list or candidate, which may be not recorded as completed transactions on the sole bank account.</p> <p>Funding that takes the form of publicity may be listed as in-kind financing.</p>

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Electoral expenses or costs:	A set of monetary and in-kind expenses that have been pledged during the election period by the candidate or list for their own benefit and were consumed or paid to pay off the costs of the election campaign to obtain the trust of voters and earn their votes.
Pledged expenses:	The expenses that the list or candidate commit to pay off to settle the expenses of the campaign.
Paid or consumed expenses:	Monetary or in-kind expenses that have been spent or consumed by the list, or candidate or for their benefit to pay off the costs of the campaign.
Bank Account:	The checking account associated with the election campaign that each list or candidate is required to open.
Account Balance:	It is the remaining amount in the sole bank account, following the payment of all campaign expenses and the due time for closing the account.
Financial Records:	<b>A set of documents, records, statements and accounts of each list or candidate running for election as well as the consolidated accounts and supporting documents, as cited in Articles 83, 84 (New) and 86 of the Elections Law.</b>
Financial Agent:	<b>The person appointed by each list and each candidate to manage the sole bank account and financial and auditing matters related to the campaign.</b>

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**Court of Auditors:** The judiciary authority, in charge of oversight on financing the campaign. Pending the enactment of a law governing the Court of Auditors and their actual assumption of functions, the Circuit of Auditors will assume the competences and functions assigned to the Court of Auditors, as per the Elections law, pursuant to the provisions of Article 174 of Law 16 (2014) cited above.

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## Chapter II

### General Principles Governing Campaign Financing

**Article 3:** Financing the election campaign is subject to the key principles stipulated by the Constitution and relevant international covenants, endorsed by the Tunisian State and Elections Law, the compliance therewith will be ensured by the concerned competent authorities.

**Article 4:** Financing a campaign is subject to the principle of good management of public funds, enshrined by Articles 10 and 117 of the Constitution.

**Article 5:** In coordination with the relevant judicial and administrative authorities, the Authority strives to ensure the transparency of the sources of funding campaigns and the modalities of spending the allocated funds.

Moreover, the Authority strives to prevent the financial of campaigns through foreign or unknown sources or illicitly acquired funds.

**Article 6:** The Authority ensures equity and equal opportunities among all lists, candidates and political parties.

**Article 7:** Public authorities ensure the impartiality of the Administration as well as ensuring that public authority staff, means and resources are not employed in the campaigns of lists or candidates.

### Chapter III

## Methods and Procedures of Financing Campaigns

**Article 8:** The Campaign is financed through sources stemming from self, private and public funding only.

Funding may be monetary or in-kind.

**The value of in-kind funding is deposited into the account of the list or candidate running for elections, within revenues and expenses. The value thereof may be estimated in the light of the market rates, during the time of receipt of the fund, taking consumption into consideration, and will be calculated within the election spending limit.**

### Section I - Self-Funding

**Article 9:** Any monetary or in-kind funding of the campaign from personal resources stemming from the following are deemed self-funding:

- Members of the list running for elections,
- Presidential candidate,
- Political party that finances own lists running for election.

Political parties are prohibited from financing the campaigns of their candidates running for presidential elections.

**Article 10:** Self-funding includes funds originating from members of the list, candidate or political parties running for elections, whether

the source was:

- Professional wages or revenues, personal savings or others,
- In-kind contributions,
- In-kind funds and contributions allocated by the political party for the benefit of its lists,
- Bank loans.

Resources directly stemming from members of the political party for the benefit of its lists running for Legislative, **Municipal and Regional Elections** may not be categorized as self-funding.

## Section II - Private Funding

**Article 11:** Monetary or in-kind funding stemming from natural persons only, apart from members of a list or candidate running for elections, within the maximum limits below, is deemed private funding:

- Legislative elections: a person may finance each list running for elections, within the limits of twenty times the guaranteed minimum wage in non-agricultural sectors, as per the 48-hour system.
- Presidential elections: a person may finance each candidate, within the limit of thirty times the guaranteed minimum wage in non-agricultural sectors, as per the 48-hour system.

Private funding stemming from legal persons of all categories is prohibited.

## Section III - Public Funding

**Article 12 (New):** Following the announcement of the final results of the elections, the State grants the lists or candidates running for elections, that obtain at least 3% of the valid votes in the



constituency an estimated public fund titled “Reimbursement of Election Expenses”. The requirements for granting such fund as well as the limit and spending procedures thereof will be determined upon a governmental decree.

**Article 13 (New):** To obtain the public fund known as “Reimbursement of Election Expenses”, the list or candidate running for elections is required to present a proof of submitting the financial records to the Court of Auditors and compliance with the legal obligations pertaining to the elections campaign and funding thereof.

**Article 14 (New):** Any candidate or list running for elections that does not disseminate one’s financial records in any of the daily newspapers that are issued in Tunisia, within two months from the date of the announcement of the final election results, as per a concise form designed by the Court of Auditors, which is posted on its website for the lists and candidates running for elections, shall be denied the public fund known as “Reimbursement of Elections Expenses”.

Any list running for the legislative elections in a constituency, where the number of seats equals or surpasses four, that did not include among the first four candidates a male or female list member, who is not older than 35 years of age, shall be denied half the value of the public fund known as “Reimbursement of Electoral Expenses”.

Furthermore, all lists running for municipal or regional elections that did not include among the first ten list members a female or male candidate with a physical disability, who holds a disability card, shall be deprived of the entire public fund known as “Reimbursement of Electoral Expenses”.

**Article 15 (New):** In all cases, the value of the public fund titled “Reimbursement of Electoral Expenses” may not exceed the amount of self-funding of the concerned candidate or list running for elections. Furthermore, it may not exceed the value of the total spending limit.

**Article 16:** (Superseded, as per Authority Decision 17 (2017) dated on 23 October 2017)

## Section IV: Illicit Funding

**Article 17:** It is prohibited to finance campaigns through any of the following sources:

- Foreign,
- Unknown,
- Legal person, public or private, whether the activity thereof has a commercial character or aims at non-profit interests. The exception to this rule is the funding granted by political parties to their lists during Legislative, **Municipal and Regional** Elections,
- Stemming from money laundering activities, as per the law in force, and a penal court ruling has been pronounced in their regard.

Any disguised funding of the campaign shall be prohibited.

**Article 18:** Illegally channelling public or private resources to promote, directly or indirectly a list, candidate or political party running for elections, is deemed disguised funding. Below are forms of disguised funding:

- Use of public staff, means and resources in the campaigns of lists or candidates running for elections,
- Associations engagement or contribution to the organization of activities that directly or indirectly pertain to promoting a list, candidate or political party.

**Article 19 (New):** The monetary, in-kind or publicity funds stemming from the following are deemed foreign funding:

- Non-Tunisian governments,
- Non-Tunisian legal persons, public or private, regardless of the activities thereof, notwithstanding that they have branches in Tunisia,
- Non-Tunisian natural persons, notwithstanding that they are residents in Tunisia, or their source of income is Tunisian, as per the taxation laws,

- Gifts, donations or funds, whose source is deemed foreign, as per the taxation law, regardless of the nationality of the donor,
- Tunisian expatriates financing presidential candidates, whether it is self or private funding,
- Monetary or in-kind financing by Tunisian expatriates of the lists running for in-country legislative elections as well as lists running for municipal and regional elections.

Financing lists running for elections in out-of-country constituencies by Tunisian expatriates is not deemed foreign funding.

## Chapter IV

# Election Campaign Financing Procedures

## Section I: Opening the Sole Bank Account

**Article 20:** All lists or candidates running for elections shall open a sole bank account, in which all monetary resources devoted to the campaign, whether their source is self, privately or publicly financed, are deposited. All relevant expenses are paid through this account.

**Article 21:** In coordination with the Central Bank of Tunisia, the Authority determines the procedures for opening and closing of the sole bank account.

As for lists running for elections out-of-country, when a sole bank account may not be opened, the Authority determines the procedures and modalities to identify a sole account for the election campaign.

**Article 22:** Opening more than one account per list or candidate is prohibited. The Central Bank takes the necessary measures to ensure compliance with such prohibition.

**Article 23:** Lists and candidates running for elections provide the

Authority with the Bank ID of the sole bank account, with the ID of the agent, as per the form developed by the Authority for this purpose, within 48 hours, at the latest, from the dissemination of the final lists or candidates running for elections.

## Section II - Financial Agent

**Article 24:** Heads of each list, and each candidate running for elections appoint an agent to manage the financial records of the campaign. The agent is deemed the only contact person with the Authority, in all matters related to finance and auditing of the campaign.

In the event of not appointing a financial agent for the campaign, the financial records may not be accepted.

### Sub-Section I: Procedures of Selection of the Agent

**Article 25:** The agent may not be the head of the list or the candidate running for elections at the same time.

Furthermore, the same agent may not be appointed to represent more than one list or candidate competing over the same election.

In the event of selecting the agent from the members of the list running for elections, the wages s/he might receive may not be deemed electoral expenses. However, they are calculated within the limit of electoral spending.

**Article 26:** Upon the replacement of the agent, for any reason, the list or candidate running for elections shall appoint a new one, as per the same requirements and inform the Authority of this, within 48 hours, at the latest, from the time of replacement.

## Sub-Section II: Functions and Responsibilities of the Agent

**Article 27:** The agent is responsible for all receipt and spending transactions completed by the list or candidate. Furthermore, s/he is required to verify the following:

- The source and legality of monetary and in-kind resources,
- That they have not exceeded the allowed funding limit,
- Electoral and legal nature of the expenses required to be paid,
- Presence of original and credible supporting evidence related to the expenses that are required to be paid off,
- That they do not exceed the allowed spending limit.

**Article 28 (New):** The agent will be in charge of the following tasks, particularly:

- Maintain and manage the sole bank account,
- Maintain a checkbook,
- Maintain a receipt book for monetary donations,
- Maintain a receipt book for in-kind donations,
- Maintain a list of completed activities, marches and gatherings, marked by the Authority,
- Record all revenues and expenses in a special record serially numbered and stamped by the Authority, as per the date of completion, without leaving any blanks, omissions or alteration, and citing the reference of the supporting documents,
- Develop a checklist of electoral revenues and expenses,
- Develop and maintain the accounts of the campaign,
- Develop the financial record, as per the form, designed for this purpose, which shall be submitted by all lists or candidates running for elections, at the permanent clerk of the Court of Auditors or the clerk of any of the competent territorial panels, within the timelines defined by the law,

- Distribution of the amounts remaining in the sole bank account and liquidation of the in-kind resources that have not been consumed,
- Closure of the sole bank account after spending the due public fund known as “Reimbursement of Expenses”.

**Article 29 (New):** The agent will refund the amounts remaining in the sole bank account, including the public fund titled “Reimbursement of Expenses” to the members of the list, candidate and political party running for elections, as per the percentage of the contribution of each one of them, within the limit of the actual self-funding that is provided by each one of them.

The remaining amounts will be returned to the State through depositing them into the Public Treasury of the Republic of Tunisia.

**Article 30:** The agent liquidates the in-kind unconsumed resources, as per the same rules.

## Section III - Procedures of Receiving Revenues

### Sub-Section I: Receipt of Financial Resources

**Article 31:** In all cases, the financial resources stemming from self, private or public funding, shall be deposited into the sole bank account of the campaign, immediately upon receipt.

**Article 32:** Each list or candidate running for elections maintains a receipt book with stubs, for monetary donations, that is serially numbered and stamped by the Authority and shall include the full name of the donor and his/her national ID number, the donated amount and payment method, in cash, check, transferred via post office or bank wire transfer.

As the list or candidate receives the monetary resources, within the framework of self or private funding, the agent writes it in the record designed for this purpose and hands over a receipt that s/he signs, extracted from the receipt book.

The agent deposits the monetary amounts or checks into the sole bank account associated with the campaign and adds the transaction in the record designed for this purpose.

The agent safekeeps the stubs of the receipt book to submit it alongside the supporting documents of the financial accounts.

## **Sub-Section II: Receipt of In-Kind Resources**

**Article 33:** Each list or candidate running for elections maintains a receipt book for the receipt of in-kind donations, that is serially numbered and stamped by the Authority, in which the full name of the donor and his/her ID number, subject of the in-kind contribution and an estimation of the financial value thereof are added.

**Article 34:** As the list or candidate running for elections receives in-kind resources, within the framework of self or private funding, the agent estimates the financial value thereof, and adds it to the record designed for this purpose, as well as description of nature of the donation, name, surname and capacity of the donor and the number of the receipt s/he has signed, which is extracted from the receipts book with the stubs that is prenumbered.

## **Section IV: Electoral Expenses**

**Article 35:** Electoral expenses pertaining to the campaign will be completed upon original and credible supporting documents, in accordance with the regulations in force.

In all cases, the actual spending of each electoral expenses item will need to be proved.

**Article 36:** Electoral expenses are paid off through checks or bank wire transfers if their value exceeds 500 Dinars per expenses item. Such expenses may not be broken down in order not to exceed the said value.

**Article 37 (New):** Expenses may only acquire an electoral character when pledged during the election period, paid or consumed in the concerned constituency, and was aiming at earning the trust of voters and his/her vote.

**Article 37 (bis):** If the political party or coalition organizes an electoral activity, in which the lists thereof that are contesting in more than one constituency, the list running for elections, in the constituency where the activity was organized bears three times the expenses contributed by each list participating in it from outside the constituency.

In the governorates that are divided into more than one constituency and the constituencies in Greater Tunis, each list contesting in those constituencies will bear three times the amounts contributed by each of the other lists taking part in the activity, from outside the said governorates.

**Article 38:** Any spending that takes the form of a donation, gift, monetary, in-kind, or publicity fund, or others, whose subject may be any of the following, is deemed illicit expenses:

- Violation, felony or a crime,
- Buying votes,
- Political publicity, without prejudice to the provisions of Article 57 of Law 16 (2014) mentioned above,
- Engagement in publicity that is deemed illegal, as per the Election law.

The expenses item will be deemed illegal within the electoral spending limit.

**Article 39:** Lists or candidates running for elections are prohibited from exceeding the electoral spending limit.



## Sub-Section V - Campaign Accounts

**Article 40:** Lists or candidates running for elections maintain financial records of the campaign, in which all financial transactions, received or spent, related to the campaign, are registered.

**Article 41:** The political party that presents more than one list running for elections, and the coalition that presents more than one list running for elections, shall maintain consolidated accounts that include all completed transactions in different constituencies, where the political party and coalition presented lists.

**Article 42 (New):** All lists and candidates running for elections shall use the forms made available to their use by the Authority, such as:

- Form of Declaration of the sole bank account ID and the identity of the agent,
- Form of the checklist of completed activities, events and gatherings,
- Form of the record of in-kind, financial revenues and expenses.

Furthermore, they will use the form of the Financial Record made available online for their use by the Court of Auditors on its website.

### Chapter V

## Monitoring the Spending of Campaign Expenses and Financing Modalities

**Article 43:** The Authority pledges, on its own initiative, or upon a request by any entity, to monitor the compliance of the list, candidate or political party running for elections with the rules and means of financing campaigns. The Authority strives to ensure compliance

therewith, in collaboration with different public structures.

**Article 44:** The Authority designates staff, characterized by impartiality, independence and efficiency, to be assigned to detect violations and reporting them. They shall take the following oath before the competent territorial cantonal magistrate, “I swear by Almighty God that I shall live up to my functions with utmost diligence, impartiality and independence, and pledge to ensure the integrity of the electoral process.”

**Article 45:** Upon instructions of the Authority, sworn monitoring staff detect the violations of the rules of financing the campaign. They shall have the capacity of Judiciary Officer, as per the provisions of paragraph 6 of Article 10 of the penal code. Within the scope of their competences, they may draft reports, in the event of non-compliance with those rules by the lists or political parties running for Legislative, **Municipal and Regional Elections** or presidential candidates.

**Article 46:** Monitoring staff shall have legal protection granted to public employees, while on duty. They have the right to attend all electoral activities organized by the lists, candidates or political parties, throughout the campaign.

Sworn monitoring staff under the Authority are subject to the following duties:

- Abide by the laws in force, particularly the elections law, relevant code of conduct, rules and procedures governing the elections campaigns, rules of financing thereof and the regulations and instructions promulgated by the Authority,
- Abide by impartiality and preserve professional confidentiality and the need for discretion,
- Respect the inviolability of private lives and personal particulars of the candidates,
- Respect the bodily inviolability, honour and dignity of the candidates,
- Treatment of lists, candidates and political parties on equal footing,

- Monitoring training seminars organized by the Authority,
- Maintain appropriate appearance and courteousness towards all stakeholders of the electoral process.

**Article 47:** Monitoring staff detect violations and include them in a report to be enclosed to all documents and supporting evidence, that shall be immediately filed to the territorially competent Sub-Commissions. The report will be registered, upon a serial number in a special record maintained by the Sub-Commission.

The reports drafted by monitoring staff shall have opposability, as per the provisions of Article 155 of the penal code. They shall be approved, as far as the validity of the cited material observations.

Testimonies and statements recorded in the reports will be deemed valid, unless proven otherwise, as per Article 154 of the Code of Criminal Procedure.

The report shall include the following data:

- Date, time and place of the report,
- Name of the list, member in the list, or candidate
- Members of the public meeting office, march, procession or gathering,
- Inspection conducted, information and statements acquired and violations if any,
- Signatures of the persons, who gave their statements, and if they refuse to sign, it should be stated,
- Identity, capacity and signatures of the staff drafting the report and stamp of the concerned Sub-Commission.

The Authority may initiate complementary researches or investigations, when necessary.

**Article 48:** The list or political party running for Legislative, **Municipal and Regional Elections**, or presidential candidate will provide the Authority with documents and data regarding their sources of funding and expenses pledged, spent or consumed during the campaign, within 24 hours, at the latest from the date of sending the request.

**Chapter  
VI****Sanctions****Sub-Section I - Electoral Sanctions**

**Article 49 (New):** The Authority partially or wholly cancels the results of the winners of the elections, if it transpires that their violation of the rules of financing the campaign has affected the election results, substantially and critically. The decisions of the Authority shall be substantiated.

**Article 50 (New):** Pursuant to the provisions of Article 98 (New) of Law 16 (2014) cited above, the Court of Auditors declares that membership shall be forfeited of each member, who was nominated in a list that did not submit the financial records to the Authority or has exceeded the spending limit by over 75%.

**Article 51 (New):** Pursuant to the provisions of Article 163 of Law 16 (2014) stated above, members of any list that obtains foreign funding shall have their membership in the elected assembly forfeited.

**Article 52 (New):** Pursuant to Article 163 of Law 16 (2014) stated above, any member of a list or a candidate running for elections indicted for obtaining foreign funding for own election campaign shall be denied the right to apply for candidacy for five years from the date of the indictment ruling.

**Sub-Section II - Financial Sanctions**

**Article 53 (New):** Pursuant to the provisions of Article 98 (New) of Law 16 (2014) cited above, the violation of a list, candidate or political party running for elections, of the rules of financing campaigns entails any of the following sanctions imposed by the Court of Auditors:

- A fine that equals ten times the maximum amount of the public fund at the concerned constituency, if the financial records are not submitted as per the modalities and timeline stipulated in Article 86 of Law 16 (2014) stated above,
- A fine that equals five to seven times the maximum amount of the public fund, at the concerned constituency, if the Court of Auditors rejects the financial record,
- In the event of exceeding the electoral spending limit in any of the constituencies:
  - A fine that equals the amount exceeding the limit, if it was exceeded by around 20%,
  - A fine that equals four times the value of the amount exceeding the limit, if it was exceeded by over 20% and up to 50%,
  - A fine that equals five times the value of the amount exceeding the limit, if it was exceeded by over 50%.

**Article 53 (bis):** Pursuant to the provisions of the first paragraph of Article 99 of Law 16 (2014) stated above, the Court of Auditors imposes a fine amounting to around 500-2,500 Dinars against the lists, candidates or political parties running for elections that intentionally delay the submission of the documentation required for the completion of the monitoring functions delegated to the Court.

**Article 53 (3):** Pursuant to the provisions of the second paragraph of Article 99 of Law 16 (2014) cited above, the Court of Auditors may impose a fine amounting to around 1,000 to 5,000 Dinars against the lists, candidates or political parties that violate the provisions of Articles 78, 84 up to 86 of the Law.

**Article 54 (New):** Pursuant to the provisions of Article 163 of Law 16 (2014), cited above, if it is proven to Court of Auditors that the candidate or list has obtained foreign funding for the election campaign, the Court rules that the list or the candidate pay a fine that amounts to around ten times to fifty times the value of the foreign fund.

**Article 55:** Such fines shall be imposed on the concerned party, if the punitive violation was perpetrated by a political party, and on members of a list of candidates, if the punitive violation was perpetrated jointly by a list running for elections.

## **Sub-Section II - Penal Sanctions**

**Article 56:** Pursuant to the provisions of Article 161 of Law 16 (2014), cited above, any person caught while attempting to grant monetary or in-kind donations, with the intention to influence voters, or use the same methods to make the voter refrain from voting, whether prior to, during or following polling, shall be sentenced to imprisonment from six months to three years and paying a fine from 1,000 to 3,000 Dinars.

**Article 57:** Pursuant to the provisions of Article 163 of Law 16 (2014), cited above, a presidential candidate, who obtains foreign funding shall be sentenced to five-year imprisonment.

**Article 58:** Pursuant to the provisions of Article 166 of Law 16 (2014), cited above, an ancillary punishment may be imposed, ruling that a perpetrator of any of the electoral crimes, in the light of which s/he has been sentenced to imprisonment for one year or more, shall be denied the right to vote for at least two years and up to six years.

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority and shall be enforced with immediate effect.

Tunis, on 8 August 2014

Chairperson of the Independent  
High Authority for Elections  
**Mohamed Chefik Sarsar**

**Decision 8 (2018) of the Independent High Authority for Elections, dated on 20 February 2018 on determining the rules and requirements mass media need to comply with during the election and referendum campaign<sup>1</sup>**

The Board of the Independent High Authority for Elections,

Upon perusal of the Constitution, particularly Articles 6, 15, 21, 23, 24, 31, 32, 34, 49 and 126 thereof,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all modifying and complementary provisions thereof,

Organic Law 16 (2014) dated on 26 May 2014 on Elections and Referenda, as modified and complemented by Organic Law 7 (2017) dated on 14 February 2017, particularly Article 67 thereof,

Decree 115 (2011) dated on 2 November 2011 on the freedom of press, printing and publication,

Decree 116 dated on 2 November 2011 on the freedom of audio-visual communication and the establishment of a High Independent Authority for Audio-Visual Communication,

Joint Decision of the Independent High Authority for Elections and the High Independent Authority for Audio-Visual Communication, dated on 5 July 2014 on determining the rules and procedures governing the election and referendum campaigns on mass media and audio-visual communication tools,

The joint Decision of the Independent High Authority for Elections and the High Independent Authority for Audio-Visual Communication, dated on 14 February 2018 on determining the rules and procedures governing the coverage of municipal and regional election campaigns on mass media and audio-visual communication means,

Following consultations with the High Independent Authority for Audio-Visual Communication, regarding the rules and general requirements that necessitate the compliance of mass media during the election and referendum campaigns, pursuant to the first paragraph of Article 67 of the Election Law,

Following deliberations, has decided the following:

## Chapter I

## General Clauses

**Article 1:** The Decision herein determines and general rules and regulations that need to be adhered to by the audio-visual, print and online mass media during the election and referendum campaign, as well as the rules of campaigning on print and online mass media.

Besides the contents of the Decision herein, campaigning over audio-visual mass media and their online websites are subject to the two joint decisions of the Independent High Authority for Elections and the High Independent Authority for Audio-Visual Communication determining the rules pertaining to the coverage of the presidential, legislative, municipal and regional elections campaigns via mass media as well as audio-visual communications means.

**Article 2:** The following terminology denote the following, as per the Decision herein:



Authority:	The Independent High Authority for Elections.
Sub-Commissions:	The Sub-Commissions that may be established by the Board of the Authority, as per Article 21 of the Organic Law 23 (2012) dated on 20 December 2012, as modified and complemented.
List, candidate or political party running for elections:	The lists running for legislative, regional or municipal elections, candidate running for presidential elections, and political party running for the referendum.
Campaign	A set of activities exercised by the candidates, lists, supporters thereof or political parties during the period defined by the law to introduce their electoral or referendum platform, with the use of various means and methods that are made accessible by the law for campaigning to urge the voters to vote in their favour on polling day. Campaigns commence 22 days prior to polling day and end 24 hours prior to polling day.
Silence Period:	The timeframe that includes election silence day and polling day pending the closure of the last polling station in the constituency.
Impartiality:	Treatment of all candidates with utmost objectivity and integrity and refraining from taking the sides of any lists, candidates, or political parties or obstructing the election campaign of a list, candidate or political party during referendum campaign and avoiding all that may influence the will of voters.

Political Publicity:	Any publicity or advertising process, paid or free of charge, that uses commercial marketing methods and techniques that targets the public and aims at promoting a person, position, platform or political party to attract voters and influence their behaviour or choices, through the audio-visual, print or online mass media, or via fixed or mobile publicity means that are stationed in venues, public or private means.
Mass media:	Audio-visual, print and online mass media.
Audio-visual mass media:	Public, private and community audio-visual communication institutions that broadcast at the national or regional level, as per the legislation in force.
Print mass media:	Paper publications that contain informational content addressing the public, such as newspapers, magazines, periodicals, journals or other information publications.
Online mass media:	Online media addressing the public, online or through social media networks or others, which disseminate or broadcast information material, as per the news and information production methods.
Public mass media:	Any information medium under the oversight of the state, public authorities, institutions or installations or other public legal persons, that are financed through public funds and serve the objectives of the public service.
Surveys:	Statistical research that aims at presenting quantitative indicators within a limited duration revolving around the opinions, intentions or behaviours or the voters, through asking a sample of respondents.

**Defamation:** Any public allegation or imputation of an incorrect matter, which may harm the honour or reputation of a person and may cause direct personal harm to the targeted person.

## Chapter II

### General rules related to mass media

**Article 3:** Mass media enjoy the freedom to cover the campaign and the right to access information, as per the legislation in force.

**Article 4:** During the campaign, mass media shall:

- Commit to impartiality,
- Adhere to the principles of equity and equal opportunities for all candidates,
- Respect the bodily inviolability, honour and dignity of the candidates and voters,
- Refrain from harming the private lives of candidates and their personal data,
- Respect the requirements for safeguarding public security and national defence, particularly regarding the media coverage of military and internal security forces personnel as they cast their votes,
- Refrain from the dissemination and broadcasting of incitement for hatred, violence, bigotry and discrimination on religious, ethnic, regional, gender basis or others.

**Article 5:** Mass media commit to respecting the rules and professional ethics and avoiding all that may mislead or influence the will of the voters.

Upon selecting excerpts from statements and comments made by the lists, candidates or political parties, they shall commit to not misinterpret, rephrase or take them out of context, to distort the original content or attach to them a different meaning.

**Article 6:** During the election campaign, mass media will prohibit all anchors, news editors, program presenters, journalists and officials affiliated to them from appearing apart from the slots, or programs dedicated to the lists, candidates or political parties running for elections.

Furthermore, mass media will strive to not instruct their staff, with editorial functions, who have been nominated or declared their nomination for elections, to operate in any work related to the media coverage of the election campaign.

**Article 7:** During the pre-campaign period, the campaign or election silence period, mass media are prohibited from engagement in political publicity.

Furthermore, mass media are prohibited from broadcasting or disseminating any media coverage that may lead to any form of publicity for the benefit of lists, candidates or political parties running for elections, directly or indirectly, in negative or positive manner.

The prohibition of political publicity does not apply to the political party-owned newspapers that are authorized to launch publicity during the campaign, in the form of adverts for the benefit of the political party that they speak for, candidates, political party lists or coalition lists running for elections in the name of the political party.

In this case, the advert is required to be presented in a visible manner, to stand out from the other news items and editorials, and be headlined as “publicity”, “advert” or “notification”.

**Article 8:** During the pre-campaign period, the campaign, and the election silence day, it is prohibited to announce the dedication of a toll-free phone number, voice servers, or call centre for the benefit of a candidate, list or political party, via mass media.

**Article 9:** During the pre-campaign period, the campaign, and the election silence day, mass media are prohibited from broadcasting and disseminating the outcomes of surveys that are directly or

indirectly related to the elections and referendum, as well as the relevant studies and press commentaries.

**Article 10:** Upon the declaration of the outcome of opinion polls, following the closure of the last polling station at the constituency, mass media shall refer to the following:

- The presented outcome are mere estimates and may not reflect the final polling results,
- Announce the name of the entity that developed the opinion poll, the methodology adopted, details of the respondents, margin of error, authority, person or political party, upon the request of which, the opinion poll was conducted.

**Article 11:** Mass media are prohibited from partially announcing the results of the elections, before the last polling station in the constituency is closed.

### Chapter III

## Rules on Print and Online Mass Media

**Article 12:** Print and online mass media are prohibited from the dissemination of false information regarding, lists, candidates or political parties, defaming, insulting or slandering them.

Print and online media shall enable each list, candidate or political party to the right to correct any false information disseminated in their regard. They shall also enable them to the right of reply.

The right of reply may be exercised in keeping with the rules and procedures provided for in the legislation in force.

**Article 13:** The Authority pledges to monitor the print and online coverage of the campaign, either on its own initiative or based on complaints submitted to the Authority.

If the print or online mass medium violates the rules and general

requirements it is required to abide by, during the election campaign, the Authority informs the head thereof to take the necessary measures.

## Chapter IV

## Sanctions

**Article 14:** Pursuant to the provisions of Article 152 of the aforementioned Organic Law 16 (2014), violation of the prohibition on the announcement of the allocation of a toll-free phone number via mass media, a voice server or call centre for the benefit of a candidate, list or political party running for elections, entails a fine of 3,000 Dinars.

**Article 15:** Pursuant to the provisions of Article 154 of the aforementioned Organic Law 16 (2014), violation of the prohibition on political publicity during the election or referendum campaigning periods, with the exception of publicity adverts on political party-owned newspapers and the use of publicity tools by presidential candidates during the campaign, entails a fine of 5,000-10,000 Dinars.

**Article 16:** Pursuant to the provisions of Article 155 of the aforementioned Organic Law 16 (2014), violation of the prohibition on all forms of publicity during the election silence day, entails a fine of 3,000-20,000 Dinars.

**Article 17:** Pursuant to the provisions of Article 156 of the aforementioned Organic Law 16 (2014), violation of the prohibition on disseminating and broadcasting the outcome of opinion polls, that are directly or indirectly related to the elections and referendum, as well as relevant studies and press commentaries during the campaign and the election silence day, entails a fine of 20,000-50,000 Dinars.

**Article 18:** Upon suspicion of an electoral crime, the Authority informs the Public Prosecution.

**Article 19:** Authority Decision 25 (2014) dated on 8 September 2014 on determining the rules and general requirements that require

the compliance of mass media during the election and referendum campaigns and Decision 26 (2014) dated on 8 September 2014 on determining the rules of print and online mass media, shall be superseded.

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and website of the Authority and shall be enforced with immediate effect.

Tunis, 20 February 2018

Chairperson of the Independent  
High Authority for Elections  
**Mohamed Tlili Mansri**

**Joint Decision of the Independent High Authority for Elections and the High Independent Authority for Audio-Visual Communication dated on 21 August on determining the rules and procedures of coverage of audio-visual mass media of the presidential and legislative elections<sup>1</sup>**

The Board of the Independent High Authority for Elections and the Board of the High Independent Authority for Audio-Visual Communication

Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 31, 32, 48, 55, 75, 125, 126, 127 and paragraph 8 of Article 148 thereof,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections and all modifying and complementary provisions thereof,

Organic Law 16 (2014) dated on 26 May 2014 on elections and referenda, as modified and complemented by Organic Law 7 (2017) dated on 14 February 2017, particularly the third paragraph of Article 67 and Article 74 thereof,

Decree 116 (2011) dated on 2 November 2011, particularly Articles 3, 4, 5, 42, 43, 44, 45 and 46 thereof,

Following deliberations, decided the following:

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1. Official Gazette, Issue 68, dated on 23 August 2019



## Chapter I

# General Clauses

**Article 1:** The Decision herein determines the rules and procedures of mass media and audio-visual communication means coverage of presidential and legislative election campaigns, vis-à-vis all programs, news, talk shows, political debates, direct access programs, or others. Furthermore, the Decision regulates the requirements for the production of programs, reports and features related to the election campaigns.

Provisions of the Decision herein apply to national public, private and community mass media and audio-visual communication means, as well as official online websites and social media networks affiliated to them. They also apply to the offices and correspondents of international channels and the production agencies and firms contracted in the Republic of Tunisia.

**Article 2:** The following terminology denote the following, as per the Decision herein:

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**Election Period:** The timeframe that includes pre-election campaign, the campaign, and election silence day. As for presidential elections, it stretches up to the announcement of the final results of the first round.

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<b>Election Campaign</b>	<p>A set of activities exercised by the candidates, lists, supporters thereof or political parties during the period defined by the law to introduce their electoral or referendum platform, with the use of various means and methods that are made accessible by the law for campaigning to urge the voters to vote in their favour on polling day.</p> <p>Campaigns commence 22 days prior to polling day and end 24 hours prior to polling day.</p>
<b>Silence Period</b>	<p>The period that includes the elections silence day and polling day until the closure of the last polling station in the constituency.</p>
<b>List or candidate running for elections:</b>	<p>The lists contesting for legislative elections and presidential candidates.</p>
<b>Audio-visual communication</b>	<p>All operations that involve broadcasting of televised services to the public, regardless of the presentation modality.</p>
<b>Broadcast:</b>	<p>Radio and TV programs coverage of a geographical area.</p>
<b>Program:</b>	<p>A set of images or sounds, or a combination of both to form one unit in the framework of programming, focused on by the audio-visual communication institution through own means.</p>
<b>Debate:</b>	<p>A gathering organized by audio-visual communication media, based on preset rules, in the framework of which live discussions among presidential candidates take place, with the intention to enlighten the voters and share their thoughts and platforms.</p>

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<b>Direct Access:</b>	The right of representatives of lists running for legislative elections and presidential candidates to communicate via public audio-visual communication means to present their election platforms.
<b>National audio-visual mass media:</b>	Public, private and community licensed audio-visual communication institutions that broadcast, pursuant to Decree 116 (2011) dated on 2 November 2011.
<b>Political publicity:</b>	Any publicity or advertising process, paid or free of charge, that uses commercial marketing methods and techniques that targets the public and aims at promoting a person, position, platform or political party to attract voters and influence their behaviour or choices, through the audio-visual, print or online mass media, or via fixed or mobile publicity means that are stationed in places, public or private means.
<b>Surveys</b>	Statistical research that aims at presenting quantitative indicators within a limited timeframe revolving around the opinions, intentions or behaviours or the voters.
<b>Coverage on equal footing:</b>	A rule, based on which the same airtime dedicated for broadcasting or expression to cover the presidential election campaign, and access of candidates to audio-visual mass media, is allocated.
<b>Fair Coverage:</b>	A rule, based on which, the lists running for legislative elections access audio-visual mass media, in the light of the principle of proportionality among a set of lists contesting at the national or regional level, and airtime rate on audio-visual mass media.

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<b>Proportionality at the national level:</b>	The rule of balancing the rate of access of lists running for elections into the mass media, on the basis of the percentage of their number in the constituencies at the level of the Republic.
<b>Proportionality at the regional level:</b>	The rule of balancing the rate of access of the lists running for elections to the regional and local mass media, on the basis of the percentage of their numbers in the concerned constituencies.
<b>Impartiality:</b>	Dealing with all candidates with utmost objectivity and integrity, without taking the sides of any list or obstructing the election campaign of a list and averting all that may influence the will of the voters.
<b>Defamation:</b>	Any public allegation or imputation of an incorrect matter, which may harm the honour or reputation of a person and may cause direct personal harm to the targeted person.

## Chapter II

# Rules of Media Coverage during Election Campaign

## Section I - Joint General Rules

**Article 3:** Audio-visual mass media enjoy the freedom of expression and editorial independence during the coverage of election campaign, with due compliance with the principles of objectivity, integrity and impartiality.

**Article 4:** While covering the election campaign, mass media are subject to the controls stipulated by the legislation in force and the

provisions of the Decision herein as well as those in the Decision of the Independent High Authority for Elections on determining the rules and requirements that necessitate the compliance of mass media during the election campaign and specifications issued by the High Independent Authority for Audio-Visual Communications regarding the creation and use of television and radio channels.

**Article 5:** Election campaigns may not be launched via audio-visual mass media that broadcast beyond the framework of Decree 116 (2011) and are not licensed.

**Article 6:** Audio-visual mass media of all types commit to ensuring coverage of the election campaign by reporters who are characterized by utmost professionalism, expertise and cognizance of the laws and regulations governing the electoral process. Journalists, regardless of the type of institutions they are affiliated to, comply with the professional rules and ethics and shall not succumb to any form of steering, intimidation or extortion and prioritize the right of the voter to balanced and credible coverage.

**Article 7:** Mass media commit to refraining from harming the private lives of candidates as well as the dissemination of any discourse that may incite violence, hatred, bigotry or discrimination based on colour, gender, religion, regional affiliation or any other, and all that may compromise the values of democratic civil state, as enshrined in the Constitution.

**Article 8:** Upon selecting excerpts from statements and comments made by candidates, mass media shall commit to refraining from misinterpreting their nuances and aims.

While broadcasting TV or radio programs dedicated to the campaign, or inclusion of excerpts thereof into their websites or social media networks, mass media are prohibited from rephrasing or taking them out of context, to distort the original essence of its content or attach different meanings to them.

**Article 9:** Mass media commit to enabling candidates, who underwent slander or defamation to have the right of reply and correction, if any incorrect information in their regard were disseminated to mislead voters. This shall be done within 24 hours at the latest from the date

of submission of a written request for this purpose to the concerned media outlet, by the concerned person.

**Article 10:** The right of reply and correction may be exercised as per the requirements stipulated by the relevant specifications.

The right of reply may not involve any expressions against the law or that may harm the reputation and honour of persons.

**Article 11:** If the concerned media outlet refuses to enable the claimant of the right of reply or correction, it shall inform him/her through a substantiated written decision. Silence following the elapsing of the aforementioned timeline is deemed implicit refusal.

The refusal decision may be challenged before the High Independent Authority for Audio-Visual Communications, in 24 hours, at the latest, from the date thereof. The Authority adjudicates the challenge within the subsequent 24 hours.

**Article 12:** Mass media shall commit to not combining presidential elections campaign programs with those of the legislative elections. Programs dedicated to each shall be preceded by audio or visual signals. Moreover, it should be explicitly stated throughout the broadcast.

**Article 13:** Prior to the launch of the presidential and legislative elections campaigns, the mass media shall develop two detailed workplans for the special coverage programs that shall be determined, in consultation with the editorial authorities. They have the liberty to identify the number and quality of the dedicated programs without prejudice to the provisions of the Decision herein.

The workplan includes TV and radio programs of the mass media as well as the content disseminated on their official website and social media networks.

**Article 14:** Mass media shall commit to the delivery of the detailed workplan of the High Independent Authority for Audio-Visual Communications, at least seven days prior to the commencement of the election campaign, and also the dissemination of the workplan on their websites.

**Article 15:** Mass media commits to ensuring the broadcasting of news

bulletins covering the election campaigns, within their capacity and human resources.

Furthermore, they commit to refraining from the inclusion of entertainment features within the news programs and news bulletins dedicated to the election campaigns.

During the conduct of talk shows, mass media commit to selecting their guests on the basis of diversity and refraining from the exclusion of any party. The journalist moderating the discussions shall refer to the criteria, based on which they have been hosted.

**Article 16:** All mass media shall commit to the appointment of a special liaison officer, who will be the direct focal point to coordinate with all concerned parties and entities during the election campaign.

**Article 17:** Mass media commit to refraining from announcing the outcome of surveys on voters, as they exit the polling stations, prior to the closure of the last polling station in the constituency, vis-à-vis the legislative elections, and the closure of the last polling station, regarding presidential elections.

**Article 18:** Upon the declaration of the outcome of surveys as per the aforementioned criteria, mass media shall refer to the following:

- The presented outcome may not reflect the final polling results,
- Announcement of the name of the entity that developed the survey, the methodology adopted, details of the sample, margin of error, authority/person/political party, upon the request of which, the opinion poll was conducted.

**Article 19:** Mass media are prohibited from announcing the preliminary or final results of the elections, before the official announcement made by the Independent High Authority for Elections.

## **Sub-Section II - Access to Audio-Visual Mass Media**

**Article 20:** During the election campaign, mass media commit to ensuring diversity through the presence of a wide range of intellectual and political spectrum. This may be done through providing media

coverage that respects the principle of equality, regarding the presidential elections and parity, regarding legislative elections.

All TV and radio channels broadcast at the national level commit to the realization of parity, based on proportionality at the geographical level, whereas the regional channels commit to the realization of parity, on the basis of proportionality, at the geographical level within their broadcasting range, defined in the license agreement, as far as the legislative elections are concerned.

If media coverage of a program or part of which is limited to a certain constituency or more, proportionality is applied across the concerned constituency/constituencies.

**Article 21:** Mass media introduce the lists running for legislative elections, regardless of the rate of their presence in the constituencies.

**Article 22:** A media coverage of the campaign is each coverage in which:

- The candidate speaks, in such capacity or any other,
- That was done during the programs related to the campaign or others, except the right of reply or correction.

**Article 23:** Mass media strive to provide conducive conditions for identical broadcasting and production requirements for all candidates running for elections.

**Article 24:** Mass media commit to refraining from inviting candidates to attend programs that are not dedicated to the election campaigns.

**Article 25:** Mass media take into consideration the principle of parity in various radio and TV elections-dedicated programs and refrain from treating female guests and candidates with condescending, patronizing or sarcastic discourse, without prejudice to gender approach.

**Article 26:** Mass media ensures the inclusion of youth in various radio and TV programs dedicated to the election campaign, in the discussion of topics revolving around public issues.

**Article 27:** Mass media facilitate the access of candidates running for elections and guests with disabilities to the programs dedicated to



the election campaign, through adequate means.

### **Sub-Section III - Indirect Election Campaign**

**Article 28:** During the election campaign, it is prohibited to broadcast formal speeches or media interventions by the presidency of the Republic, government, members of the Assembly or the People's Representatives, regional or municipal assemblies or any other public authorities, that may include direct or indirect election campaign.

**Article 29:** It is prohibited to employ media outlets by owners, contributors or those with fixed relations, to directly or indirectly promote candidates or counter publicity against their rivals.

**Article 30:** Media outlets commit to prohibiting the appearance of candidates, who are entertainers, news editors, program anchors, journalists or officials working in their institutions, through images or voices, in their TV and radio programs during the election campaign, in slots other than those dedicated to the lists running for elections.

Furthermore, mass media commit to refraining from delegation to their editorial staff, who run for elections or announced their nomination for the elections, to engage in any work related to the media coverage of the campaign.

### **Sub-Section IV - Obligations of Public Audio-Visual Mass Media**

**Article 31:** Public audio-visual mass media, in their capacity as public services, commit to employ their resources to ensure comprehensive coverage of the elections. They shall dedicate a part of their programming prior to the commencement of the election campaign to educate the voters and enlighten them over the importance of the electoral process and enable them to access accurate information to bolster their free will to make informed choices.

**Article 32:** Public Audio-visual mass media commit to facilitating the access of candidates with disability to the campaign programs through providing conducive techniques and will strive to ensure sign language interpretation concurrently with news bulletins.

### Chapter III

## Rules governing the organization of debates and live speeches

### Sub-Section I: During Debates and Live Speaking

**Article 33:** Public mass media may organize debates among presidential candidates for the first and second rounds, under the oversight of the Independent High Authority for Elections and the High Independent Authority for Audio-Visual Communications.

Private audio-visual mass media may also take part in organizing and broadcasting such debates, in coordination with the Tunisian Radio and Television Corporations.

Such debates are required to be as follows:

- All procedures of organizing debates shall be based on a draw, in the presence of a bailiff, to avoid favouring candidates over others.
- During the first round, candidates are divided into equal groups, based on a draw. In each group, there must be at least one candidate affiliated to a political party that is represented at the parliament. The priority of selection is assigned to the most represented at the parliament. The rest will follow if they outnumber those in the groups in the draw.
- The technical options shall be pre-determined according to detailed envisagement, with the aim to realize the principle of equality among various candidates. The debate will be subject to

the approval of the High Independent Authority for Audio-Visual Communications.

- The need to opt for the principle of parity, in the selection of journalists, who must be qualified, committed and comply with the professional rules and ethics.
- Journalists assigned to moderate the debate shall comply with the following:
  - Pre-inform the candidates and audience about the rules of debate moderation,
  - Heed impartiality in posing the questions and moderating the discussions, including the non-verbal expressions, such as hand gestures and facial expressions,
  - Treat candidates on equal footing and refrain from offending any participant in any form,
  - Stick to the pre-set questions,
  - Refrain from arguing with candidates,
  - Stress that all candidates commit to respecting individual freedoms and refrain from engaging in discourse that may involve defamation or incitement of hatred or abuse of religion,
  - Stress on the respect of the speaking time for each candidate,
  - Preset equal speaking time for the candidates and allocate around one-third of the speaking time for each candidate for free comments.

**Article 34:** All candidates shall be pre-informed of the time and date of the debate and the different rules governing such debates.

If any of the candidates does not attend, after confirming attendance, the debate will be carried out at the scheduled time, maintaining the speaking time for each candidate.

If either of the candidates refrains from taking part in the debate during the second round of the presidential elections, or withdraws after confirming attendance, the debate shall be called off.

**Article 35:** Mass media may not re-broadcast the debates during the

election campaign, wholly or partly.

**Article 36:** In the event of non-compliance with the rules of the debate, a grievance may be immediately lodged at the Independent Higher Authority for Election and the High Independent Authority for Audio-Visual Communications.

The grievances will be adjudicated in 24 hours, at the latest.

**Article 37:** A joint committee of the Independent Higher Authority for Election and the High Independent Authority for Audio-Visual Communications will be established to be tasked with overseeing the draw processes and good management of debates, in a manner that ensures all candidates are treated on equal footing.

## Sub-Section II - Live Speaking

**Article 38:** If the High Independent Authority for Audio-Visual Communications and Independent High Authority for Elections acknowledge the possibility to opt for live speaking as a tool for communication by presidential candidates and lists running for legislative elections, it will be assigned to the public audio-visual mass media for implementation.

**Article 39:** Live speaking programs are produced and broadcast with the same conditions applying to all candidates and lists running for elections.

**Article 40:** Production and airing requirements, including the form, duration, timing and order of the broadcast will be defined in a detailed memorandum to be developed by the High Independent Authority for Audio-Visual Communications, in coordination with the Tunisian Radio and Television Corporations, which will be disseminated 72 hours, at the latest, following the dissemination of the final list and candidates running for elections.

**Article 41:** The Tunisian Radio and Television Corporations take the necessary arrangements to remove all obstacles that may prevent any candidate with disability from appearing in live speaking programs, including the facilitation of his/her access to the studios prepared to

produce such programs.

**Article 42:** Programs devoted for live speaking will be announced through a signal that is broadcast prior to and during the aforementioned sessions, that include a disclaimer relieving the Audio-Visual Communication institution from any responsibilities for the contents of such sessions.

**Article 43:** Live speaking programs may not be broadcast via private audio-visual mass media and communication means. However, they are allowed, on an exceptional basis, to broadcast brief excerpts from them, in the framework of press commentaries, without compromising the original content or misinterpreting them.

**Article 44:** The High Independent Authority for Audio-Visual Communications posts on its website a schedule related to the media coverage of the campaign.

It will also disseminate on its website the detailed memo of the sessions of live speaking as well as the detailed plans for media coverage of the campaign, approved by mass media and audio-visual communication means.

## Chapter IV

## Final Clauses

**Article 45:** The High Independent Authority for Audio-Visual Communications monitors the extent of compliance of mass media with the principles of equality, parity, diversity and the rules of professional ethics, and develops a periodic report for this purpose to be disseminated to the public.

**Article 46:** The percentage of the airtime pertaining to the presence of the lists running for elections on public and private audio-visual mass media will be defined upon determining the final lists in all constituencies, in the framework of the annex to the Decision herein.

**Article 47:** Any violation of the Decision herein will be sanctioned

pursuant to the provisions of the legislation in force. In the event of detecting a violation of the aforementioned principles, the High Independent Authority for Audio-Visual Communications will take the necessary decisions, and the concerned media outlet are required to address the violation in 24 hours at the latest.

**Article 48:** Provisions of the Decision herein supersede and replace the joint Decision of the Independent High Authority for Elections and The High Independent Authority for Audio-Visual Communications dated on 5 July 2014 on determining the rules and procedures governing the election and referendum campaigns on mass media and audio-visual communication means.

**Article 49:** The Decision herein will come into force as of the date of promulgation thereof and will be disseminated in the Official Gazette of the Republic of Tunisia and the websites of the Independent High Authority for Elections and The High Independent Authority for Audio-Visual Communications.

Written in Tunis, on 21 August 2019

Chairperson of the Independent  
Head High Authority for Elections

**Nebil Baffoun**

Head of High Independent Authority  
for Audio-Visual Communications

**Nouri Lajmi**

**Joint Decision of the Independent High Authority for Elections and The High Independent Authority for Audio-Visual Communications dated on 14 February 2018 on the rules and procedures<sup>1</sup> governing the coverage of Municipal and Regional Election campaigns, as modified by the join Decision of both authorities dated on 18 April 2018<sup>2</sup>**

The Board of the Independent High Authority for Elections and the Board of The High Independent Authority for Audio-Visual Communications,

Upon perusal of the Constitution of the Republic of Tunisia, dated on 27 January 2014, particularly Articles 31, 32, 34, 48, 49, 55, 75, 125, 126, 127, 133 and paragraph 8 of Article 148 thereof,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all modifying and complementary provisions thereof,

Organic Law 16 (2014) dated on 26 May 2014 on Elections and Referenda, as modified and complemented by Organic Law 7 (2017) dated on 14 February 2017, particularly paragraph 3 of Article 67 and Article 74 thereof,

Decree 116 (2011) dated on 2 November 2011 particularly Articles 3, 4, 5, 42, 43, 44, 45, and 46 thereof,

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1. Official Gazette, Issue 14, dated on 16 February 2018

2. Official Gazette, Issue 32, dated on 20 April 2018

Following deliberations, decided the following:

Chapter

I

General Clauses

**Article 1:** The Decision herein determines the rules and procedures governing the coverage of the municipal and regional elections campaigns on mass media and audio-visual communication means. This includes all programs, news, talk shows, political debates or others. It also defines the requirements for the production of programs, reports and features related to the municipal and regional elections campaigns.

Provisions of the Decision herein apply to the national public, private and community mass media, as well as their official websites and social media platforms. Furthermore, they apply to the offices and correspondents of foreign channels and production agencies and firms contracting with them in the Republic of Tunisia.

**Article 2:** The following terminology denote the following, as per the Decision herein:

<b>Election Period:</b>	The timeframe that includes pre-election campaign, the campaign, and election silence day.
<b>Pre-Election Campaign phase:</b>	The period that precedes the election campaign and lasts for two months.



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<b>Election Campaign</b>	A set of activities exercised by the candidates, lists, supporters thereof or political parties during the period defined by the law to introduce their electoral or referendum platform, with the use of various means and methods that are made accessible by the law for campaigning to urge the voters to vote in their favour on polling day. Campaigns commence 22 days prior to polling day and end 24 hours prior to polling day.
<b>Silence Period</b>	The timeframe that includes the elections silence day and polling day until the closure of the last polling station in the constituency.
<b>List running for elections:</b>	The lists contesting for municipal or regional elections.
<b>Audio-visual communication:</b>	All operations that involve broadcasting or televised services to the public, regardless of the presentation modality.
<b>Broadcast:</b>	Radio and TV programs coverage of a geographical area.
<b>Program:</b>	A set of images or sounds, or a combination of both to form one unit in the framework of programming, focused by the audio-visual communication institution through own means.
<b>National Audio-Visual Mass Media:</b>	Public, private and community audio-visual communication institutions that broadcast at the national or regional level, as per the legislation in force.

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<b>Political Publicity:</b>	Any publicity or advertising process, paid or free of charge, that uses commercial marketing methods and techniques that targets the public and aims at promoting a person, position, platform or political party to attract voters and influence their behaviour or choices, through the audio-visual, print or online mass media, or via fixed or mobile publicity means that are stationed in places, public or private means.
<b>Surveys</b>	Statistical research that aims at presenting quantitative indicators within a limited timeframe revolving around the opinions, intentions or behaviours of the community, through interrogating a sample.
<b>Parity:</b>	The standard used to enable lists running for elections to access audio-visual mass media, on the basis of proportionality among the number of lists at the national or regional level and the percentage of time-constrained appearance in audio-visual mass media.
<b>Proportionality at the national level:</b>	The rule of balancing the percentage of the access of lists running for elections to mass media on the basis of the percentage of their numbers in the constituencies or across the entire Republic.
<b>Proportionality at the regional level:</b>	The rule of balancing the percentage of the access of the lists running for elections to the regional and local mass media, on the basis of the percentage of their numbers in the concerned constituencies.

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<b>Impartiality:</b>	Dealing with all candidates with utmost objectivity and integrity, without taking the sides of any list or obstructing the election campaign of a list and averting all that may influence the will of the voters.
<b>Defamation:</b>	Any public allegation or imputation of an incorrect matter, which may harm the honour or reputation of a person and may cause direct personal harm to the targeted person.

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## Chapter II

### Rules governing media coverage during election campaign

#### Sub-Section I - General Rules

**Article 3:** Audio-visual mass media enjoy the freedom of expression and editorial independence during the coverage of election campaign, with due compliance with the principles of objectivity, integrity and impartiality.

**Article 4:** In the course of covering the election campaign, mass media are subject to the controls stipulated by the legislation in force and the provisions of the Decision herein as well as those of the Decision of the Independent High Authority for Elections on determining the rules and requirements that necessitate the compliance of mass media during the election campaign and specifications issued by the Independent Authority for Audio-Visual Communications.

**Article 5:** Audio-visual mass media commit to refraining from harming the inviolability of the private lives and personal particulars of candidates. They shall also refrain from the dissemination of any discourse that may incite violence, hatred, bigotry or discrimination based on colour, gender, religion, regional affiliation or any other,

and all that may compromise the values of democratic civil state, as enshrined in the Constitution.

**Article 6:** Upon selecting excerpts from statements and comments made by the lists running for elections, audio-visual mass media commit to not misinterpret their general nuances.

While broadcasting TV or radio programs dedicated to the campaign on their websites or social media networks, audio-visual mass media are prohibited from rephrasing or taking them out of context, to distort the original essence of its content, give them a different meaning, or compromise the principles of impartiality and parity.

**Article 7:** Mass media of all types commit to ensuring coverage of the election campaign by journalists who are characterized by utmost professionalism, expertise and cognizance of the laws and regulations governing the electoral process. They also commit to ensuring news bulletins are aired within their technical, financial and human resources and capacity.

Journalists, regardless of the type of institutions they are affiliated to, comply with the professional rules and ethics, prioritize the right of the voter to balanced and credible coverage and shall not succumb to any form of steering, intimidation or extortion.

**Article 8:** Audio-visual mass media commit to enabling lists running for elections, if any of their members is defamed, to have the right of reply and correction in the concerned media outlet, if any incorrect information in their regard were disseminated. This shall be done, upon request by the concerned person, within 24 hours at the latest from the date of submission of the request.

**Article 9:** To exercise the right of reply due to defamation, the disseminated information have resulted in harming the honour, reputation, dignity of the candidate.

The right of reply may not involve any expressions against the law or the legitimate benefit of others, or that may harm the honour and reputation of the person.

**Article 10:** Programs dedicated to the election campaign shall be preceded by audio or visual signals, announcing that they are within the election campaign coverage, and shall be explicitly stated

throughout the broadcast.

**Article 11:** Mass media shall commit to not combining news programs and bulletins related to the coverage of the election campaign with entertainment programs.

**Article 12:** Mass media shall commit to adherence to the requirements of the election campaign and election silence day and refrain from announcing the outcome of surveys on voters, as they exit the polling stations, prior to the closure of the last polling station in the constituency.

**Article 13:** Upon the declaration of the outcome of surveys following the closure of the last polling station in the constituency, the concerned mass media shall refer to the following:

- The presented outcome may not reflect the final polling results,
- Announce the name of the entity that developed the survey, the methodology adopted, details of the sample, margin of error, authority, person or political party, upon the request of which, the opinion poll was conducted.

**Article 14:** Mass media are prohibited from announcing the preliminary and final results of the elections, before they are officially announced by the Independent High Authority for Elections.

**Article 15:** Prior to the launch of the election campaigns, the audio-visual mass media develop a detailed workplan that will be defined in consultation with the editorial authorities, with due consideration to the criteria of the campaign, as per the requirements of the Decision herein. They have the right to define the number and quality of the programs dedicated to the campaign within the plan.

This workplan applies to the radio and television programs of the audio-visual mass media as well as their official websites and social media networks.

**Article 16:** Upon approval, mass media commit to the delivery of the detailed workplan, at least seven days prior to the commencement of the election campaign, to the High Independent Authority for Audio-Visual Communications and disseminate it on the websites of the audio-visual mass media.

**Article 17:** All audio-visual mass media commit to the appointment of a liaison officer, who will be the direct focal point to coordinate with all concerned parties during the election campaign to overcome difficulties and resolve the issues that may arise during the coverage.

## Section II - Access to Audio-Visual Mass Media

**Article 18:** During the campaign, the High Independent Authority for Audio-Visual Communications ensures the right to access audio-visual mass media to all lists running for elections, on the basis of the principle of parity, without prejudice to the provisions of the Elections Law.

**Article 19:** During the election campaign, audio-visual mass media commit to respecting the right to access to them, on the basis of the principle of parity among all lists, running for elections and ensuring diversity through the presence of a wide range of intellectual and political spectrum. This may be done through providing fair media coverage to the lists running for municipal and regional elections, that is proportionate with the number of the lists running for elections, pursuant to the following criteria:

Categories	Lists	Percentage of Coverage	Distribution of Percentage
Category 1	Independent Lists	36%	Equally distributed among independent lists
Category 2	300 - 350	25%	Distributed equally among the lists
Category 3	50 - 299	15%	Over 100 lists obtain 7%
			Under 100 lists obtain 4%
Category 4	30 - 49	13%	Over 40 lists obtain 3%
			Under 40 lists obtain 2%

Category 5	5 - 29	6%	Over 10 lists obtain 1.5%
			Under 10 lists obtain 1%
Category 6	Less than 5	5%	To be equally distributed among the lists

**The High Independent Authority for Audio-Visual Communications promulgates an explanatory memorandum regarding the method of distributing the coverage airtime via audio-visual mass media, as per the number of lists running for municipal elections.**

All television and radio channels that broadcast nationally commit to the realization of parity, based on proportionality at the national level. Furthermore, regional channels commit to the realization of parity based on proportionality at the geographical level within the broadcasting range of such channels, as defined in the license agreement.

If media coverage of a program or a part thereof is limited to a certain constituency or set of constituencies, proportionality within the concerned constituency or set of constituencies shall be adopted.

**Article 20:** Mass media institutions ensure the introduction of the lists running for elections, which are not within the minimum category cited in the Decision herein (Category 5).

**Article 21:** All coverage of the list running for elections is deemed media coverage of the campaign, in which:

- A member of the list running for elections, speaks in such capacity, or any other,
- Pertains to topics related to the campaign or any other,
- Done within the programs related to the campaign, or other, apart from the requirements of the right of reply or correction.

**Article 22:** Audio-visual mass media strive to enable the lists running for election to have identical broadcasting and productions conditions.

**Article 23:** Media outlets commit to refraining from inviting candidates to attend programs other than those dedicated to the election campaign.

**Article 24:** Audio-visual mass media will ensure the principle of parity is considered in various radio and television programs dedicated to municipal elections throughout the election period.

**Article 25:** Audio-visual mass media ensure the inclusion of youth in various radio and television programs dedicated to the election campaign, in the discussion of topics revolving around public issues.

**Article 26:** Audio-visual mass media facilitate the access of candidates with disability to the programs dedicated to the election campaign, through adequate means.

### **Sub-Section III - Indirect Election Campaign**

**Article 27:** During the campaign, it is prohibited to broadcast formal speeches or media interventions by the presidency of the Republic, government, members of the Assembly of the People's Representatives, regional or municipal assemblies, special delegations or any other public authorities, that may imply direct or indirect election campaign. In the event of absolute necessity or the requirements of the public interest, this rule does not apply. However, interventions may not involve election campaigning.

Any event that is national, exclusive or takes place at extraordinary circumstances that is so important that it necessitates special media coverage is deemed a matter of absolute necessity.

**Article 28:** During the election campaign, audio-visual mass media will prohibit all anchors, news editors, program presenters, journalists and officials affiliated to them, who have been nominated to run for elections, from appearing, their images or voices, in the radio and television programs, apart from the slots dedicated to the lists running for elections.

Furthermore, mass media will strive to not instruct their staff, with editorial functions, who have been nominated or declared their



nomination for elections, to operate in any work related to the media coverage of the campaign.

## **Sub-Section IV - Obligation of Public Audio-Visual Institutions**

**Article 29:** Public audio-visual mass media, in their capacity as public services, commit to the employment of their resources to ensure comprehensive coverage of the municipal elections. They dedicate a part of their programs prior to the commencement of the election campaign to educate the voters and enlighten them over the importance of the electoral process and enable them to access accurate information to bolster their free will to make informed choices.

**Article 30:** Public Audio-visual mass media commit to facilitating the access of candidates with disability to the campaign programs through providing the adequate techniques and will strive to provide sign language interpretation in tandem with news bulletins.

### **Chapter III**

## **Final Clauses**

**Article 31:** The High Independent Authority for Audio-Visual Communications monitors the extent of compliance of audio-visual mass media with the principles of parity, diversity and rules of professional ethics and develops a periodical report in their regard, to be disseminated to the public.

**Article 32:** In the event of the detection of violations of the aforementioned principles, the High Independent Authority for Audio-Visual Communications takes the necessary decisions, as per the provisions of the legislation in force, the concerned audio-visual media outlet shall address the violation in 24 hours at the latest.

**Article 33:** Any violation of the Decision herein shall be sanctioned as per the provisions of the legislation in force.

**Article 34:** The Decision herein comes into force as of the date of promulgation thereof and will be disseminated in the Official Gazette of the Republic of Tunisia and the websites of the Independent High Authority for Elections and the High Independent Authority for Audio-Visual Communications.

Chairperson of the Independent  
High Authority for Elections

**Mohamed Tlili Mansri**

Head of High Independent Authority  
for Audio-Visual Communications

**Nouri Lajmi**

**Decision 27 (2014) of the Independent High Authority for Elections, dated on 10 September 2014 on the rules governing the use of foreign mass media by the lists running for elections in out of country constituencies<sup>1</sup>**

The Board of the Independent High Authority for Elections,  
Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 34, 55 and 126 thereof,

Constituent Law 6 (2011) dated on 16 December 2011 on the Interim Organization of Public Authorities and all modifying and complementary provisions thereof,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all modifying and complementary provisions thereof,

Organic Law 16 (2014) dated on 26 May 2014 on Elections and Referenda, particularly paragraph 3 of Article 66 thereof,

Decree 115 (2014<sup>2</sup>) dated on 2 November 2011 on the freedom of press, printing and publication,

Decree 116 (2011) dated on 2 November 2011 on the freedom of audio-visual communication and the establishment of a High Independent Authority for Audio-Visual Communication,

Following consultation with the High Independent Authority for Audio-Visual Communication, regarding the determination of the rules pertaining to the use of foreign audio-visual communication means

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1. Official Gazette, Issue 78, dated on 26 September 2014

2. Translator's note: the year is as in the original text

by the lists running for elections in out-of-country constituencies, as per the third paragraph of Article 66 of the Elections Law,

Following deliberations has decided:

**Article 1:** The Decision herein determines the rules governing the use of foreign audio, visual, print and online mass media by the lists running for elections in out-of-country constituencies.

**Article 2:** The following terminology denote the following, as per the Decision herein:

Authority:	The Independent High Authority for Elections
Sub-Commissions:	The commissions that may be established by the Board of the Authority, as per Article 21 of the Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, as modified and complemented by subsequent provisions.
Foreign Mass Media:	Any audio, visual, print or online mass media that is not subject to the Tunisian law.
Lists running for elections:	The lists running for the legislative elections.
Campaign:	A set of activities exercised by the candidates or lists to introduce their electoral or referendum platform, with the use of various publicity means and techniques that are made accessible by the law to urge the voters to vote in their favour on polling day.

**Article 2<sup>1</sup>:** During the campaign, only the lists running for elections in the out-of-country constituencies are allowed to use foreign mass media, if they:

- Wholly or partially target the constituency, where the list was nominated out-of-country,

1. The number of the article is repeated in the Decision, as published in the Official Gazette

- Abide by the principle of impartiality in their coverage of the campaign,
- Respect the bodily inviolability, honour and dignity of the candidates and voters, refrain from harming the private lives of candidates and their personal particulars and refrain from instigating hatred, violence, bigotry and discrimination,
- Respect the right to access to them, on the basis of parity among all the lists running for the elections in the constituency during the campaign.

**Article 3:** Out-of-country lists running for elections shall refrain from dealing with mass media that do not meet the requirements cited in Article 2 above.

**Article 4:** The list running for elections shall commit to informing the Sub-Commission of the media coverage, in which they took part, and provide it with a copy thereof, in 48 hours, at the latest.

The notice shall include the name of the foreign media outlet and the outline of media coverage.

**Article 5:** If it is proved to the Authority, based on the available data, that the media coverage does not comply with the requirements above, the Authority alerts the list running for elections, via any means capable of producing a written record and reminds it of the possibility for cancelling the results of the winners, if the violations substantively and decisively affect the election results, as per Article 143 of the Election Law.

**Article 6:** The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority and shall be enforced with immediate effect.

Tunis, 10 September 2014

Chairperson of the Independent  
High Authority for Elections  
**Mohamed Chefik Sarsar**

## VII. Polling, Sorting, Aggregation of Results

**Decision 19 (2014) of the Independent High Authority for Elections, dated on 5 August 2014 on the requirements and modalities of the appointment of members of polling centres, and methods of their replacement<sup>1</sup>, as modified and complemented by Decision 3 (2018) dated on 9 January 2018<sup>2</sup>**

The Board of the Independent High Authority for Elections,  
Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 125 and 126 thereof,

Constituent Law 6 (2011) dated on 16 December 2011 on the Interim Organization of Public Authorities and all modifying and complementary provisions thereof,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all modifying and complementary provisions thereof,

Organic Law 16 (2014) dated on 26 May 2014 on Elections and Referenda, particularly Article 121 thereof,

Law 36 (2014) dated on 8 July 2014 on determining the dates of the first legislative and presidential elections following the endorsement of the Constitution,

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1. Official Gazette, Issue 64, dated on 8 August 2014

2. Official Gazette, Issue 6, dated on 19 January 2018

Decree 1088 (2011) dated on 3 August 2011 on the delineation of the constituencies and determining the number of seats allocated to each for the election of the members of the National Constituent Assembly,

Following deliberations, has decided:

**Article 1:** The Decision herein determines the requirements and modalities for the appointment of the members of polling stations during elections and referenda.

**Article 2:** The Authority announces, via mass media and its website, the timelines for receiving applications for membership of polling stations, as well as the requirements and required documents.

**Article 3 (New):** Candidacy files may be submitted at the Sub-Administrations of the Authority, under whose jurisdiction are the polling stations to which the application for membership are lodged. Only one application for candidacy may be submitted.

Regarding out of country constituencies, candidacy files may be submitted through the means announced by the Authority in the notice on the call for submission of applications for candidacy.

## Chapter I

### Eligibility Requirements for Membership in Polling Stations

**Article 4:** Candidates for membership of polling stations are required to:

- Have the capacity of a voter,
- Education level, at least the fourth grade of secondary school (seventh grade of secondary school in the old system) or equivalent,
- Be characterized with integrity, impartiality and independence.

**Article 5:** A candidate contesting for membership of polling stations may not be:

- A candidate running for elections,
- Spouse, ascendant or descendant of any candidate running for elections, of first or second degree of consanguinity,
- In-law of any candidate running for elections,
- An employee of a candidate or political party running for elections,
- Engaged in a political party,
- Was in charge of any of the functions below within the disbanded Constitutional Democratic Rally:
  - Chief or member of the political office,
  - Member of the Central Committee,
  - Political official in the Central Administration: Permanent Secretary, Assistant Secretary, Director of Office, Secretary General of the Tunisian Union for Youth Organizations, Director of the Studies and Training Centre, Chief of Department, member of the National Bureau for the Students of the Constitutional Democratic Rally, member of a Coordination Committee, member of a territorial or professional university, chief of a territorial or professional division.

Any person who impersonates another name or capacity, gives false statements or testimonies, conceals a state of legal incapacity, as per Article 158 of the Election Law shall be sentenced to six-month imprisonment and a fine of one thousand Dinars.

**Article 6:** Candidacy file shall include the following documents:

- Application form that may be obtained from the Sub-Administrations of the Authority or downloaded off the website,
- A copy of the national ID or passport,
- Two photographs,
- A resume that includes professional experience as well as relevant experience in elections,
- A copy of the school report card or diploma,



- An affidavit, bearing legalized signature, stating that the candidate meets the requirements stipulated in Article 121 of the Elections Law and the Decision herein and the validity of the information presented.

## Chapter II

### Adjudication, Dissemination and Reviews

**Article 7 (New):** The Authority vets the applications for candidacy and decides to accept the candidates who meet the legal requirements, within the limits of the required number and deploy them to the constituencies.

The Authority disseminates the preliminary list of accepted candidates at the premises of the Sub-Administrations and the website.

**Article 8:** Agents of lists running for legislative, **Municipal and Regional** Elections, presidential candidates and political parties contesting for the referendum may request reviewing the appointment of a member or more of the polling stations, due to their lack of eligibility requirements, as stipulated in Articles 4 and 5 of the Decision herein.

The request for review may be lodged following the announcement of the list of accepted candidates for membership of polling stations, within three days, at the latest, from the date of announcement of the final list of accepted candidates for the Legislative, **Municipal and Regional** Elections or final list of presidential candidates or list of political parties running for the referendum. All the necessary information and supporting documents will be enclosed.

**Article 9 (New):** The Authority adjudicates the claims for reviews, following consideration of the statements, documents and supporting evidence presented. When the need arises, the Authority omits the names of candidates for membership of polling stations, subject of the requests for reviews that have been approved.

The Authority disseminates the final list of members of polling stations at the premises of Sub-Administrations and the website.

**Article 10:** The Authority trains members of polling stations on the polling and sorting processes procedures. Attending such training workshops is mandatory. Those who do not attend will have their names removed off the list of members of polling stations.

**Article 11 (New):** The Authority appoints heads and members of polling stations from the final list mentioned above. Moreover, it appoints the heads of polling centres as well as advisors from the same list.

The Authority develops a list of reserve members from the eligible candidates, to fill the vacant positions, when the need arises, at polling centres and stations.

The Authority takes the necessary measures to ensure their right to polling.

### Chapter III

## Complementation and Replacement of the List of Candidates

**Article 12:** In the event of not receiving applications for membership of polling stations in a constituency or more, or the applications that meet the legal requirements are less than the required number, the shortage may be complemented from the lists of eligible candidates in other constituencies.

The Authority may complement the shortage from public employees or those who have experience in past elections, provided they meet the requirements stipulated in Articles 4 and 5 above.

The Authority disseminates the list of accepted candidates to complement the shortage and decide over claims for reviews in this regard, as per the procedures stipulated in Articles 7, 8 and 9 above.

**Article 13:** [Superseded, as per Authority Decision 3 (2018) dated on 9 January 2018].

## Chapter IV

## Election Allowance

**Article 14 (New):** Members of polling centres and stations receive training, polling and sorting allowances, whose value will be determined by the Board of the Authority.

Notwithstanding the sanction stated in Article 151 of the Elections Law, the two allowances cited above may not be paid to the members who are do not turn up on polling day.

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the Authority website and will come into force with immediate effect.

Tunis, 5 August 2014

Chairperson of the Independent  
High Authority for Elections  
**Mohamed Chefik Sarsar**

**Decision 30 (2014) of the Independent High Authority for Elections dated on 8 September 2014 on the rules and procedures of polling and sorting<sup>1</sup>, as modified and complemented by Decision 2 (2018) dated on 2 January 2018<sup>2</sup>**

The Board of the Independent High Authority for Elections,  
Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 34, 54, 55, 75 and 126 thereof,

Constituent Law 6 (2011) dated on 16 December 2011, on the Interim Organization of Public Authorities, and all modifying and complementary provisions thereof,

Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all modifying and complementary provisions thereof,

Organic Law 16 (2014) dated on 26 May 2014 on elections and referenda,

Following deliberations, has decided:

**Article 1:** The Decision herein determines the rules and procedures of polling and sorting during the Legislative, **Municipal, Regional**, and Presidential elections and Referendum.

**Article 2:** The following terminology denote the following, as per the Decision herein:

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1. Official Gazette, Issue 82, dated on 10 October 2014

2. Official Gazette, Issue 4, dated on 2 January 2018

Authority:	The Independent High Authority for Elections
Sub-Commissions:	The commissions that may be established by the Board of the Authority, as per Article 21 of the Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, as modified and complemented by subsequent provisions.
<b>Voter Lists:</b>	Lists extracted from the Voter Register that are made public. They include the particulars of the persons who are eligible to vote in the elections and referenda.
List, candidate or political party running for elections:	The lists running for legislative, <b>municipal or regional</b> elections, presidential candidate and political party running for the referendum.
Polling Centre or the Centre:	The space that includes one polling station or more
Polling station or the Station:	The place that is dedicated for voting inside the polling centre.
Collection Centre:	The Centre that may be designated by the Authority for the aggregation of polling results, in parts of the constituency, prior to referring them to the central office.
Ballot paper:	The paper developed by the Authority to be handed to the voter on polling day, in which s/he includes his/her choice and then inserts it into the ballot box.
Spoiled Ballot Paper:	A paper prepared for voting that encounters something that renders it invalid. It is replaced prior to inserting it in the ballot box, as per the regulations of the Authority.

Cancelled ballot:	A ballot paper that does not clearly reflect the will of the voter and include something that may contradict with the principles stipulated in Article 2 of the Election Law.
Blank ballot	All ballot papers that do not contain any markings of any kind.
Valid Votes:	The total number of votes obtained by all the lists running for the Legislative, Municipal or Regional Elections or presidential candidates, or Yes/No votes, regarding referenda.

## Chapter I

## General Clauses

**Article 3:** The duration of polling is one day and shall take place on a day-off or weekend.

For Tunisians out of country, voting in the elections or referendum will take place three days in a row, the last of which coincides with the in-country polling day.

**Military and Internal Security Forces personnel vote during Municipal and Regional Elections prior to polling day, during a timeline to be determined by the Authority.**

**Article 4:** Any Tunisian who resides in or out of the Republic, and is registered in the voter lists, has the right to exercise his/her right to polling.

Any person who is not registered in the voter list during the first round of the presidential elections may not participate in the second round thereof.

**Article 5:** Voting is conducted through general, free, direct, secret, fair and transparent polling.

**Article 6:** Voting is personal. Proxy voting shall be prohibited.

**Article 7:** Secrecy of polling is a right ensured to all voters, which may not be violated or waived.

**Article 8:** Polling process is conducted with utmost transparency that enables the lists, candidates and political parties running for elections as well as observers and journalists accredited by the Authority to monitor the process with due compliance with their relevant codes of conduct.

**Article 8 (bis):** Military and Internal Security Forces personnel cast their votes in polling stations identified by the Authority. During the sorting process, such polling stations will be incorporated into other polling stations under the same municipal or regional constituency.

## Chapter II

## Polling

### Sub-Section I - Polling Centres/Stations

**Article 9:** The Authority develops a list of polling stations for each constituency, municipality, governorate or sector. It strives to ensure that the number of voters in each polling station does not exceed 600.

It is prohibited to establish polling stations in the premises of political parties or places under associations or non-governmental organizations.

**Article 10:** A polling centre comprises a president and one advisor or more, who are appointed as per the requirements and modalities to be determined by the Authority.

The president of the polling centre is in charge of coordination, logistics, keeping order inside the centre and facilitating the functions of heads of polling stations. S/he shall be assisted by the advisors.

**Article 11:** A polling station comprises a number of staff members,

including the head of the polling station. They are tasked with the following:

- Identification,
- Maintaining and handing out ballot papers,
- Inking the voter's finger, if approved,
- Monitoring the ballot box.

The head of the polling station ensures smooth polling process and may take the necessary measures for this purpose. S/he may delegate some of his/her competences to any of the polling station staff members.

## Section II - Polling Process Guidelines

**Article 12:** The right to enter polling centres/stations is limited to the following:

- Voters for the purpose of voting,
- Escorts of voters with disabilities,
- Members and staff of the Authority, carrying the badges issued by the Authority,
- Representatives of lists, candidates and political parties running for elections, as well as observers, journalists, guests and their interpreters, provided they carry their accreditation cards.

The head of the polling station may limit the number of persons allowed to enter the station, based on the capacity that may be accommodated inside the station.

**Article 13:** The head of polling station keeps order inside the station, whereas a polling centre president keeps order inside the centre. They can both seek public force when necessary.

It is prohibited to carry any type of weapons inside the polling centres/stations, apart from National Security Forces and Army personnel, who are present, upon the approval of the president of the polling centre or head of the polling station.



**Article 14:** Members of polling stations, observers, as well as representatives of candidates, lists or political parties running for elections are prohibited from carrying any logo referring to political affiliations inside the polling centre/station. The president of the polling centre and head of the polling station shall ensure compliance with such prohibition.

**Article 15:** Election campaigning activities are prohibited inside the polling centres/stations or their environs.

The use of sound amplifiers is prohibited inside the polling centre or its environs.

**Article 16:** It is prohibited to conduct interviews for the press inside the polling station.

Journalists are prohibited from using cameras inside the polling station without the permission of the head of the polling station.

**Article 17:** The conduct of opinion polls of the voters inside the polling centres/stations is prohibited.

**The conduct of opinion polls of the voters from military and internal security forces personnel as they exit the polling stations or in the environs of the polling centres/stations, is prohibited.**

**Article 18:** Apart from the head of the polling station, all those present in the station are prohibited from using mobile phones, regardless of their reasons.

## **Section III - Polling Process**

### **Sub-Section I - Preparatory Procedures**

**Article 19:** It is mandatory for members of the polling stations to report to the polling station, at least one hour prior to the commencement of polling, in order to prepare the polling station.

If the head of polling station is absent, the eldest member opens the polling station and conducts the functions of the head pending his/

her attendance or replace him/her.

In all cases, the number of polling station staff may not be less than two.

**In all cases, replacement is done in coordination with the president of the polling centre while notifying the Authority.**

**Article 19 (bis):** At the entrance of each polling centre/station, a copy of the list of voters, who are registered in the centre is posted. However, voters' lists may not be posted at the entrance of the polling centre/station dedicated to military and internal security forces personnel.

**Article 20:** In front of all those who are present, such as observers and representatives of lists, candidates or political parties running for elections and journalists, the head of the polling station shall conduct the following:

1. Open the ballot box, take out the electoral materials and ensure it contains all materials,
2. Ensure the ballot box is empty and display it to those present,
3. Lock the ballot box with the plastic seals, made for this purpose, and leave the upper slot open,
4. Count the ballots received.

**Article 21:** The head of the polling station or his/her delegate fills out the polling process report and shall enter the following information:

- Number of ballots received,
- Serial numbers of the seals, with which the ballot box was locked,
- Number of voters registered in the polling station.

**Article 22:** Members of polling station and those present; representatives of lists, candidates or political parties running for elections, will sign on the polling process report.

If they refuse to sign, it should be stated in the report, as well as the reasons for refusal, if any.

**Article 23 (New):** If the polling station is not opened at the scheduled time for unexpected reasons, after informing the Authority, the

president of the centre may postpone the opening of the centre. The postponement and causes thereof shall be mentioned in the polling station journal, taking into consideration the duration of the delay, upon closing the station.

If it transpires to the Authority that elections may not be conducted at a polling station or more, the Authority may postpone polling in the affected stations, upon a substantiated decision promulgated by the Board, as per Article 105 of the Election Law. The postponement decision shall be disseminated on the Authority website. The Authority announces the new date for polling via audio-visual and print mass media.

## Sub-Section II: Progress of the Polling Process

**Article 24:** The right to polling is exercised at the polling stations. Voters cast their votes in the polling stations where their names are listed.

The Authority takes the necessary measures to ensure members of polling centres and stations exercise their voting rights.

**Article 25:** Voters shall be enabled to enter polling stations and cast their votes as of the time determined by the Authority. Priority to enter is given to people with disabilities, elders and pregnant women.

**Article 26:** In the event of using indelible ink, inking one finger is a prerequisite to complete the polling process, except for people with physical disability, which may be impossible to apply the ink.

**Article 27:** To exercise the right to vote, the voter shall present his/her national ID or passport only.

The identity of the voter will be verified and then s/he will sign or press his/her fingerprint in the field for this purpose in the voters list.

If the passport number of the voter is different from the one cited in the voters list, the head of the polling station, after verifying if the information regarding the name match, writes the new passport number in the voters list. The head of the polling station signs in the remarks field.

**Article 28:** The head of the polling station or his/her delegate stamps the ballot paper. If the ballot paper is flawed, which renders it invalid, it will be considered a spoiled ballot paper and be placed in a tamper evident envelope, designed for this purpose.

**Article 29:** Polling shall take place inside the voting screen. The voter ticks next to the name of the list or candidate, or answer of his/her choice, in the referendum.

**Article 30:** In the event of making a mistake while using the ballot paper, or damaging it, the voter may ask once only for another ballot paper to replace it. The head of the polling station or his/her delegate receives the spoiled ballot, without viewing the selection of the voter and places it in the tamper-evident envelope, designed for this purpose and hands out a new ballot to the voter.

The voter personally places the ballot paper in the ballot box. If s/he faces difficulty to do so, the head of the polling station or any person s/he assigns may assist.

**Article 31:** The head of the polling station adjudicates the reservations made by agents of candidates, lists or political parties running for elections, regarding the implementation of regulations and procedures related to polling, as per the law and regulations promulgated by the Authority for this purpose. His/her decisions shall be enforced immediately upon promulgation. However, the reservations and decisions shall be included in the polling process report.

**Article 32:** Suspension of work at polling centres/stations or closing them during the time dedicated for polling is prohibited without instructions from the Authority.

**In the event of absolute necessity, during which it is difficult to continue the regular progress of the polling process, president of the polling centre may temporarily suspend polling process in the station or centre. However, s/he shall instantly inform the Authority to take the necessary immediate measures to ensure the regular progress of the polling process or give the permission to close the station or centre.**

**In the event of temporary suspension of the polling process, the head of the station shall write down the causes and duration**

of suspension in the polling station journal, as well as the serial number of the seal locking the slot of the ballot box and the number of spoiled and remaining ballots and number of signatures in the voters list. The Authority may take into consideration the duration of the suspension during the time of closing the station.

### **Sub-Section III: Assisting Voters with Disabilities**

**Article 33:** A blind voter or one with physical disability that prevent him/her from writing is allowed to be accompanied by an escort of his/her choice, who enters with him/her into the booth to help him/her carry out the polling process. They shall present a disability ID card.

The escort must be an eligible voter, a spouse, ascendant or descendant of the voter. The escort shall present a national ID or passport as well as documents proving consanguinity.

In the event of not being accompanied by an escort, upon request of the voter with disability, the head of the polling station assigns a voter, who is already at the polling station, to accompany the voter with disability to assist him/her to vote.

In all cases, the escort may not be allowed to assist more than one voter with disability, and shall refrain from influencing the choices of the voter, as his/her role is limited to assisting the voter to complete the processes that s/he may find difficult to conduct alone.

Regarding the escort, the Authority may opt for applying indelible ink.

**Article 34:** Illiterate voters are prohibited from being accompanied by escorts to assist them to vote. In the course of the public outreach campaigns, the Authority strives to enlighten the illiterate voters on the voting procedures.

## Sub-Section IV: Conclusion of the Polling Process

**Article 35:** By the end of the polling process, the president of the polling centre allows all the voters queuing in front of the centre, who did not vote and closes the doors of the polling centre, while polling processes continue until the last voter casts his/her vote.

**Article 36:** The head of the polling station announces the end of the process and locks the slot of the ballot box with the plastic seal, designed for this purpose.

Regarding out-of-country polling, the ballot box slot is locked with the plastic seal at the end of the polling process for the first and second days and will be re-opened the next day. Serial numbers of the seals will be written down in the polling process report. An announcement is made on the end of the process and closure of the ballot box slot by the end of the third day.

The head of the polling station includes the following information in the polling process report:

- Number of remaining ballot paper,
- Number of spoiled ballot papers,
- Number of voters who signed in the voters list.

**In the event of a material error in the polling process report, the head of the polling station will correct the error, signs and stamps next to it.**

Members of the polling station and those present; representatives of lists, candidates or political parties running for elections sign on the conclusion of the polling process.

If they refuse to sign, it shall be mentioned in the report alongside the reasons for refusal, if any.

**Chapter  
III****Sorting and Counting****Section I - Preparatory Procedures**

**Article 37 (New):** Members of the polling station initiate the process of sorting and counting the votes, upon the completion of polling processes. The processes of sorting and counting take place inside the polling stations.

Votes of military and internal security forces personnel are counted and sorted concurrently with the votes of the rest of the voters in the constituency.

Sorting and counting processes continue until completion, without stopping, postponement or suspension, unless it is strictly necessary, which shall be communicated to the Authority. The persons who are present inside the station may not leave or return to it without the permission of the head of the station.

Head and members of the polling station are prohibited from giving any information regarding the results of the sorting process prior to its completion.

**Article 38:** Sorting and counting processes are conducted visibly, to enable those who are present; representatives of candidates, lists or political parties running for elections and observers to follow up. The same guidelines that apply to polling process stipulated above are applicable to sorting and counting.

**Article 39:** Prior to opening the ballot box, the head of the polling station fills out the three copies of the sorting process report, through filling out the following data:

- Name of the constituency, polling centre and code of the polling station,
- Serial numbers of plastic seals when opened,

- Number of voters registered in the polling station,
- Number of ballots handed over to the polling station, in the manner presented in the polling process report,
- Number of voters who signed the voters list, in the manner presented in the polling process report,
- Number of spoiled ballots, in the manner presented in the polling process report,
- Number of remaining ballots, in the manner presented in the polling process report.

**Article 40:** The head of the polling station audibly reads out, for those present, serial numbers of the seals of the ballot box, which shall be verified whether they match with the serial numbers of the seals written in the polling process report.

The ballot box will be opened and emptied of all ballots inside, in a visible manner, in front of those present, and will be displayed to them while empty. After counting all the ballots taken out of the ballot box, the head of the polling station reconciles and verifies whether the total number taken out of the ballot box, spoiled and unused ballots equals the number of ballots handed over to the polling station.

**The head of the polling station verifies whether the number of signatures in the voters list is the same as the number of ballots taken out of the ballot box. If their number is more/less than the signatures in the voters list, counting is redone. If the discrepancy between the number of ballots and signatures is confirmed, the causes of discrepancy are investigated, which shall be stated in the report. Then the head of the polling station permits the commencement of sorting and counting processes.**

Regarding ballot boxes dedicated to military and internal security forces personnel, which are incorporated into other polling stations, under the same municipal or regional constituencies, those two reconciliation processes are done separately for each ballot box. This will be stated in the sorting process report.

Afterwards, ballots are mixed fully without exposing their contents, and prior to the commencement of the sorting process.



## Section II - Progress of Sorting and Counting Processes

**Article 41:** The head of the polling station, or the member delegated for this purpose reads out, in an audible voice, the content of the ballot paper, to announce that the ballot assigns the vote to a list running for legislative, **municipal or regional** elections, a presidential candidate, a Yes/No vote in the referendum, a blank or cancelled ballot, and at the same time displays it to those present, and then hands it to one of the members for verification and places it in the designated spot.

**Article 42:** A ballot is considered cancelled and not counted within the valid votes if it does not explicitly reflect the will of the voter or includes something that may contradict the principles of the freedom, secrecy, fairness and transparency of the elections.

A ballot is particularly considered cancelled:

- Any ballot that is different from the one developed by the Authority for the voters,
- Any unstamped ballot,
- Any ballot that bears a marking or writing that may refer to the voter. The traces of the indelible ink are not considered markings that may refer to the voter,
- Any ballot that has a replacement or additional candidate(s) or the name of a person who is not a candidate,
- Any ballot that includes voting for more than one list running for the legislative, **municipal or regional** elections or more than one presidential candidate or contradictory answers in the referendum,
- Any ballot that is difficult to identify the wish of the voter,
- Any ballot that is ripped into two parts or more, in a manner that severs the name of a candidate, list or answer, in the referendum.

**In the event of differing viewpoints, the ballot is considered cancelled through an absolute majority of the present members of the polling station. In the event of a tie, the head of the polling station shall have the casting vote. This will be written in the polling station journal.**

**Article 43:** Two members record the valid votes in the relevant field in the results and reconciliation form designed for this purpose. Upon the end of revealing the results of the votes, the two members record in the Results and Reconciliation Form the number of votes each list, candidate, two answers (referendum) have obtained and the number of blank and cancelled ballots and then append their signatures to the bottom of the form.

**Article 44:** Members of the polling station determine the outcome of the polling through the aggregation of the results contained in the Results and Reconciliation Forms. The head of the polling station reconciles and verifies the following:

- The total number of votes earned by all the lists, candidates, Yes/No referendum answers, blank and cancelled ballots equals the number of ballots taken out of the ballot box.

If there is a discrepancy, counting is re-done. If the discrepancy persists, the causes are investigated, and this shall be mentioned in the sorting process report.

**Regarding the polling stations, to which the ballots of the military and internal security forces personnel were incorporated, such reconciliation is done on the total number of extracted ballots.**

**Article 45:** The head of the polling station or his/her delegate writes down in the sorting process report:

- **The number of ballot papers taken out of the ballot box or the number of the ballot papers taken out of each ballot box, as the case may be,**
- The total number of valid votes, earned by all the lists, candidates or Yes/No referendum answers,
- Number of votes obtained by each list, candidate or Yes/No referendum answers,
- Number of cancelled ballot papers,
- Number of blank ballot papers.

**Article 46:** In the event of an error in the sorting process report, the head of the polling station corrects the mistake, signs and stamps next to it.

## Section III - Conclusion of the Sorting and Counting Process

**Article 47:** Upon the completion of sorting and counting process, members of the polling station, and representatives of lists, candidates or political parties sign on the sorting process report. If they refuse to sign, it will be mentioned in the report, alongside the causes behind the refusal if any.

**Article 48:** Representatives of lists, candidates or political parties may request the inclusion of all remarks and reservations regarding the sorting and counting process in a memorandum to be enclosed to the report. The head of the polling station responds to such remarks and reservations, which will be stated in the memorandum.

**Article 49 (New):** The head of the polling station or his/her replacement from the members posts, in front of the polling station a copy of the relevant sorting process report, and places the second copy in the ballot box, whereas the third copy will be used in the aggregation of results.

**Article 50:** Electoral materials will be stored and handed over, as per the procedures adopted by the Authority.

Regarding out-of-country voting, the electoral materials will be kept in the headquarters of the diplomatic and consular missions, where polling stations are established. The out-of-country Sub-Commissions and heads of polling stations take the necessary measures to safekeep the electoral materials of the polling stations established outside the premises of diplomatic and consular missions.

**The Authority takes the necessary measures to safekeep and secure the electoral materials related to the voting of military and internal security forces personnel.**

**Article 51:** Sorting reports of polling stations will be disseminated on the website of the Authority.

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority and shall come

into force with immediate effect.

Tunis on 8 September 2014

Chairperson of the Independent  
High Authority for Elections  
**Mohamed Chefik Sarsar**

**Decision 32 (2014) of the Independent High Authority for Elections dated on 14 October 2014 on the rules and procedures of the calculation and announcement of results<sup>1</sup>, as modified and complemented by Decision 33 (2014) dated on 6 November 2014<sup>2</sup> and Decision 4 (2018) dated on 9 January 2018<sup>3</sup>**

The Board of the Independent High Authority for Elections,  
Upon perusal of the Constitution of the Republic of Tunisia, particularly Articles 34, 55, 75, 125 and 126 thereof,  
Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all modifying and complementary provisions thereof,  
Organic Law 16 (2014) dated on 26 May 2014 on Elections and Referenda, particularly Article 32 and Chapter 5 thereof,  
Decision 5 (2014) dated on 24 April 2014, on determining the internal rules of procedure of the Independent High Authority for Elections,  
Decision 16 (2014) dated on 1 August 2014 on the rules and procedures for candidate nomination for the legislative elections and all modifying provisions thereof,  
Decision 18 (2014) dated on 4 August 2014 on the rules and procedures for candidate nomination for presidential elections,

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1. Official Gazette, Issue 86, dated on 24 October 2014

2. Official Gazette, Issue 91, dated on 11 November 2014

3. Official Gazette, Issue 6, dated on 19 January 2018

Decision 23 dated on 29 August 2014 on the organization of the meetings of the Sub-Commissions and decision-making mechanisms, Decision 30 (2014) dated on 8 September 2014 on the rules and procedures of polling and sorting processes,

Following deliberations, has decided:

**Article 1:** The Decision herein regulates the rules and procedures for the calculation of results of the **Presidential, Legislative, Municipal and Regional Elections** and announcement thereof.

**Article 2:** The following terminology denote the following, as per the Decision herein:

Authority:	The Independent High Authority for Elections
Sub-Commissions:	The commissions that may be established by the Board of the Authority, as per Article 21 of the Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, as modified and complemented by subsequent provisions.
Central Office:	A bureau designated by the Authority in each constituency that is tasked with tallying polling results.
Collection Centre:	A centre that may be designated by the Authority to tally polling results in a part of the constituency, prior to sending them to the Central Office.
Cancelled ballot paper:	A ballot paper that does not clearly reflect the will of the voter or include anything that may contradict with the principles stipulated in Article 2 of the Elections Law.
Blank ballot paper:	All ballot papers that do not contain any markings of any kind.

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<b>Valid Votes:</b>	<b>The total votes earned by all lists running for legislative, municipal or regional elections, all presidential candidates or Yes/No referendum answers.</b>
Results and Reconciliation Form:	The document, in which sorting staff record all the votes earned by each list or candidate running for elections, number of blank ballot papers as well as that of cancelled ballot papers. The sorting staff append their signatures to the bottom of the form.
Partial results:	The results that are consecutively revealed by the Authority prior to the announcement of the preliminary results, through the collection of the data sent by a polling station or more or a constituency or more.
Preliminary Results:	The results announced by the Authority within the three days that succeed polling and end of sorting, at the latest, including the decisions pertaining to cancellation of results of the winners, when the need arises.
Final Results:	The results announced by the Authority in 48 hours from the promulgation of the last court ruling regarding appeals pertaining to the preliminary results of the elections or following the elapsing of the timeline for appeals.

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## Chapter I

# Rules of Calculation of Results

## Section I - Rules of Calculating Results of the Legislative, Municipal and Regional Elections

**Article 3:** The distribution of seats for Legislative **Municipal and Regional** Elections at the constituencies is based on proportional representation alongside the adoption of the largest remainder method.

**Article 4:** If only one list runs for the Legislative, **Municipal or Regional** Elections in the constituency, the Authority declares it a winner, regardless of the number of votes obtained.

**Article 5:** At the level of the constituency, if more than one list run for elections, at an initial stage, each list will be assigned a number of seats that equals the number of times they earned the electoral divider.

If other seats remain that were not allocated on the basis of the electoral divider, they will be distributed at a second stage, on the basis of the largest remainders, at the level of the constituency, in the following manner:

- The lists running for elections are placed in a descending order, based on the remaining votes obtained,
- The remaining seats are then assigned on the basis of the largest remainder, one seat per list.
- If one seat remains, and remainders of two lists or more are equal, the seat is assigned to the youngest candidate.

The remainders of votes are those that are obtained by each list, which are less than the electoral divider or the votes that are left for each list, after obtaining a seat or more during an initial stage on the basis of the electoral divider.



Regarding municipal and regional elections, the lists that obtain less than 3% of the valid votes are not included in the allocation of seats.

**Article 6 (New):** Blank ballot papers are not included in the calculation of valid votes.

**Article 7 (New):** The electoral divider is defined upon dividing the number of valid votes by the number of seats allocated to the constituency.

As for the Municipal and Regional Elections, the votes that belong to the lists that obtained less than 3% of valid votes at the constituency level will not be included in the calculation of the electoral divider.

**Article 8:** Seats will be assigned to the members of the winning list based on their order in the final list that was approved, without prejudice to the order of the list, in the light of the approved withdrawals during the timeline dedicated to withdrawing candidacies.

**Members who withdrew from the list following the elapsing of the timeline defined in Articles 32 and 49 – 16 of the Elections Law up to the Silence Day in the concerned constituency will not be assigned any seats.**

**Members of lists, whose death was duly reported to the Authority, as per Article 32 of the Decision on the rules and procedures for candidate nomination for the legislative elections, or Article 38 of the Decision on the rules and procedures for candidate nomination for municipal and regional elections, and prior to the announcement of the preliminary results, will not be assigned any seats.**

In such cases, the seat is assigned to the candidate next in line.

Seats are only assigned to the candidates within the main winning list. In the event of running out of candidates from the winning main list, the rest of the seats will be deemed vacant.

## Section II - Rules of Calculating Presidential Elections Results

**Article 9:** The President of the Republic will be elected during the first round through an absolute majority of valid votes.

The candidate, who earns over 50% of the total number of valid votes to all candidates is deemed to have obtained an absolute majority of valid votes.

The blank ballot papers may not be included among the valid votes.

**Article 10:** If none of the candidates obtains an absolute majority of valid votes during the first round, a second round will be organized, to which only the two candidates with the highest number of votes during the first round will proceed.

At the second round, the Authority declares the candidate, who obtains a majority of votes a winner.

In the event of a tie, the Authority declares the eldest candidate a winner.

### Chapter II

## Aggregation of Polling Results

### Section I - Composition and Functions of the Central Office and Collection Offices

**Article 11 (New):** During the elections, a Central Office will be established in each constituency, to be assigned with collecting polling results. The office comprises a Central Office Committee and an Administrative Department.

Regarding the presidential elections and Referendum, the Central

Office Committee comprises members of the Board of the Independent High Authority for Elections, chaired by the Authority Chairperson. Committee meetings are convened, decisions are made, in keeping with the same procedures provided for in Decision 5 (2014) dated on 24 April 2014 on the internal rules of procedure of the Independent High Authority for Elections, whose administrative body is overseen by the Executive Director.

As for Legislative, Municipal and Regional Elections, the Central Office Committee comprises members of the Sub-Commission, chaired by the chairperson of the Sub-Commission. The Central Office Committee lives up to the functions thereof within the limits determined by the Decision herein. Committee meetings are convened in keeping with the same procedures stipulated by Decision 5 dated on 11 April 2017 on the requirements and procedures of the establishment of Election Sub-Commissions and determining their terms of reference and *modus operandi*. The Administrative Department of the Central Office is supervised by the Sub-Administration Coordinator.

**Article 12 (New):** The Authority may establish a Collection Centre or more in each constituency during the elections, to be in charge of collecting the polling results under the oversight of the competent Central Office.

As for the presidential elections and referendum, the collection centre is supervised by a committee comprising members of the Sub-Commission and run by the concerned Sub-Commission coordinator.

Regarding the legislative, municipal and regional elections, the Sub-Commission delegates a committee to supervise the Collection Centre and assigns the management thereof to a coordinator.

**Article 13 (New):** Observers, representatives of lists and candidates, accredited journalists and Authority guests may enter the Central Office and Collection Centres. They shall adhere to the guidelines governing their presence, which are determined by the chief of the Central Office or Collection Centre Committee.

**Article 14:** Any person who works at the Central Office or Collection Centres is prohibited from releasing any information related to the

results or giving statements to the press, observers, representatives of lists or candidates or others, without the written permission of the Authority.

## Section II - Results Aggregation Procedures

**Article 15 (New):** The Collection Centre or Central Office receives sorting process reports alongside polling process reports, results and reconciliation forms, polling centres journals and memoranda that include the remarks and reservations of representatives of lists and candidates, as well as observers.

**Article 16 (New):** The Collection Centre and Central Office verify and audit the sorting reports, investigate the causes behind any discrepancies, correct material and arithmetical errors, if any. For this purpose, they may refer to the Results and Reconciliation Forms, polling process report and polling stations journals.

**Article 17 (New):** Material and arithmetical errors are rectified upon a Rectification Decision promulgated by the Collection Centre or Central Office Committee, to be signed by the members who are present and stamped with the Authority stamp.

When the need arises, following the approval of the Board of the Authority or upon request therefrom, the Collection Centre or Central Office Committee may reopen the ballot box to verify the data, re-conduct the sorting process or apply the necessary corrections to the sorting process report. This will be communicated to those present; representatives of lists or candidates, and observers. A report on this purpose will be written and signed by those present, such as representatives of lists or candidate. In the event of refusal to sign, it shall be stated in the report alongside the reasons for refusal, if any.

**Article 18 (New):** Following verification of all sorting reports, the Collection Centre and Central Office write a report on the aggregation of polling results. Representatives of lists and candidates, as well as observers may include their remarks and reservations regarding

the aggregation of results in a memorandum to be enclosed to the report.

**Article 19 (New):** The Collection Centre and Central Office scan the sorting process reports that were verified, and results aggregation report. The Authority disseminates the sorting process reports on its website alongside copies of the Rectification Decisions promulgated by the Central Offices and Collection Centres Committees.

### Chapter III

## Verification and Announcement of Results

### Section I - Verification of Results

**Article 20:** The Board of the Authority monitors the decisions promulgated by the Central Offices and Collection Centres, if any. For this purpose, the Board may also view the sorting process reports, cases of discrepancy, remarks and reservations posed by representatives of lists and candidates, as well as observers, if any, and any other particulars pertaining to the progress of the polling and sorting processes.

**Article 21:** If it transpires to the Board of the Authority that drastic and critical flaws have marred the polling and sorting processes, the Board may cancel the results of a polling station or more in a constituency or more, upon a substantiated decision.

**Article 22:** If the cancelled results may affect the allocation of the winning seats, following legislative, **municipal or regional** elections, the presidential candidates proceeding to the second round, or the winning presidential candidate, the Authority declares the re-conduct of polling in the constituencies, where the results were cancelled, within the 30 days that succeed the elapsing of the deadline for challenges against the preliminary results or notification of the ruling

delivered by the public sitting of the Administrative Court. Polling is re-conducted among the lists or candidates who already participated in the elections.

**Article 23:** The Authority verifies the winners' compliance with the provisions of the electoral period and financing of elections. In the light of the reports written by monitoring staff and formal reports received by the Board for this purpose, the Board cancels the results of the winners, wholly or partially, if their violation of such provisions is proved to have substantively and decisively affected the results of the elections. Decisions of the Board shall be substantiated.

In this case, results of the legislative, municipal or regional elections will be re-calculated, by subtracting the cancelled valid votes in the constituency, and re-calculating the electoral divider, as per the provisions of Article 7 above.

Regarding the presidential elections, the order of the candidates will be reshuffled without re-calculating the results.

## Section II - Announcement of Results

**Article 24:** The Authority may consecutively unveil the partial results of the elections. However, such announcement may not include the allocation of seats to the lists running for legislative, **municipal, and regional elections**, or declare the winner of the presidential elections.

**Article 25 (New):** The Board of the Authority announces the preliminary results of the presidential, legislative, municipal and regional elections by the three days that succeed polling and end of the sorting process in all polling stations. The announcement of the preliminary results shall refer to the following:

- Number of voters registered in the voters' lists,
- Number of blank ballot papers,
- Number of cancelled ballot papers,
- The total number of valid votes obtained by the lists contesting in all constituencies or obtained by all candidates,

- As for legislative, municipal and regional elections:
  - Number of votes obtained by each list,
- Number of seats obtained by each winning list and members of the list that have been assigned seats. Regarding presidential elections:
  - Number of votes obtained by each candidate,
  - The candidate winning the presidential elections or the two candidates who will participate in the second round of the presidential elections.
- The polling stations or constituencies whose results have been cancelled and the decisions regarding the re-conduct of polling, if any.
- Cancelled results of winners.

**Article 26:** The preliminary results will be posted at the headquarters of the Authority. They will be posted on its website alongside copies of sorting processes reports and rectification decisions taken by the Authority.

**Article 27 (New):** The Authority announces the final results of the elections within 48 hours from the receipt of the last appeal judgement or the elapsing of the timelines for appeals before the Courts of First Instance.

**Article 28:** The Decision on the announcement of the final results will be disseminated in the Official Gazette of the Republic of Tunisia, as well as the website of the Authority.

The Decision herein will be disseminated in the Official Gazette of the Republic of Tunisia and the website of the Authority and will be enforced with immediate effect.

Tunis, on 14 October 2014

Chairperson of the Independent  
High Authority for Elections  
**Mohamed Chefik Sarsar**

## IV

## CIRCULARS

**Prime Minister's Circular 19  
(2019) dated on 16 August 2019  
on extending assistance to the  
Independent High Authority for  
Elections to live up to its functions<sup>1</sup>**

Tunis, on 16 August 2019

**From the Prime Minister**

**To**

**Ladies and Gentlemen Ministers, State Secretaries, Governors,  
Mayors and Heads of Public Institutions and Installations**

**Subject:** Assistance to the Independent High Authority for Elections  
to live up to its functions

**Reference:** Organic Law 23 dated on 20 December 2012 on the  
Independent High Authority for Elections,

- Decree 3272 (2014) dated on 7 August 2014 on availing public employees at the disposal of the Independent High Authority for Elections during elections and referenda,

In the framework of securing all the conditions and requirements for the success of the Independent High Authority for Elections in its functions, and in the line of implementing Article 22 of the

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1. <http://www.legislation.tn/sites/default/files/news/19-19.pdf>



aforementioned Organic Law in the reference above, which stipulates that, **“all public services, are required, to the extent possible, to avail all material and human resources, databases and information technologies at the disposal of the High Independent Authority for Elections, such as statistics and data that are relevant to the electoral processes, in a manner that may enhance the performance of the tasks of the Authority...,”**

In the light of the paramount importance of the functions of the Independent High Authority for Elections in securing democratic, multi-party, fair and transparent elections,

We hereby request that the Ministers, State Secretaries, Governors, Heads of Municipalities and Heads of Public Institutions and Installations to promulgate instructions to the services under their supervision to prioritize the requests sent by the Independent High Authority for Elections and ensure they are followed up and responded to, to the extent possible, and in an expedited manner, particularly those pertaining to the following:

- Availing all databases and information at the disposal of the Independent High Authority for Elections, including statistics and data pertaining to the electoral process with due consideration to ensuring expedited action, feasibility, safety and confidentiality,
- Dedication of the required material and human resources for the functions of the Authority, when needed, through the following:
  - Availing transportation to the Electoral Sub-Commissions during the periods allocated for monitoring the election campaign and polling days,
  - Expediting procedures to grant permits to public employees, who are nominated to work in the Authority, in the framework of engagement in an ad hoc paid activity, on a part-time basis, as per the regulations in force,
  - Granting permissions to the concerned public employees to work at polling centres to attend the training courses targeting heads and members of polling stations, prepare and supervise polling centres/stations.
  - Generally, all requests that directly pertain to the organization

of the electoral process.

That being said, in the event of failure to respond or partially address the requests of the Authority, due to a shortage of the available resources or any other reasons, the public directorates shall inform the Authority, in writing, within reasonable timeframe, and stating the reasons thereof.

Given the importance of this matter, public directorates are urged to facilitate the work of the Authority and also to refer to the competent services at the Presidency of the Government, in the event of encountering any issues while implementing the circular herein.

Regards

**Prime Minister**

**Youssef Chahed**

**Prime Minister's Circular 20 (2019)  
dated on 20 August 2019 on the  
adherence of the Administration  
to the principle of impartiality  
during the 2019 legislative and  
presidential elections<sup>1</sup>**

Tunis, on 20 August 2019

**From the Prime Minister**

**To**

**Ladies and Gentlemen Ministers, State Secretaries, Governors, and  
Heads of special delegations, directors general of public Institutions,  
directors general of public installations**

**Subject:** On the adherence of the Administration to the principle of  
impartiality during the 2019 legislative and presidential elections

**References:**

- The Constitution, particularly Article 15 thereof,
- Organic Law 16 (2014) dated on 26 May 2014 on Elections and Referenda, as modified and complemented by Organic Law 7 (2017) dated on 14 February 2017,

In the framework of compliance with the requirements of the Constitution that bind the public administration to operate in accordance with the principles of impartiality and equality, and pursuant to the provisions of the aforementioned Organic Law 16 (2014) particularly Articles 52 up to 58 thereof, on the principles regulating the election campaign, which provide for the following:

- Impartiality of the Administration and places of worship,

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1. <http://www.legislation.tn/sites/default/files/news/19-20.pdf>

- Impartiality of the national mass media,
- Equity and guaranteeing equal opportunities among all candidates,
- Prohibition of the distribution of documents or dissemination of slogans or speeches related to the election campaigning, regardless of their form or nature in the Administration and public institutions and installations by the chief, staff or beneficiaries of the Administration, or those who are present inside.
- Prohibition of the use of public means and resources for the benefit of a list running for the elections.
- Prohibition of all sorts of election campaigning in educational, academic and training institutions, as well as places of worship and the delivery of sermons or lectures and the distribution of adverts or documents or engagement in any publicity activity.
- Binding the competent authority to take the necessary measure to ensure adherence to the principle of impartiality.
- Upon proving the violation of the principle of impartiality, binding the head of the directorate to write a report on the matter, to which the necessary supporting documents shall be enclosed, and send a copy thereof to the Authority.

In order to ensure the success of the forthcoming electoral events, we stress on the need for the Administration to comply with the principles of impartiality, in a manner that may contribute to the creation of conducive climate for fair competition among various candidates, whether they are from inside or outside the Administration, particularly that a number of officials and administrative staff of different affiliations have registered to contest the 2019 legislative and presidential elections.

In this vein, we stress on the need to deal with utmost fairness and without discriminating against all candidates and not taking anyone's sides nor use the state resources for the benefit/against any of them and refrain from all that may influence the will of the voters, throughout the election period in a manner that ensures equal opportunities and equality among them all.

Given the paramount importance of this matter, and to enshrine the principles regulating the election campaign, and ensuring that the forthcoming presidential and legislative elections take place in a democratic climate, we hope the ministers, state secretaries, governors, mayors, directors general of public institutions and facilities, give their utmost attention and call on the services, staff and employees under their supervision to enforce the requirements of the circular herein with utmost accuracy.

**Prime Minister**  
**Youssef Chahed**

**Central Bank Circular 4 (2019)  
dated on 7 August 2019 on the  
bank accounts associated with the  
election campaign for the benefit  
of presidential candidates<sup>1</sup>**

Tunis, on 7 August 2019

**Circular**

**To Banks and the National Office for Postal Services N° 5 (2019)**

**Subject:** Bank accounts associated with the election campaign for the benefit of presidential candidates

**The Governor of the Central Bank of Tunisia**

Upon perusal of Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all modifying and complementary provisions,

Organic Law 16 (2014) dated on 26 May 2014 on Elections and Referenda, as modified and complemented by Organic Law 7 (2017) dated on 14 February 2017,

Law 35 (2016) dated on 25 April 2016 on determining the internal rules of procedure for the Central Bank of Tunisia,

Law 48 (2016) dated on 11 July 2016, on banks and financial institutions,

Decision 20 of the Independent High Authority for Elections dated on 8 August 2014 on determining the rules, procedures and modalities of financing the election campaign, as modified and complemented by Decision 17 (2017) dated on 23 October 2017,

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1. [https://www.bct.gov.tn/bct/siteprod/arabe/documents/Cir\\_2019\\_04\\_ar.pdf](https://www.bct.gov.tn/bct/siteprod/arabe/documents/Cir_2019_04_ar.pdf)

Circular 13 (2014) of the Central Bank of Tunisia, dated on 28 October 2014 on opening bank accounts associated with the election campaign, for the benefit of the presidential elections, as modified by Circular 15 (2014) addressing banks dated on 13 November 2014, Opinion 4 (2019) of the Committee on monitoring conformity dated on 5 August 2019, provided for in Article 42 of Law 35 (2016) on determining the statute of the Central Bank of Tunisia,

**Has decided the following:**

**Article 1:** Banks and the National Office for Postal Services shall open a sole account associated with the election campaign for all presidential candidates, which shall be opened by the candidate or another person, as per a power of attorney bearing a legalized signature of the candidate for this purpose, at a branch of a bank or post office of the choice of the concerned candidate or his/her representative. The financial agent of the candidate shall run, manage and close the sole account of the election campaign, as per the regulations in force.

Banks and the National Office for Postal Services are prohibited from opening more than one bank account associated with the concerned election campaign for each candidate.

**Article 2:** Prior to opening the account associated with the election campaign, Banks and the National Office for Postal Services shall refer to the system of the Central Bank of Tunisia, to exchange particulars to verify that there is not a bank account associated with the concerned election campaign in the name of the candidate.

**Article 3:** The bank account associated with the election campaign is opened in accordance with the regulations in force, on the basis of the following documents:

- Original or authentic copy of the Decision of the Independent High Authority for Elections on the approval of the candidature of the concerned person.
- A copy of the official document proving the identity of the candidate.
- Original or an authentic copy of the candidate's decision regarding the appointment of the financial agent.

- A copy of the official document proving the identity of the financial agent of the candidate.
- A copy or an authentic copy of the powers of attorney to open an account associated with the election campaign, on behalf of the candidate (in the event of opening an account through a power of attorney).
- A copy of the official document proving the identity of the agent delegated to open the bank account associated with the election campaign, on behalf of the candidate (in the event of opening the account through a power of attorney).
- A certificate of non-prohibition from keeping or using checks in the name of the financial agent, delivered by the Central Bank of Tunisia, during the seven days preceding the opening of the account.

**Article 4:** The account associated with the election campaign may only be credited through the following resources:

**1.** Wire transfers in Dinars originating from:

- Internal accounts of the candidate, titled self-financing.
- Internal accounts of natural Tunisian persons who are residents, pursuant to the taxation legislation titled special financing of the election campaign of the candidate.
- From the State budget to the benefit of the candidate, titled the public fund known as “Reimbursement of Election Expenses”

**2.** Amounts deposited by the financial agent of the presidential candidate in cash or through checks, titled self-financing or private financing. In this case, it shall be stated on the back of deposits table, in clear handwriting, the full identity of the financial agent (Name, surname, National ID number and date of issue) and the signature of the latter.

Tunisians, who are residents abroad are prohibited from financing candidates, regardless whether it was related to self or private financing.

Furthermore, it is prohibited to accept wire transfers from legal



persons of all categories, including political parties and foreign natural persons, albeit they reside in Tunisia, or their source of income is Tunisian, in accordance with the taxation legislation.

**Article 5:** It is prohibited to grant overdraft in the account associated with the election campaign or any kind of advance to the candidate, holder of the account.

The branch of the bank or post office, where the account associated with the election campaign is opened, shall provide the financial agent of the candidate of a sufficient number of checkbooks, within three days, at the latest, from the date of submission of a written request for this purpose and a single banking card to withdraw funds within the limits of the balance available in the account.

**Article 6:** Banks and the National Office for Postal Services shall disclose to the Central Bank of Tunisia, without a specific timeline, all bank account opening operations associated with the election campaign, as stated in Article 1, through the system of the Central Bank of Tunisia, to exchange data.

**Article 7:** Banks and the National Office for Postal Services shall provide the Central Bank of Tunisia, at an initial stage, with a temporary statement of the accounts associated with the presidential election campaign, as of the date of their opening until the date of the end of the election campaign, within 15 days, at the latest, from the date of the end of the election campaign. At a second stage, they shall provide the final statements of such accounts from the dates of their opening until the date of closure within 15 days, at the latest, from the date of closure. The said statements shall be provided to the Central Bank of Tunisia on a paper document signed and stamped by the legal representative of the bank or National Office of the Postal Services, delegated for this purpose and via the system of the Central Bank of Tunisia, to exchange particulars in Excel sheet format.

Furthermore, upon closing the account, banks and the National Office of Postal Services shall revoke the cash withdrawal card and checkbooks that were not used by the financial agent of the candidate, the bank account holder, taking the necessary measures to complete the ongoing banking transactions in the said account.

**Article 8:** The banks and National Office of Postal Services shall appoint a correspondent for the Central Bank of Tunisia, within its ranks, at least at a director's level, to ensure the implementation of the formalities cited in the Circular herein, particularly to overcome the obstacles that may hamper the opening and processing of accounts associated with the presidential election campaign and attempt to resolve them in the meantime, as well as compiling all the required particulars related to the elections-specific accounts from the bank branches and postal offices and refer them to the Central Bank of Tunisia within the set timelines. A deputy to the correspondent, who meets the same conditions must be appointed.

The Banks and National Office for Postal Services shall provide the Central Bank of Tunisia, without a specific timeline, with the full identities, phone numbers and emails of the correspondent and his/her deputy via any means capable of producing a written record.

**Article 9:** The banks and National Office for Postal Services shall safekeep the files of the accounts associated with the election campaign for the benefit of presidential candidate as well as all the documents pertaining to opening, processing and closing such accounts and the documents and supporting exhibits related to the operations and transactions completed through them for ten years from the date of their closure.

**Article 10:** The provisions that contradict or overlap with the circular herein shall be superseded. The Circular herein comes into effect as of the date of promulgation thereof.

**Governor**

**Marouane Abassi**

**Circular 5 (2019) of the Central Bank, dated on 7 August 2019 on the accounts associated with the elections campaign for the benefit of lists running for the legislative elections<sup>1</sup>**

Tunis, 7 August 2019

**Circular**

**To Banks and the National Office for Postal Services No 5 (2019)**

**Subject:** Accounts associated with the election campaign for the benefit of the lists running for legislative elections

**The Governor of the Central Bank of Tunisia,**

Upon perusal of Organic Law 23 (2012) dated on 20 December 2012 on the Independent High Authority for Elections, and all modifying and complementary provisions thereof,

Organic Law 16 (2014) dated on 26 May 2014 on Elections and Referenda, as modified and complemented by Organic Law 7 (2017) dated on 14 February 2017,

Law 35 (2016) dated on 25 April 2016 on regulating the internal rules of procedure for the Central Bank of Tunisia,

Law 48 (2016) dated on 11 July 2016, on banks and financial institutions,

Decision 20 of the Independent High Authority for Elections dated on 8 August 2014 on regulating the rules, procedures and modalities of financing the election campaign, as modified and complemented by

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1. [https://www.bct.gov.tn/bct/siteprod/arabe/documents/Cir\\_2019\\_05\\_ar.pdf](https://www.bct.gov.tn/bct/siteprod/arabe/documents/Cir_2019_05_ar.pdf)

Decision 17 (2017) dated on 23 October 2017,

Circular 8 (2014) of the Central Bank of Tunisia, dated on 16 September 2014 on opening bank accounts associated with the election campaign for the benefit of the lists running for the legislative elections, as complemented and modified by the subsequent provisions thereof,

Opinion 5 (2019) of the Committee on monitoring conformity dated on 5 August 2019, provided for in Article 42 of Law 35 (2016) on regulating the statute of the Central Bank of Tunisia,

**Has decided the following:**

**Article 1:** Banks and the National Office of Postal Services shall open a single account associated with the election campaign that bears the name of the list running for the legislative elections, to be opened by the head of the list or any other person, as per a power of attorney for this purpose signed by the latter, at a branch of a bank or post office in the constituency where the list has been nominated. The financial agent of the list processes, manages and closes the single account associated with the election campaign, pursuant to the regulations in force.

Banks and the National Office of Postal Services are prohibited from opening more than one account associated with the concerned election campaign for each list.

**Article 2:** Prior to opening the account associated with the election campaign, banks and the National Office for Postal Services shall refer to the system of the Central Bank of Tunisia, to exchange particulars to verify that there is not a bank account associated with the concerned election campaign in the name of the list.

**Article 3:** The bank account associated with the election campaign is opened pursuant to the regulations in force, on the basis of the following documents:

- Original or authentic copy of the Decision of the Sub-Commission on the approval of the candidature of the list.
- A copy of the official document proving the identity of the head of the list.
- Original or an authentic copy of the decision of the head of the

list regarding the appointment of the financial agent of the list.

- A copy of the official document proving the identity of the financial agent of the list.
- A copy or an authentic copy of the powers of attorney to open an account associated with the election campaign, on behalf of the head of the list (in the event of opening an account through an agent).
- A copy of the official document proving the identity of the agent assigned to open the bank account associated with the election campaign, on behalf of the head of the list (in the event of opening the account through an agent).
- A certificate of non-prohibition from keeping or using checks in the name of the financial agent, delivered by the Central Bank of Tunisia, during the seven days preceding the opening of the account.

**Article 4:** The account associated with the election campaign may only be credited through the following resources:

**1.** Wire transfers in Dinars originating from:

- Internal accounts of members of the list, holder of the account or the internal accounts of the political party, to which the list is affiliated, titled self-financing.
- Internal accounts of Tunisian natural persons who are residents, pursuant to the taxation legislation titled special financing of the election campaign of the list.
- From the State budget to the benefit of the list, titled the public fund titled “Reimbursement of Election Expenses”

**2.** Amounts deposited by the financial agent titled self-financing or private financing, in cash or through checks. In this case, it shall be stated on the back of deposits table in clear handwriting, the full identity of the financial agent (Name, surname, National ID number and date of issue) and signature thereof.

It is prohibited to accept wire transfers from legal persons of all categories and foreign natural persons, albeit they reside in Tunisia,

or their source of income is Tunisian, in accordance with the taxation legislation.

The branch of the bank or post office, where the account associated with the election campaign is opened, shall provide the financial agent of the list with a sufficient number of checkbooks, within three days, at the latest, from the date of submission of a written request for this purpose and a single banking card to withdraw funds within the limits of the balance available in the account.

**Article 5:** Banks and the National Office for Postal Services shall open a single account associated with the election campaign in convertible Dinars, for the benefit of the lists running for the legislative elections in the out-of-country constituencies.

The account associated with the election campaign may only be credited in convertible Dinars through the following resources:

**1.** Wire transfers originating from:

- Foreign bank accounts opened in the name of the members of the list, holder of the account in foreign currency or convertible Dinars, at the banks in Tunisia, or their accounts opened abroad, or internal accounts of the political party, to which the list is affiliated, titled self-financing.
- Foreign bank accounts opened in the name of Tunisian natural persons, who are non-residents, as per the regulations of foreign currency or convertible Dinar exchange, at the banks in Tunisia or from their bank accounts abroad, titled private financing of the election campaign of the list.

It is prohibited to accept wire transfers from legal persons of all categories and foreign natural persons, albeit they reside in Tunisia, as per the regulations governing exchange or their income is in foreign currency or convertible Dinars, as well as Tunisian natural persons, who are residents, as per the regulations governing exchange.

- From State budget for the benefit of the list, titled the public fund, under the title Reimbursement of Electoral Expenses.

**2.** The amounts deposited by the financial agent, titled self or private funding, in cash or through checks, which are the equivalent

of Dinars in foreign currency. In this case, it should be stated at the back of the deposits table with clear handwriting the full identity of the financial agent (name, surname, national ID number and date of issue) with the signature of the latter.

It is worth noting that depositing the amounts received in foreign banknotes, in the equivalent Dinar requires presenting the original copy of the declaration of the foreign currency at the Douane Directorate, ensuring a copy of the declaration is kept in the account file. It is worth noting that it should be stated in the original copy of the declaration the deposited amount in the account and the exact sum.

The branch of the bank of the post office where the account associated with the election campaign in convertible Dinars was opened, upon the request of the financial agent of the list, holder of the account, issue the latter an international single banking card, to be able to withdraw without a limit, within the balance available in the account. S/he shall be alerted that it is prohibited to hand over checkbooks to holders of such accounts.

Apart from the provisions of the Article herein, the accounts associated with the election campaign in convertible Dinars will be subject to the remaining provisions of the Circular herein.

**Article 6:** Overdraft credits or any type of advance funds shall not be granted to the account associated with the election campaign, holder of the account.

**Article 7:** Banks and the National Office of Postal Services shall declare to the Central Bank of Tunisia, without a specific timeline, all processes of opening accounts associated with the election campaign, as stipulated in Article 1, through the system of the Central Bank of Tunisia, to exchange particulars.

**Article 8:** At an initial stage, banks and the National Office of the Postal Services shall provide the Central Bank of Tunisia with a temporary list of accounts associated with the legislative election campaign, from the date of opening thereof up to the day the election campaign ends, within 15 days, at the latest, from the date of the end of the election

campaign. At a second stage, they shall provide a final list of those accounts from the date of opening thereof, up to the date of closure, within 15 days, at the latest from the date of closing the accounts. Such lists shall be communicated to the Central Bank of Tunisia on paper documents signed and stamped by the legal representatives of the banks or the National Office of the Postal Services, who is delegated for this purpose and through the system of the Central Bank of Tunisia to exchange particulars on an Excel sheet.

Furthermore, upon closing the account, banks and the National Office of Postal Services shall revoke the cash withdrawal card and checkbooks that were not used by the financial agent of the list, the bank account holder, taking the necessary measures to complete the ongoing banking transactions in the said account.

**Article 9:** The banks and National Office of Postal Services shall appoint correspondent for the Central Bank of Tunisia, within its ranks, at least at a director's level, to ensure the implementation of the formalities cited in the Circular herein, particularly to overcome the obstacles that may hamper the lists while opening and processing of accounts associated with the campaign and attempt to resolve them in the meantime, as well as compiling all the required particulars related to the elections-specific accounts from the bank branches and postal offices and refer them to the Central Bank of Tunisia within the set timelines. A deputy to the correspondent, who meets the same conditions must be appointed.

The Banks and National Office for Postal Services shall provide the Central Bank of Tunisia, without a specific timeline, with the full identities, phone numbers and emails of the correspondent and his/her deputy via any means capable of producing a written record.

**Article 10:** The banks and National Office of Postal Services shall safekeep the files of the accounts associated with the election campaign as well as all the documents pertaining to opening, processing and closing such accounts and the documents and supporting exhibits related to the operations and transactions completed through them for ten years from the date of their closure.



**Article 11:** The provisions that contradict or overlap with the circular herein shall be superseded. The Circular herein comes into effect as of the date of promulgation thereof.

**Governor**

**Marouane Abbasi**





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