

[**Regulation of the Independent High Authority for Elections N°2014-30 dated September 8, 2014 on Rules and Procedures of Polling and Sorting**](#)

The Independent High Authority for Elections (ISIE),

Having regard to the Constitution of the Tunisian Republic, particularly Articles 34, 54, 55, 75, and 126,

Having regard to the Constituting Legislation N°2011-6 dated December 16, 2011 on the Provisional Organization of Public Authorities, as well as the whole texts amending and completing it,

Having regard to the Organic Law N°2012-23 dated December 20, 2012 on the Independent High Authority for Elections (ISIE), as well as the whole texts amending and completing it, particularly Articles 19 and 21,

Having regard to the Organic Law N°2014-16 dated May 26, 2014 on Elections and Referendum, after deliberations, it has been decided that:

Article one: This regulation shall set the rules and procedures of the polling and the sorting and counting for the legislative and presidential elections and referendum.

Article 2: In the context of this regulation, the following terms refer to the definitions indicated below:

The Authority (ISIE): The Independent High Authority for Elections.

Regional Authorities (IRIEs): The authorities that may be established by the ISIE Council according to Article 21 of the Organic Law N°2012-23 dated December 20, 2012 on the creation of the ISIE as it was amended and supplemented by subsequent texts.

Voter Lists: The lists of the persons eligible to vote in elections and referendums extracted from the voter register, which will be made available to the public in each electoral constituency, in each municipality and in each delegation or in each sector or non-municipal areas. They will also be displayed in the electoral constituency for Tunisians abroad in Tunisian diplomatic missions or Consulates and distributed according to the Consulates and embassies in case there are no consulates.

Candidate List, Candidate or Party: Candidate Lists in the legislative elections, a candidate in the presidential elections, or a party in a referendum.

Polling Center or the Center: The Polling Center consisted of one or more Polling stations.

Polling Station or the Station: It is the place where the Polling shall be exercised in the Polling Centers.

The Central Office: An office that shall be assigned by the ISIE in each electoral constituency charged of tabulating polling results.

Collecting Center: A center that may be assigned by the ISIE to collect the results of the polling in a part of the electoral constituency before submitting them to the Central Office.

Ballot Paper: The paper prepared by the ISIE to be entrusted to the voter on E-Day to mark his/her choice and deposit it in the box.

Spoiled Paper: Any ballot that was made unfit for some reason and that is replaced before being put in the box in accordance to the regulations of the ISIE.

Invalid Paper: Any ballot that does not express the will of the voter clearly, or is in conflict with the principles stated in Article 2 of the Electoral Law.

Blank Paper: Any Ballot that does not include a mark of any kind. A Blank Ballot is counted among the valid votes, but does not count when calculating the electoral quotient.

The announced votes: All the votes that the candidate lists got in the legislative elections or the candidates in the presidential elections or any vote approving or disapproving in the referendum. The blank ballots are counted with the announced votes.

Chapter one: General Provisions

Article 3: The duration of the Polling shall last only one day that has to be an official holiday or weekend.

The Polling abroad shall take place during 3 successive days; the last day has to be the same as the election-day in Tunisia.

Article 4: Every Tunisian Citizen in Tunisia and abroad and who is registered on the voter register, shall have the right to vote.

It is not allowed to take part in the runoff of the presidential elections if he/she was not registered on the voter list during the first round of the presidential election.

Article 5: The suffrage shall be universal, free, direct, secret, fair and transparent.

Article 6: Voting shall be personal and voting by proxy shall be prohibited.

Article 7: Secrecy of vote is the right of each voter. No one has the right to violate it or to cede/waive it.

Article 8: Voting should be conducted transparently; it enables the representatives of the candidate lists, national and international observers, and accredited journalists to observe this process in line with the codes of conduct.

Chapter two: Polling

Section one: Polling Centers and Polling Stations

Article 9: The ISIE shall set the list of the polling stations for each electoral constituency or municipality or delegation or sector. It shall ensure that the number of voters do not exceed 600 voters for each polling station.

The headquarters of the political parties or their places or associations or the International Organizations are prohibited from hosting the polling stations.

Article 10: The polling center consists of a president and one or more information agents (these are the people who will help the president maintain order in the center by controlling the queues and answering questions from voters about which station they should vote in). They shall be appointed according to requirements and terms that shall be set by the ISIE. The president of the Poling Center shall be in charge of the coordination and logistical operations and shall keep order in the yard of the center. He/She shall be assisted by the information agents.

Article 11: The Polling station shall be composed of four members among them the president of the polling station and shall carry out the following duties :

- Check the identity of the voter,
- Keep, stamp and distribute the ballot paper,
- Inking voters,
- Monitoring the ballot box.

The president of the polling station shall ensure the good functioning of the polling process and shall take the necessary measures to achieve it. H/she may also delegate his/her prerogatives to one of the members of the Polling Station.

Section Two: Rules of Polling Process

Article 12: The access to the polling stations and polling centers are restricted to:

- Voters to vote,
- The companions of the disabled voters,
- The members of the ISIE, their agents holding badges issued by the ISIE,
- Accredited representatives of the candidate lists, candidates and parties, observers, journalists, guests and translators working with them.

The President of the Polling station may set the numbers of people allowed to enter the station according to its absorption capacity.

Article 13: The president of the polling station shall keep order inside it; the president of the polling center shall do the same inside the center. They may ask for the intervention of the Public Force when needed.

Carrying weapons is prohibited in the polling centers and polling stations except for the security forces and the military that are present upon a request of the president of the polling station or polling center.

Article 14: Members of the polling stations, observers, representatives of the candidate lists or candidates or parties are prohibited from holding any distinguished sign that indicate their political affiliation in polling centers or stations. The presidents of the polling center and polling station shall ensure the commitment to this prohibition.

Article 15: Electoral Propaganda activities are prohibited in the polling stations and in the polling centers or around them as well as the use of loud speakers.

Article 16: Making interviews inside the polling stations is prohibited as well. The journalists are prohibited to use cameras in the polling stations and polling centers but only upon an authorization from the president.

Article 17: Making opinion surveys of voters in the polling stations and polling centers is prohibited.

Article 18: Apart from the president of the polling station, all those present in the station are prohibited from using mobile phones for any reasons.

Section three: Polling Process

Part one: Procedural Preparations

Article 19: The Members of the polling station shall be present at the Polling Station at least one hour before the starting time of the polling to arrange the polling stations. If the president of the Polling Station is absent, the eldest member shall open the Polling Station and carry out the tasks of the president of the Polling Station till his/her arrival or replacement. The number of the polling station members shall not be in all cases less than two. In all cases, the replacement shall be carried out in coordination with the president of the Polling Center with notifying the respective IRIE.

Article 20: The president of the polling station shall perform the following operations in front of the attendees of observers, representatives of the candidate lists or candidates or parties and journalists:

1. Opening the ballot box and taking out the polling materials that are inside and ensuring they are all available,
2. Ensure that the box is empty. Showing the empty box to the attendees,
3. Close the ballot box using the plastic locks made for this purpose. The upper opening of the box shall remain unlocked,

4. The received ballot papers shall be counted.

Article 21: The president of the Polling Station or a member that he/she designates shall complete the minutes of the Polling Process by filling the following mandatory data:

- Number of the received ballot papers.
- Number of the plastic locks that were used for the ballot box.
- The number of the registered voters in the polling station.

Article 22: The members of the polling station and the attendees from the representatives of the candidate lists, the candidates or the parties shall sign the minutes of the polling process.

In case they will refuse to sign, this shall be stated in the minutes with the reasons if any.

Article 23: In case the polling center was not opened at the right time for emergency reasons, the president of the polling center may delay the opening of the station after notifying the IRIE. The delay and its reasons shall be stated on the polling station register, taking into consideration its duration when the polling station will be closed.

If the ISIE sees that the elections cannot take place in the polling station in question, it shall inform the ISIE council immediately. The ISIE council may postpone the polling in these stations with a justified reason according to article 105 of the electoral law. The decision of the postponing shall be published on the ISIE website and the ISIE shall announce the new time of the polling through the audiovisual and written media.

Section two: The conduct of the Polling Process

Article 24: The right to vote shall be practiced in the polling station. The voter shall vote in the station where his/her name is mentioned. The ISIE shall take the necessary measures to ensure that the members of the Polling Centers and the Polling Stations practice their right to vote.

Article 25: The voters shall have access to the polling station and to vote starting from the time set by the ISIE. The voting priority shall be granted for people with specific needs like the elderly, pregnant women and disabled persons.

Article 26: Inking is a requirement to complete the polling process. The voters with upper limb disability that prevents them from inking are exempted from this step.

Article 27: To practice one's right to vote, the voter shall present his/her identity card or his/her passport only.

The ID of the voter shall be checked. He/She has to sign in the box that corresponds to his/her name on the voter list.

If the number of the passport is not the same as the number mentioned on the voter lists, the president of the Polling Station, after checking the consistency of the name, shall write down the new number on the voter lists and sign in the box of comments.

Article 28: The president of the polling station or the member that he/she may designate shall stamp the ballot paper. If the ballot paper has something wrong, it shall be considered a spoiled paper and put it in the envelope designed for this purpose.

Article 29: The polling shall take place in the booth. The voter shall mark the ballot paper in front of the candidate list or the name of the candidate that he/she wants to vote for or the answer in the referendum.

Article 30: In case there is a mistake in using the ballot paper or in case it is torn, the voter may ask for another ballot paper only once. The President of the Polling Station or his/her deputy shall receive the spoiled paper without looking at the choice of the voter and shall put it in the envelope designed for the purpose.

The voter shall put the ballot paper in the box personally, if it is not possible, the President of the Polling Station shall help him/her.

Article 31: The president of the polling station shall take into consideration the reservations of the candidate lists and the candidates, or the parties' representatives regarding the implementations of the rules and procedures on the polling according to the law and the regulatory texts issued by the ISIE for this purpose. His/her decisions shall enter into force immediately after their issuance provided that the reservations and decisions shall be included in the minutes of the polling process.

Article 32: The suspension of work in the polling stations and the polling centers or their closure is prohibited during the hours set for the polling process without any instructions from the ISIE.

In case of extreme emergency with which the ordinary course of the Polling Process would be stopped, the President of the Polling Center may suspend temporarily the Polling Process in the Polling Station or in the Polling Center provided that he/she informs immediately the IRIE to take the necessary measures to ensure the ordinary course of the Polling Process or to allow the closing of the Polling Center or the Polling Station.

In this case, the reasons for which the Polling Process has been suspended have to be mentioned in the register of the Polling Station alongside with the duration of the suspension which shall be taken into consideration at the time of closing the Polling Station.

Section three: Helping the disabled voters

Article 33: By providing a disability card, the blind voter or the voters having handicaps at the level of upper limbs preventing them from writing may be accompanied by a companion that he/she chooses and enters with him/her the booth and help him to vote.

The companion shall have the quality of voter and shall be his/her spouse, ascendant or descendant. The companion shall show his/her identity card or passport and the document proving the family relationship.

If there is no companion, the President of the Polling Station shall designate one of the voters inside the Polling Station upon a request from the disabled voter to accompany him/her. The companion has to dip the little finger of the left hand and in all cases, he/ she is not allowed to help more than one voter. The companion shall not in all cases influence the choice of the disabled voter. His/her role shall be restricted to help him/her completing the operations that are difficult to perform.

The ISIE may consider the inking/electoral ink for the companion.

Article 34: Illiterate people are prohibited from being accompanied to exercise their right to vote and the ISIE shall seek to facilitate the polling Process and explaining it to this category of voter during its awareness campaigns.

Section four: Ending of the Polling process

Article 35: At the closing time of the Polling Center, its President shall call all the voters who are in front of the Polling Center and that did not vote yet to enter and close the polling center. The Polling Process shall continue in the Polling Stations till the last voter votes.

Article 36: After finishing the polling, the President of the Polling Station shall announce the end of the process and lock the box with the plastic locks made for the purpose.

For the polling abroad, the box shall be closed with plastic lock after the polling process for the first and the second day, and shall be reopened the following day, the numbers of the locks shall be mentioned on the minutes of the polling process. The announcement of the ending of the process and the closing of the box shall be by the end of the third day.

The President of the Polling Station shall complete filling the minutes of the Polling Process by including the following data:

- The number of the remaining ballot papers
- The number of the spoiled papers
- The number of the signatures on the voter lists

Once the the polling is over, members of the polling station and list, candidates and parties representatives shall sign the minutes of the polling process.

If they refused to sign, this shall be stated in the minutes with mentioning the reasons if any.

Chapter three: Sorting and counting

Section one: preliminary procedures

Article 37: The polling station members shall start with the process of sorting and counting votes after completing the polling operations. The sorting and counting process shall be conducted inside the polling stations.

The sorting process shall be carried out non-stop from its start to its end. It is possible neither to stop it nor to postpone it, only in extreme emergency and the ISIE shall be notified. The persons that are inside the polling station are not allowed to leave it or return upon leaving, unless authorized by the president of the polling station.

The president of the polling station and the members are not allowed to announce the results of the polling process before its completion.

Article 38: The sorting and counting process shall be carried in the presence of representatives of candidates, candidates' lists or party and observers. The same rules of the polling process, stated above, shall be adopted here as well.

Article 39: Before opening the ballot box, the president of the polling station shall fill in the minutes of the sorting process by including the following data in three copies:

- Name of the electoral constituency and the name of the polling center and the sign of the polling station.
- Numbers of the ballot box locks when opening it.
- Number of the voters registered at the polling station.
- Number of the ballot papers that were delivered to the polling station, according to the way it was mentioned on the minutes of the polling process.
- The number of the voters who signed on the voter list, according to the way it was mentioned on the minutes of the polling process.
- The number of the spoiled ballots, according to the way it was mentioned on the minutes of the polling process.
- The number of the remaining ballots, according to the way it was mentioned on the minutes of the polling process.

Article 40: The president of the polling station shall read out loud the numbers of the ballot box locks, and their consistency with the numbers mentioned in the minutes of the polling process shall be checked.

Then the box shall be opened publically, emptied from all existing ballots inside before the attendees, and shown to them that way. After counting all the extracted ballots from the box, the president of the station shall conduct the matching operation as well as make sure that the total number of ballot papers taken out from the box, the spoiled papers and the unused papers equal the number of papers delivered to the polling station.

In case their numbers exceed or are less than the signatures on the voter lists, the counting shall be restarted. If the mismatch is obvious between the number of ballot papers and signatures, the causes shall be investigated and all that written down in the minutes. Afterwards, the president of the polling station shall give the permission to proceed with the sorting and counting process.

Chapter 2: Functioning of the sorting and counting process

Article 41: The president of the polling station or one of the members charged by him for this purpose shall publically read out loud the ballot paper and say if it is in the favor of any of the candidate lists for the legislative elections or in the favor of a candidate for the presidential elections or a yes/no vote during a referendum, or if it is a blank or invalid ballot paper and he shall show it simultaneously to the people present, then hand it to one of the station members in order to check it and put it in the appropriate place.

Article 42: A ballot paper shall be considered invalid and not counted among the announced votes if it does not clearly express the voter's will, or it is inconsistent with the principles of freedom, secrecy, integrity and transparency of the elections.

A ballot paper is invalid especially:

- Every ballot paper that is different from the one provided by the ISIE for voters.
- Every ballot paper that is not stamped.
- Every ballot paper that contains a mark or a text revealing the identity of the voter. The electoral ink is not considered as one of the marks revealing the voter's identity.
- Every ballot paper where names of candidates or non-candidates have been substituted or added.
- Every ballot paper containing a vote for more than a candidate list in the legislative elections, and for more than a candidate in the presidential elections.
- Every ballot paper that casts doubt about the choice of the voter.
- Every ballot paper that is torn in two or more in a way that a candidate's or a candidate list name or an answer for a referendum is removed.

In case of dispute the ballot paper should be considered as invalid by the absolute majority of the present members. In case the votes are equal, the vote of the President of the polling station shall be the deciding vote.

Article 43: Two members shall record the announced votes on the designated counting sheet in their appropriate place. Once the process of revealing vote results is over, the two members shall record on the counting sheet the number of votes obtained by every candidate list or candidate, or both answers for a referendum, and the number of blank and invalid papers, then they shall sign.

Article 44: Members of the polling station shall set the polling result by collecting results from the counting sheets. The president of the polling station shall conduct the matching process and check that:

- The total number of votes obtained by all candidate lists and candidates or every vote with yes or no for a referendum, as well as blank and invalid papers equal the number of ballot papers extracted from the box.

In case of inconsistency, ballot papers shall be recounted again. If the mismatch is obvious, the causes shall be investigated and all that written down in the minutes of the sorting process.

Article 45: The president of the polling station, or the person designated for the purpose, shall record in the minutes of sorting:

- The number of ballot papers extracted from the ballot box.
- The total number of announced votes and obtained by all candidate lists or candidates or every yes/no vote for a referendum.
- The number of votes obtained by every list or candidate or every yes/no vote for a referendum.
- The number of invalid ballot papers.
- The number of blank ballot papers.

Article 46: In case of an error in the minutes of sorting, the president of the station shall correct it, sign and stamp next to it.

Chapter three: Completion of the sorting and counting process

Article 47: After completing the sorting and counting process, members of the polling station and list representatives or candidate and party representatives shall sign the minutes of the sorting process. If they refused to sign, this shall be stated in the minutes with mentioning the reasons if any.

Article 48: Candidate list representatives or candidate and party representatives are entitled to include all of the remarks and reservations, related to the sorting and counting process, in a memorandum attached to the minutes. The president of the polling station shall respond to it and record that in the memorandum.

Article 49: The president of the polling station, or his assistant, shall hang/post before every polling station a copy of the sorting minutes relative to it. Another copy of the minutes shall be placed in the ballot box, and a third copy shall be sent to the central office.

Article 50: Electoral materials should be saved and delivered according to the measures adopted by the ISIE.

As far as polling abroad is concerned, electoral materials shall be saved in the headquarters of the diplomatic and consular missions, where polling stations are established. The IRIEs and the presidents of stations abroad shall take the necessary measures to save electoral materials relative to the polling stations established outside the headquarters of diplomatic and consular missions.

Article 51: The minutes of sorting of polling stations shall be published on the ISIE electronic website

Tunis, September 8, 2014.

The President of the Independent High Authority for Elections

Mohamed Shafik Sarsar