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Presidential Election

**Second Round**

**Oct. 15, 2019**

*This statement is preliminary and covers only aspects of the electoral process through Oct. 14. It does not cover the final tabulation of election results, nor the period for filing challenges. As a result, this statement does not represent the Center's assessment of the electoral process as a whole, but rather a partial preliminary assessment of those phases that are completed. The Carter Center will release one or more additional assessments in the post-election period and at its conclusion. This statement should also be read in conjunction with the preliminary statements released by T*

## **Political Background**

Kaïs Saïed and Nabil Karoui, two political outsiders, finished first and second among 26 candidates who competed in the first round of the presidential election and advanced to the second round. Saïed placed first with 18.4 percent of the vote and Karoui second with 15.58 percent. Several veteran politicians were defeated, including Ennahda's vice president and official nominee, Abdelfattah Mourou, who placed third with 12.88 percent. Defense Minister Abdelkarim Zbidi, an independent who was endorsed by Nidaa Tounes and Afek Tounes, came in fourth with 10.73 percent. Yousef Chahed, current prime minister and president of Tahya Tounes, placed fifth with 7.38 percent.

Saïed and Karoui's advancement to the second round reflected the voter's rejection of Tunisia's traditional political parties and presaged the outcome of the legislative election. Both candidates were perceived as anti-establishment and non-political. Saïed is a constitutional lawyer and independent with no political party. He ran a non-traditional campaign, and, at times, said that he would not campaign personally because his opponent was in detention until just before the polls.

Karoui, the co-owner of a major media outlet who maintains a charitable organization, formed his political party in June 2019. He had been under investigation since 2016 on charges of tax evasion and money laundering, but was never detained until Aug. 23, shortly before the start of the campaign. He remained in detention throughout the first-round and parliamentary campaigns, despite several calls for his release by the High Independent Authority for Elections and most of the political establishment. Karoui was released on Oct. 9, the day of the announcement of the preliminary results of the parliamentary elections, with only two days left in the presidential campaign period.

through his welfare association, Khalil Tounes. He promoted his public image as a self-made man who could help Tunisia.

Nidaa Tounes virtually collapsed, mostly as a result of its continuous fractures since 2014. It won only three seats. Moreover, the various parties that emerged from the division of Nidaa Tounes either obtained very few seats (El Machrouu, with four seats) or none at all (Amal Tounes). Tahya Tounes, the prime minister's party and an offshoot of Nidaa Tounes, won 14 seats, which allows it to form a parliamentary bloc.

Abir Moussi's Free Destourian Party greatly advanced, winning 17 seats in 2019. The party was created in 2013 with the intention of regrouping the Democratic Constitutional Rally (RCD), the party of the former regime. Former RCD members were barred from running for seats in the National Constituent Assembly and Moussi's party did not win any seats in parliament in 2014. Its extreme anti-Ennahda rhetoric and praise for the socio-economic situation under the Ben Ali regime appears to have attracted voters who are nostalgic for the country's past stability. Mohamed Abbou's Al Tayar Dimokrati (Democratic Current) won 22 seats, finishing third, compared to 2014, when it won only three seats.

The parliamentary polls also saw the rise of new political actors such as the El Karama movement, which supported presidential candidate Seif Eddine Makhlouf. It won 21 seats. The Pan-Arab party, Harakat Chaab, which supported the candidate Safi Said, won 16 seats. These two parties both have an aggressive anti-Western discourse. Sixteen political parties, two coalition, and 14 independents are now represented in parliament, and with the exception of nine political parties, all are new.

### **Legal Framework**

According to international best practices, an election's legal framework should be transparent and readily accessible to the public. It should also address all the components of an electoral system necessary to ensure democratic elections.<sup>1</sup> The Tunisian electoral process is governed by the January 2014 constitution, the 2014 electoral law, the law on the ISIE, and the law related to the freedom of audiovisual communication that created the Independent High Authority for Audiovisual Communication (HAICA). The legal framework for presidential elections is generally in alignment with international standards and remained unchanged during the two rounds of the elections.<sup>2</sup>

Article 52 of the electoral law guarantees equal opportunities for all candidates during the campaign, although it never defines the meaning of "equal opportunities." The law on the ISIE mandates that the commission guarantee equal treatment of voters, candidates, and all stakeholders.<sup>3</sup> The decree on the HAICA requires equal opportunity in the exercise of the rights and liberties of audiovisual communication.<sup>4</sup> However, there is no explicit definition of what equal opportunities or treatment means for the purpose of implementing the law.

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<sup>1</sup> OSCE/ODIHR, Guidelines for Reviewing a Legal Framework for Elections, page 4.

<sup>2</sup> These include: the International Covenant on Civil and Political Rights (ICCPR);

International good practice and interpretative international legal sources state that all parties and candidates should enjoy equal opportunity. The state should be impartial and apply the law uniformly to all. Equality should be guaranteed for parties and candidates,



Karoui received significant media coverage upon his release on Oct. 9 and afterward gave several interviews to the media. On Oct.11, the public television network organized a historic debate with Saïed and Karoui. Moderators selected four topics for the debate – defense and national security, foreign policy, the president’s relationship with parliament and the head of government, and public affairs. For each topic, they asked the candidates to respond to three questions







Overall, Tunisian civil society took an active part in observing the presidential electoral processes, although not as extensively asaa(a)4(lrt )-3lia-11m-2(t )-369(6( )-69(aETQq0.00000912 0 612 792 re

Election day proceeded smoothly, and election officials understood the procedures well. Voter lists were displayed in the majority of polling stations visited. The configuration of nearly all polling stations protected voter secrecy. Polling staff properly sealed ballot boxes and verified the seals. Polling staff closed polling stations on time; no voters were queuing to vote.

### **Opening and Polling**

Carter Center observers described the opening process in all 30 of the polling stations visited as professional and orderly. The overall assessment of the election environment was positive in 100 percent of polling stations observed, with all polling stations opening on time. Candidate agents were present in 15 of the 30 polling stations, while citizen observers were present in only 11.

Carter Center observers assessed the voting process at 337 polling stations during election day. The overall election environment and implementation of procedures was assessed as positive in all of the polling stations visited. Observers reported that all electoral material was present in 100 percent of polling stations visited; that 86 percent of polling stations visited appeared to be accessible to physically challenged persons; and that no ineligible voters were allowed to vote.

Across the 337 polling stations visited, Carter Center observers reported only minor irregularities in a small number of polling stations. Although many voters still had dried ink on their fingers from voting in the parliamentary elections just a week ago (on Oct. 6), Carter Center observers did not report any instances of multiple voting, and noted that that polling staff checked voter IDs and voters' signing of the voter list in all stations.

According to reports from polling stations visited by Carter Center observers, candidate representatives were present in 67 percent of polling stations (227 of 337); 47 percent (160/337) of station had agents for Saïed present, and 39 percent (130 of 337) had agents for Karoui. Citizen observers were present at 48 percent of polling stations (161 of 337); observers from UGTT were present in 27 percent (91 of 337), from Mourakiboun in 12 percent (41 of 337); and from IWatch in 5 percent (17 of 337). Polling center presidents were 14 percent female (47 of 337), while polling station presidents were 44 percent female (148 of 337).

### **Closing and Counting**

Closing was assessed as very good or reasonable in 100 percent of the 30 polling stations observed. All eligible voters waiting in the queue at closing were allowed to vote. The overall environment and the implementation of procedures at the counting process was assessed as very good or reasonable in all 30 polling stations observed. There were no reports from Carter Center observers about interference by any candidate agents or citizen observers in the counting process. No official complaints were filed at the observed polling stations.

Officials read out the ballot box seals, verifying them against the official minutes before emptying the ballot boxes. The presiding officer read each vote out loud and, in all cases, publicly displayed the ballot paper to those observers and party agents who were present. Carter Center observers noted a reduced presence of candidate agents and citizens observers compared to the legislative elections. Officials reconciled the number of used ballots against the total-59(a)4(ge)4(m

## **Tabulation**

Carter Center observers rated the implementation of procedures and overall aggregation process as very good or reasonable in all 27 tally centers. Observers reported that access to the process for international observers was much improved over the first round and parliamentary elections.

**Background:** The Carter Center was accredited by the ISIE to observe the elections and deployed more than 80 observers who visited 337 unique polling stations as well as the 27 tabulation centers. The mission was led by Salam Fayyad, former prime minister of the Palestinian Authority and included observers from more than 30 countries.

The Center has had a presence in Tunisia since 2011. It observed the 2011 National Constituent Assembly elections, the 2014 presidential and legislative elections, as well as the constitution-making process that culminated in the adoption of the constitution in January 2014.

For the 2019 elections, The Carter Center deployed a core team in May 2019. In mid-July, the Center, in collaboration with the Electoral Institute for Sustainable Democracy in Africa, deployed 16 long-term observers throughout Tunisia. The core team and long-term observers are from 18 different countries. The Center will remain in Tunisia to observe the final tabulation process and resolution of electoral complaints.

The objectives of the Center's observation mission in Tunisia are to provide an impartial assessment of the overall quality of the electoral process, promote an inclusive process for all Tunisians, and demonstrate support for its democratic transition.

The Carter Center assesses Tunisia's electoral process against the Tunisian constitution, the domestic electoral legal framework, and obligations and standards derived from international treaties, interpretive bodies and international state practice. The Center's observation mission is conducted in accordance with the Declaration of Principles for International Election Observation.<sup>34</sup>

The Center wishes to thank Tunisian officials, political party members, civil society members, individuals, and representatives of the international community who have generously offered their time and energy to facilitate the Center's efforts to observe the election process.

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<sup>34</sup> The Declaration of Principles for International Election Observation was commemorated on Oct. 27, 2005, at the U.N. and is now endorsed by 55 intergovernmental and international organizations, which are engaged in the process of improving international election observation.