



International Foundation  
for Electoral Systems

# **Elections in Tunisia**

## *2024 Presidential Election*

Frequently Asked Questions

Middle East and North Africa

International Foundation for Electoral Systems

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*Warning:*

*This document reflects the decisions taken by the Tunisian authorities until September 30, 2024. It does not represent any IFES policy or technical recommendations.*

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## Election Snapshot

- **Election Day:** October 6 (first round); No later than November 24 (in case of a second round).
- **Candidates:** three registered candidates; no women candidates.
- **Registered voters:** 9,753,207 including approximately 618,000 out-of-country.
- **Polling centers and stations:** 5,013 polling centers in Tunisia and 312 out of the country; 9,669 polling stations in Tunisia and 469 abroad.
- **Campaign expenditure ceiling:** 150,000 TND (approximately \$49,300 USD) for the first round and 100,000 TND (approximately \$32,860 USD) for the second round.
- **Election Campaign:** September 14 to October 4, 2024
- **Mandate duration:** Five years.

## When is Election Day?

The election of the president of the Republic of Tunisia will be held on Sunday, October 6, 2024, for voters in Tunisia and on October 4, 5, and 6, for Tunisian voters living abroad. Presidential Decree No. 2024-403, convening voters for the presidential elections, was signed on July 2, 2024.

## How is the president elected?

The president is elected for a five-year term by universal, direct, free, and secret suffrage. In the event that no candidate obtains an absolute majority of votes during the October 6 election, a second round will be held between the two candidates with the highest number of votes. The second election, if needed, will take place within two weeks of the announcement of the final results of the first round.

## What are the powers of the president?

This election is the first presidential poll since the adoption of a new constitution in 2022.<sup>1</sup>

The 2022 Constitution reintroduced the presidential system, granting the president of the republic more extensive powers than those defined in the 2014 Constitution. The president is the guarantor of national independence, territorial integrity, and respect for the Constitution and laws of Tunisia. He or she presides over the National Security Council and is the supreme commander of the armed forces. The president has the authority to declare war and make peace with the approval of an absolute majority of the members of the Assembly of the Representatives of the People (ARP). The president, on the prime minister's recommendation, appoints senior civilian and military officials.

The president appoints the prime minister without the approval of Parliament and nominates other ministers based on the prime minister's recommendations. He or she chairs the Committee of Ministers

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<sup>1</sup> Since its independence in 1956, Tunisia has seen three constitutions: the Constitution of 1959, the Constitution of January 2014 (which followed the 2010–2011 revolution), and the Constitution adopted by popular referendum on July 25, 2022, after the then-current president of the Republic invoked exceptional measures on July 25, 2021. The 2022 Constitution established the Third Republic.

and can dismiss the government or any individual ministers. The president also determines the policies of the state, while the government implements them.

The president can propose draft laws that have priority over bills put forward by the ARP. During the parliamentary recess, the president can adopt decree-laws that are then adopted by Parliament without discussion or the possibility of introducing amendments after the members return to office. The president promulgates, and can also veto, laws. The ARP can override a presidential veto with a two-thirds majority vote. Furthermore, the president has the right to resort to a referendum to push through a law in certain areas without consulting Parliament. Finally, the president can dissolve Parliament.

Additionally, in cases of imminent danger, the president can take exceptional measures after consulting with the prime minister; the president of the ARP; and the president of the National Council of Regions and Districts, the upper chamber of Parliament that was established under the 2022 Constitution.

Parliament cannot question the president regarding his or her actions, nor can it impeach the president for any reason. The president enjoys full immunity throughout his or her term in office, and all statutes of limitation related to legal proceedings are suspended during this period. Those proceedings can resume once the president's term ends. The president is not accountable for acts performed in the course of his or her duties.

## **What is the applicable legal framework?**

The rules governing the election of the president of the Republic are derived mainly from the Constitution, the Electoral Law, and a number of regulatory decisions.

Articles 89 and 90 of the Constitution set the main conditions for running for the presidency of the Republic (nationality, minimum age, religion, sponsorship, and other requirements), the voting method (two-round majority vote), and the duration of the term (a five-year term, served only once).

The main legislative text applicable to the presidential election is Organic Law No. 2014-16 of May 26, 2014, relating to elections and referenda as amended by subsequent texts in 2017, 2019, 2022, and 2023 (known as the Electoral Law). The law lists rules relating to the entire process of electing the president (preparation and publication of voters' lists, validation of candidates, election campaign, voting and counting, proclamation of results, and others).

In addition to legislative texts, the presidential election is governed by regulatory decisions mainly adopted by the High Independent Authority for Elections (ISIE). These decisions detail the provisions of the Electoral Law. They relate in particular to the organization and functioning of the ISIE's structures; the electoral calendar, registration of voters, nomination of candidates, and accreditation of observers; the electoral campaign and its financing and media coverage; and procedures for voting, counting, tabulating, and proclaiming the results.<sup>2</sup> In addition to the regulations issued by the ISIE, the president of the Republic

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<sup>2</sup> These regulatory texts are available (mostly in Arabic) on the official ISIE website at <https://www.isie.tn/isie/cadre-juridique/>.

adopted a decree setting the overall ceiling on spending for the presidential election campaign and the ceiling on private financing.

## Who is responsible for organizing the election?

The High Independent Authority for Elections (ISIE) is mandated to organize and supervise elections and referenda. It is responsible for the integrity and transparency of the electoral process.<sup>3</sup>

The ISIE consists of a decision-making body (the board) and an executive body (the executive secretariat). Since the amendment of the ISIE law by Decree-Law No. 2022-22 of April 21, 2022, the board consists of seven members, including the ISIE president. All members of the board are appointed by the president of the republic for a non-renewable four-year term.<sup>4</sup> However, the current ISIE composition does not conform with Article 134 of the Constitution, which states that the ISIE must be composed of nine members who carry out their mission for a non-renewable six-year term. The board takes decisions by a majority of members present and, in the event of a tie, the ISIE president has a decisive vote.

The executive secretariat is composed of members of several departments responsible for managing all administrative, financial, and technical matters under the authority of the ISIE president. It is headed by an executive director appointed by and accountable to the ISIE [resident.

The ISIE has 24 permanent regional administrations who report to the executive secretariat, each headed by a regional director. In addition to regional administrations, the ISIE board may create regional election commissions (commonly known as IRIEs) for each election. Each IRIE is composed of three members appointed by the ISIE board.<sup>5</sup> IRIEs are temporary bodies without decision-making power or independence. They exercise the functions expressly delegated to them by the ISIE board.<sup>6</sup> For the 2024 presidential elections, the ISIE created 24 IRIEs in Tunisia and 10 abroad. The IRIEs and regional administrations play an important role – in particular, in the control of the electoral campaign and its financing; accreditation of candidates' representatives; and organization of voting, counting, and tabulation of results.

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<sup>3</sup> The first paragraph of Article 134 of the Constitution.

<sup>4</sup> The seven ISIE board members are appointed by presidential decree and selected by the president of the Republic as follows:

- Three members chosen from among the members of the previous electoral bodies;
- One judicial judge with at least 10 years of effective seniority, chosen from among three candidates proposed by the Council of the Judiciary;
- One administrative judge with at least 10 years of effective seniority, chosen from among three candidates proposed by the Council of the Administrative Judiciary;
- One financial judge with at least 10 years of effective seniority, chosen from among three candidates proposed by the Financial Judicial Council; and
- One computer security engineer with at least 10 years of effective seniority, chosen by from among three candidates proposed by the National Center for Informatics.

<sup>5</sup> According to Article 21 of the ISIE law, members of IRIEs must be former IRIE members; judicial, administrative, or financial judges; or computer security engineers.

<sup>6</sup> Decision of the ISIE, No. 2017-5 of April 11, 2017, describes the conditions and procedures for the creation of regional bodies for elections and sets out their prerogatives and the modalities of their functioning, as amended by Decision No 2022-15 of June 22, 2022.

## Who has the right to vote in this election?

To vote in this election, a voter must have Tunisian nationality, be at least 18 years old on the day before Election Day, enjoy civil and political rights, be registered in the electoral register, and not be incapacitated. The Electoral Law provides for two types of incapacity, each of which must be confirmed by a court decision:

- Persons sentenced to a criminal penalty that expressly prohibits them from voting; or
- Persons placed under legal guardianship.

Soldiers, conscripts, and agents of the national security forces are not entitled to vote.

The voters entitled to vote in this election are those registered on the final electoral lists established by the ISIE. These lists had not been published as of September 27.

## When and how did voter registration take place? How many registered voters are there?

Since 2022, Tunisia has used an automatic registration process in addition to voluntary registration.<sup>7</sup> Every voter over 18 years old with the legal capacity to vote is automatically placed on the voters' register. For this election, the ISIE automatically updated the electoral register on July 5, 2024. It published the preliminary lists of registered voters on July 6 and 7, which marked the start of the period for challenges and disputes relating to registration. According to its electoral calendar, the High Independent Authority for Elections (ISIE) should have announced the final lists of voters no later than July 23. However, it did not do so.

The ISIE made a phone service available to enable voters to check their registration on the final lists and to learn their assigned polling centers and stations. Additionally, the ISIE authorized registered voters to update their registrations voluntarily until September 20 by changing polling centers well after the deadline for publishing the final lists of voters.

Based on statements made by ISIE Board members, the total number of registered voters for the 2024 presidential elections is 9,753,207 including approximately 618,000 out-of-country.<sup>8</sup> Unlike previous elections, the ISIE did not provide disaggregation by gender or age.

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<sup>7</sup> In its initial version, the 2014 Electoral Law allowed for only voluntary voter registration. Under voluntary registration, anyone wishing to be placed on the electoral register is required to go to a fixed or mobile High Independent Authority for Elections registration office and present proof of actual residence address, age, and nationality. In principle, registration is individual, but the electoral law allows spouses, ascendants, and descendants to be registered by proxy.

<sup>8</sup> As comparison, 7,081,307 of which 6,963,938 voters registered in Tunisia and 387,369 registered abroad to vote in the 2019 presidential election while 9,079,271 voters were registered voters for the 2023 local elections.

## What are the conditions for running in the presidential election?

Per Articles 89 and 90 of the Constitution and Articles 40 to 42 of the Electoral Law, a presidential candidate must:

- Be a registered voter;
- Hold Tunisian nationality by birth (born to a father and mother of Tunisian paternal and maternal grandfathers, all of whom have retained Tunisian nationality without interruption) and not hold another nationality;
- Be Muslim;
- Be at least 40 years old on the day the candidacy is submitted;
- Enjoy civil and political rights;
- Not have been president of the republic for two full terms, either successive or separate;
- Be eligible (e.g., not having been criminally sentenced for vote buying or for receiving foreign funding or funding from unknown sources for the electoral campaign in previous elections);<sup>9</sup>
- Be endorsed by at least 10 deputies<sup>10</sup> or at least 40 presidents of local government councils or at least 10,000 registered voters spread across at least 10 legislative electoral constituencies and at a rate of at least 500 voters per constituency (a deputy, president of a local government council, or voter cannot endorse more than one candidate); and
- Have deposited a financial guarantee of 10,000 TND (approximately \$3,400 USD), which will be returned if the candidate obtains at least 3 percent of the votes cast.

In addition to constitutional and legal requirements, the High Independent Authority for Elections requires candidates to present an extract of the criminal record to prove that they enjoy civil and political rights and are not incapacitated in any other way.<sup>11</sup> This new obligation, which has no clear legal grounds, was the reason for the rejection of a number of candidates for this election and gave rise to electoral disputes before the Administrative Court.<sup>12</sup>

## How many candidates will compete in this election? Can decisions on candidacies be subject to judicial review?

The candidate nomination period lasted from July 29 to August 6, during which the High Independent Authority for Elections (ISIE) registered 17 applications. On August 10, the ISIE preliminarily accepted three

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<sup>9</sup> Newly introduced Articles 161 and 163 of the Electoral Law.

<sup>10</sup> Members of the Assembly of the Representatives of the Peoples (the lower chamber of Parliament) or the National Council of Regions and Districts (the upper chamber).

<sup>11</sup> Decision No. 2014-18 of August 4, 2014, laying down the rules and procedures for candidacy in the presidential elections, as amended and supplemented, in particular by Decision No. 2024-544 of July 4, 2024.

<sup>12</sup> In this respect, the Administrative Court, which is responsible for examining disputes pertaining to candidacies, considered that the requirement of the extract of the criminal record by a regulatory decision amounts to the establishment of a new condition of candidacy for which the Electoral Law does not provide. This ruling made the decision illegal because it encroaches on the law. The Administrative Court also considered that, since the issuance of the criminal record extract was dependent on the will of a public administration, the High Independent Authority for Elections (ISIE) should have allowed candidates who were unable to obtain such an extract to present proof that they had requested it. The court added that it would then have been incumbent on the ISIE to check for a criminal record of the person concerned before deciding on his or her application.



applications. The other 14 were rejected, mainly for lacking the required number of valid endorsements or required legal documents, such a copy of an aspiring candidate's criminal record. The Public Prosecutor opened criminal proceedings against four rejected or accepted candidates for alleged falsification of endorsements. Six of the 14 rejected candidates challenged the ISIE's refusal to register their candidacies.

Decisions to accept or reject candidacies in the presidential election may be challenged before the Appellate Chambers of the Administrative Court (AC).<sup>13</sup> Judgments rendered by these chambers may be appealed to the AC Plenary Assembly – the highest judicial body; its decisions are final and irrevocable. Only a candidate may bring a first instance complaint.

For this election, complaints were lodged with the AC Appellate Chambers to annul the ISIE's rejection of seven candidacies. The ISIE rejected their applications at first instance on formal and procedural grounds or on the merits. Six appeals were subsequently lodged with the AC Plenary Assembly, of which three were accepted, thus overturning the first-instance judgments, annulling the ISIE's rejections, and validating three additional candidacies. However, in contravention with the electoral law, the ISIE overrode the judge's decision by refusing to include the three candidates validated by the judge in the final list of candidates. One of the registered candidates is currently in prison for alleged forgery of voters' endorsements.

Unexpectedly, on September 27, a week before Election Day, the Assembly of People's Representatives transferred the role of the AC to adjudicate all disputes pertaining to presidential candidacies to the Tunis Court of Appeal. First-instance rulings by the Tunis Court of Appeal can then be appealed to the Court of Cassation whose judgements are irrevocable. This change will only apply to future elections.

## **What are the differences between the election period, the pre-campaign, and the election campaign?**

**The election period** includes the pre-campaign phase and the campaign. In addition, a period of electoral silence extends from the day before Election Day until the closing of the last polling station. For the presidential election, the electoral period began on July 14 and continues until the proclamation of the final results of the first round – up to November 9, the latest possible date for the announcement of the final results of the first round.

**The pre-election campaign period** started two months before the start of the election campaign, on July 14. During this period, candidates and the media are not permitted to broadcast political advertising or publish the results of public opinion polls in connection with the election. The broadcast media must ensure equal access for all candidates. The pre-campaign period ended on September 13.

**The election campaign** is the period during which candidates and their supporters may conduct activities to publicize their platforms and encourage voters to vote in their favor. Normally, the campaign begins 22 days before the election and closes 24 hours before Election Day. For this election, the election campaign

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<sup>13</sup> Articles 46 and 47 of the Electoral Law.

began on September 14 at midnight and will run until October 4 at midnight. For Tunisian voters abroad, the electoral campaign began on September 12 and will end on October 2.

## **What are the principles and rules governing the electoral campaign?**

The electoral campaign is governed by seven essential principles in accordance with the electoral law:

- The neutrality of the administration and places of worship;
- The neutrality of the national media;
- The transparency of the electoral campaign;
- Equal opportunities for all candidates;
- Respect for the physical integrity, honor and dignity of candidates, and voters;
- Respect for the privacy and personal data of candidates; and
- No incitement to hatred, violence, intolerance, and discrimination on the basis of religion, group, family, or region.

During the election campaign, public meetings, demonstrations, processions, and electoral rallies are allowed and must be announced in advance to the High Independent Authority for Elections (ISIE). However, electoral propaganda is prohibited in schools, universities, vocational training centers, and places of worship. Distributing party documents, chanting slogans, and delivering partisan speeches are prohibited in public administration and public enterprises. This prohibition also applies to private companies that are not open to the public. The use of public resources for the benefit of a candidate is also prohibited.

Candidates have the right to use national and electronic media. For the presidential elections, political advertising<sup>14</sup> is not totally prohibited. In fact, candidates may use stationary advertisements, such as billboards, or mobile advertising, such as outfitted cars or sponsored links on social media, during the election campaign. Before the campaign, candidates must provide a list of social media outlets and websites they plan to use for campaign purposes to the ISIE.

## **What are the rules for financing the election campaign?**

Both self-financing and private financing are permitted for the election campaign. Direct public funding is not authorized. Only donations from individuals, in kind or in cash, are allowed as private funding; per-donor donations are capped at 30 times the guaranteed interprofessional minimum wage in non-agricultural sectors (14,745 TND or \$4,785 USD). Donations from legal entities (commercial companies, non-governmental organizations, trade unions, foundations, political parties, or public entities), foreign

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<sup>14</sup> As defined by the Electoral Law, political advertising is “any advertising or propaganda against material countervalue or free of charge, using the methods and techniques of commercial marketing, intended for the public, and aimed at promoting a person, an opinion, a program, or political party, with a view to attracting voters or influencing their behavior and choice, through the audiovisual, written, or electronic media, or through fixed or mobile advertising media installed on public or private property.”

funding, or funding from unknown or illicit sources are strictly prohibited. Political parties are not allowed to finance the campaigns of their presidential candidates.

Campaign expenses are limited. The overall ceiling, set by decree No. 2024-468, differs in the first and second rounds of the elections.<sup>15</sup> Candidates' expenses must not exceed 150,000 TND (approximately \$49,300 USD) for the first round and 100,000 TND (approximately \$32,860 USD) for the second round. The ceilings set for the 2024 presidential elections are far lower than for the 2019 presidential election. Unlike in the 2019 presidential elections,<sup>16</sup> the decree does not explain the criteria for calculating overall spending limit for the current campaign. For each candidate, private financing of the election campaign must not exceed the equivalent of four-fifths of the overall spending limit.

## **Who controls campaign financing and when?**

Prior to the amendment of the electoral law on September, 27, 2024, the High Independent Authority for Elections (ISIE) and the Court of Accounts exercised campaign finance oversight. However, during an extraordinary plenary session, the Assembly of Representatives of the People transferred all campaign finance-related responsibilities for all elections from the Court of Accounts to the Tunis Court of Appeals. The ISIE's responsibilities in this matter were not altered.

During the election campaign, the ISIE deployed approximately 1,000 field control agents to attend campaign activities, assess their costs, and record possible violations. The ISIE monitors compliance with the rules and means of financing the campaign in collaboration with public institutions including the Central Bank. The ISIE can initiate criminal proceedings by referring campaign- and funding-related violations to the Public Prosecutor. It can also impose sanctions, such as fully or partially cancelling results for campaign violations that have a substantial effect on the election results, based on Article 143 of the Electoral Law.

## **What are the principles and rules governing media coverage of elections? Who is monitoring the media during the campaign?**

Throughout the election campaign, the legal and regulatory framework requires the media to:

- Demonstrate neutrality;
- Respect the principle of equality and guarantee equal opportunities for all candidates;
- Respect the physical integrity, honor, and dignity of candidates and voters;
- Refrain from violating the privacy of the candidates and their personal data;
- Avoid disseminating or publishing calls for hatred, violence, fanaticism, or discrimination;
- Comply with the requirements of public safety and national defense; and

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<sup>15</sup> Decree No. 2024-468 of 2024 of September 3, 2024, sets the total spending cap for the 2024 presidential election campaign and the private funding cap and its conditions.

<sup>16</sup> The spending ceiling for the 2019 presidential elections was corresponded to 10 times the level of public funding. In 2019, the public subsidy amounted to 177,033 TND (approximately \$60,500 USD) for the first round and 106,220 TND (approximately \$36,300 USD) for the second round. This meant that the spending limit for the campaign was 1,770,330 TND (approximately \$605,000 USD) for the first round and nearly 1,062,200 TND (approximately \$363,000 USD) for the second round.

- Avoid disseminating or publishing calls for hatred, violence, fanaticism, or discrimination based on religion, race, social group or family.

Throughout the election period, public and private media are prohibited from engaging in political advertising, with the exception of partisan newspapers, which are authorized to engage in propaganda through advertising in favor of a party candidate. Public and private media also may not broadcast or publish any coverage that supports a candidate. During the election campaign and the period of silence, the media are prohibited from directly or indirectly disseminating or publishing the results of opinion polls related to the elections.

By law, presidential candidates enjoy free airtime and participate in debates produced and broadcast by the public audiovisual media under conditions that guarantee equal opportunities for all candidates.<sup>17</sup> For this election, candidates enjoy free airtime in the public media and conduct interviews in the public and private media. However, no presidential debates were scheduled for the current campaign, as they were during the 2019 presidential election.

Candidates are prohibited from campaigning through foreign media.

Previously, responsibility for media coverage of elections was shared between the High Independent Authority for elections (ISIE) and the Independent High Authority for Audiovisual Communication (HAICA). Following disagreements between the two institutions during the 2022 parliamentary elections, Decree-Law 2023-8 of March 8, 2023, limited the role of the HAICA. One change was the transfer of responsibility for monitoring electronic media during the campaign from the HAICA to the ISIE. To this end, the ISIE established four monitoring units.<sup>18</sup> The current role of the HAICA is to guarantee the pluralism and diversity of audiovisual media and to eliminate any obstacles that are incompatible with the principle of candidates' equal access to audiovisual media. The HAICA has not been involved in this election, while the ISIE has played a greater role in policing, for instance by warning media outlets or withdrawing journalists' observer accreditations.

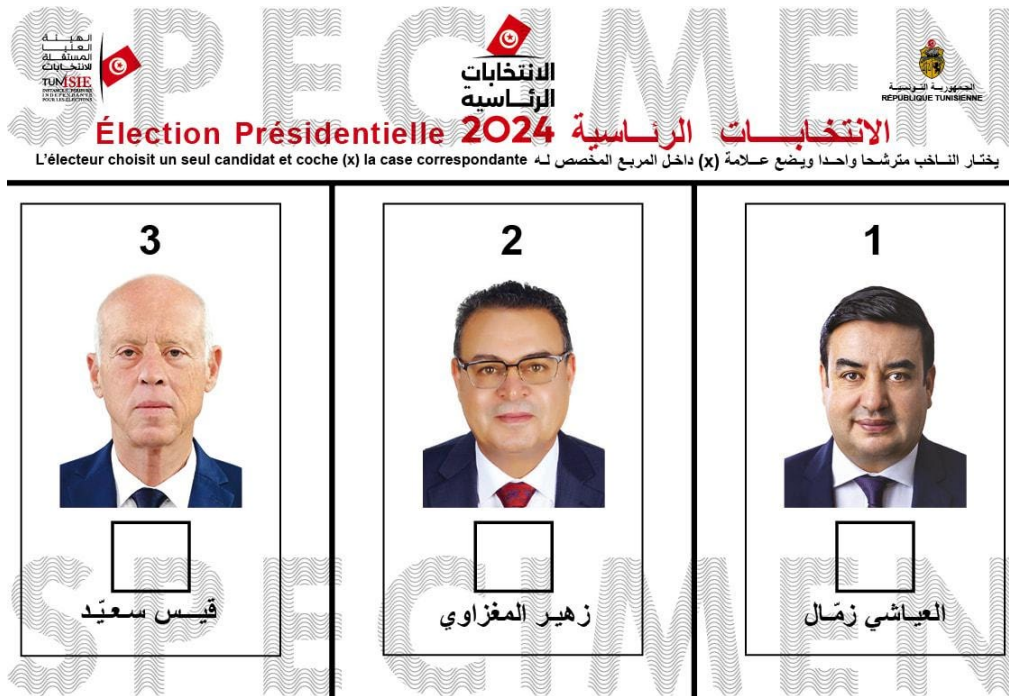
## **What will ballots look like?**

For the October presidential election, a single ballot will present the numbers, photos, and names of the candidates in a horizontal format. Below the photo of each candidate is a box in which a voter can clearly mark her or his choice. Voters may choose only one candidate; otherwise, the ballot will be considered invalid.

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<sup>17</sup> Direct free airtime is limited to a maximum of six minutes, during which each candidate will present his electoral platform.

<sup>18</sup> One unit monitors the electronic media, one monitors the written press, one monitors the electronic press and one monitors activities on social networks during the campaign.



### How many voting centers and polling stations are there? How are they staffed?

For the October presidential election, the High Independent Authority for elections (ISIE) plans to open 5,325 polling centers – 5,013 in Tunisia and 312 abroad. Each will consist of one or more polling stations,<sup>19</sup> for a total of 9,669 polling stations in Tunisia and 469 abroad.<sup>20</sup> Staff for each voting center comprises a president and one or more information officers who direct voters to their assigned polling stations. The president maintains order within the center, ensures coordination and logistical operations, and facilitates the work of the poll workers. Each polling station is composed of a president and two members.

### What are the voting, counting, and tabulation procedures?

Voters' lists for each polling station are displayed in the vicinity of the voting centers to help each voter identify the polling station for which he or she is registered. A poll worker is responsible for managing the queue at the entrance of each polling station. Priority access to the polling station is given to people with disabilities, the elderly, and pregnant women.

When voters enter the polling station, a poll worker checks their identity and verifies that they are on the voters' list. Each voter must sign next to her or his name and then ink the index finger of the left hand before another poll worker after affixing the stamp of the High Independent Authority for Elections (ISIE) on the back of a ballot and provides the paper to the voter.

The voter then marks the ballot paper in the privacy of the polling booth. With the exception of persons with disabilities, electoral law prohibits voters, even those who are illiterate, from being assisted to cast

<sup>19</sup> For the 2022 parliamentary elections, the ISIE opened 4,691 voting centers (4,551 in Tunisia and 140 abroad).

<sup>20</sup> For the 2022 parliamentary elections, 11,485 polling stations were available, including 175 abroad.

their ballots. Before leaving the booth, the voter must fold the ballot paper in four. Then the voter places the ballot paper in the ballot box in full view of those present at the polling station (observers, candidates' representatives, poll workers, and others) and must then immediately leave the polling station.

Voting will start at 8 a.m. and end at 6 p.m. Voters who are inside the voting center at the time of closing are authorized to vote.

Counting will start in each polling station immediately after closing, in the presence of observers and representatives of candidates. When counting is complete, a copy of the results protocol of the counting for each polling station is posted in the voting center. Observers do not receive copies. These protocols must be published on the ISIE website.

At the same time, 34 tabulation centers will be opened to compile the results from all polling stations in a given constituency. The consolidated results from each tabulation center will be forwarded to the ISIE Board of Commissioners for verification and proclamation of the election results.

## **How will voters with disabilities vote?**

The Electoral Law enshrines the principles of personal and secret voting for all voters, including those with disabilities. To this end, the law requires polling stations to be accessible to voters with disabilities. The High Independent Authority for Elections (ISIE) can adopt specific measures for the benefit of voters with disabilities, including those who are blind or have low vision and those with physical disabilities. On Election Day, these two categories of voters have the right to assistance from a voter of their choice if the following requirements are met:

- The voter must present a disability card.
- The assistant must be an eligible voter.
- The assistant must be either the spouse or a relative of the voter with a disability. In addition to a national identity card, the assistant must present an official document proving the relationship to the voter. In the absence of such an assistant from his or her family, a voter with a disability may ask the president of the polling station to instruct a voter present at the station to provide assistance.
- The same assistant may not accompany more than one voter with a disability.

## **Who will observe the presidential election?**

Tunisia's electoral legislation provides for the possibility of election observation by national and foreign observers and candidate representatives. To carry out their duties, observers must obtain official accreditation from the High Independent Authority for Elections (ISIE). Applications for accreditation will close no later than one week before Election Day. For this election, the ISIE refused to accredit two

prominent observer groups on the suspicion that they had received illicit foreign funding. Over 1,500 domestic and international observers have been accredited.<sup>21</sup>

## **When and how will the preliminary and final results be announced?**

The High Independent Authority for Elections (ISIE) Board of Commissioners will announce the results of the elections no more than three days after Election Day. According to the electoral calendar set by the ISIE for this election, the preliminary results of the first round will be announced no later than October 9, 2024. The preliminary results by polling station must be published in detail on the ISIE website and posted at ISIE headquarters.

Then, once the litigation phase related to the results of the first round has ended, the ISIE has 48 hours to announce the final results – according to the electoral calendar, no later than November 9. If no candidate receives an absolute majority of the votes cast in the first round, the date of the second round will be announced. It must take place within 15 days of the proclamation of the final results of the first round.

## **Can the election results be challenged?**

Prior to September 27, 2024, presidential candidates were permitted to contest the preliminary results before the Appellate Chambers of the Administrative Court (AC). First instance judgments rendered by the AC Appellate Chambers could then be appealed before the AC Plenary Assembly. The judgments rendered on appeal were final and could not be challenged further. However, on September 27, during an extraordinary session, the Assembly of the Representatives of the People transferred the AC role of adjudicating all election-related dispute pertaining to the results of the presidential elections to the Tunis Court of Appeals (TCA). First instance judgements rendered by the TCA could then be appealed before the Cassation Court. Judgments handed down by the Court of Cassation are irrevocable.

This last-minute, fundamental change on handling litigation over results of the October presidential election is not in line with good electoral practice, which recommends that key elements of the legal framework not being changed during the year preceding an election to respect the principle of the security of the law. Decisions related to elections are widely considered as administrative matters and are usually litigated by the administrative justice. In Tunisia, since 2011, the AC has adjudicated election related disputes, thus accumulating large electoral experience.

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<sup>21</sup> There were approximately 12,000 observers for the 2019 presidential elections.

## Resources

- Constitution of July 25, 2022: <https://legislation-securite.tn/fr/law/105312>
- Organic Law No. 2014-16 of May 26, 2014, relating to elections and referenda, as amended and supplemented by subsequent texts and, in particular, by Decree-Law No. 2022-55 of September 15, 2022: <https://legislation-securite.tn/ar/law/44286>
- Organic Law No. 2012-23 of December 20, 2012, on the Independent High Authority for Elections, as amended and supplemented by subsequent texts and, in particular, by Decree-Law No. 2022-22 of April 21, 2022, and Decree-Law No. 2022-34 of June 1, 2022: <https://legislation-securite.tn/law/43765>
- Decisions, procedures, manuals, and other documents published on the website of the High Independent Authority for Elections (in Arabic only): <http://www.isie.tn>

## About IFES in Tunisia

Since 2011, the International Foundation for Electoral Systems (IFES) has supported Tunisia's democratic transition by partnering with civil society, government institutions, and other electoral stakeholders to strengthen and reinforce a culture of inclusive and participatory democracy. In just over a decade, IFES has established itself as a trusted and effective partner to provide technical support for civic education, voter information, democratic governance, electoral administration, legal assessments, and local capacity strengthening. IFES has worked to ensure that inclusive programming is tailored to the needs of its partners, such as women living in rural areas, persons with disabilities, people with low levels of education, illiterate citizens, youth, and other vulnerable groups.

From 2011 to 2021, IFES worked with the High Independent Authority for Elections to build its professional capacity to manage electoral processes autonomously and cooperated in the country's first credible multi-party elections in October 2011. This work paved the way for the National Constituent Assembly, the parliamentary and presidential elections in 2014 and 2019, and the first municipal elections in 2018. As Tunisia enters a new phase of its transition, IFES continues to engage with local partners to provide inclusive civic information to vulnerable groups and foster a democratic culture.

## Disclosure

These FAQs reflect decisions made by the High Independent Authority for Elections as of September 27, 2024, to the best of our knowledge. This document does not represent any International Foundation for Electoral Systems policy or technical recommendations.

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