

Decree N°35 dated May 10, 2011 on the Election of the National Constituent Assembly

The Interim President of the Republic,

Taking note of the suggestion of the High Commission for the Realization of the Goals of the Revolution, Political Reforms and Democratic Transition,

Taking note of the Criminal Code, issued pursuant to the High Command decision dated October 1st, 1913 and amended and completed by the subsequent texts,

Taking note of the Code of Civil and Commercial Procedures, issued pursuant to Law N°130 dated October 5, 1959 and amended and completed by the subsequent texts,

Taking note of Law N°8 dated March 8, 1968 on the organization of the Revenue Court and amended and completed by the subsequent texts,

Taking note of the Code of Criminal Procedures, issued according to Law N°23 dated July 24, 1968 and amended and completed by the subsequent texts,

Taking note of Law N°40 dated June 1st, 1972 on the Administrative Court and amended and completed by the subsequent texts,

Taking note of Decree N°6 dated February 18, 2011 on the creation of the High Commission for the Realization of the Goals of the Revolution, Political Reforms and Democratic Transition,

Taking note of Decree N°14 dated March 23rd, 2011 on the Temporary Organization of Public Authorities and notably Article 5 of the same,

Taking note of Decree N°27 dated April 18, 2011 on the creation of an Independent High Commission for Elections,

Following the deliberations of the Council of Ministers,

Decrees the following:

Preamble

In order to bring to an end the practice of the former regime that fed tyranny, the absence of the will of people, the illicit abduction of power and the falsification of the elections,

Following the principles of the revolution of the Tunisian people aimed at upholding democracy, freedom, equality, social justice, dignity, pluralism, human rights and rotation of power,

Based on the will of the Tunisian people to elect a National Constituent Assembly entrusted with the drafting of a new Constitution, and as the former Law did not guarantee democratic, pluralistic, transparent and impartial elections,

The parties have agreed to elect the National Constituent Assembly, pursuant to the following provisions:

Article 1:

The members of the National Constituent Assembly shall be elected on the basis of general, free, direct and secret elections pursuant to the principles of democracy, equality, pluralism, impartiality and transparency.

The Independent High Commission for Elections; created as per the aforementioned decree N°27 dated April 11, 2011, shall be entrusted with preparing the elections, supervising the same and monitoring the electoral process.

Section 1:

The Voter

Part 1:

Terms and Conditions for Voting

Article 2:

Shall be entitled to vote: all Tunisians, both men and women, who turned 18 before Election Day, enjoy their full civil and political rights and are not deprived from any electoral right indicated therein.

Article 3:

The voter shall exercise his/her right to vote using his identity card. The Independent High Commission for Elections shall establish the registration procedures for exercising the said right and ensure the publishing thereof.

Article 4:

Military personnel, civilians doing their military service and the Internal Security Forces (ISF) shall not exercise their right to vote, as indicated in Article 4 of Law N°70 dated August 6, 1982 on Establishing the Statute of the Internal Security Forces.

Article 5:

Shall be prevented from exercising their right to vote:

- Persons who are sentenced to more than 6 months of imprisonment for committing

honour related felonies or misdemeanours and have not yet regained their civil and political rights.

- Persons held in custody.
- Persons whose assets were confiscated after January 14, 2011.

Part 2:

Voter register

Article 6:

The voter register relevant to each municipality or district, in the absence of a municipality, shall be established under the supervision of the Independent High Commission for Elections based on the information produced in the National Identity database. Voters shall be distributed according to the address of residence indicated in the voluntary application for registration on the voter register as per the processes established by the Independent High Commission for Elections.

The Tunisian diplomatic or consular missions abroad shall establish the voter register pertaining to all registered Tunisians living abroad and review the same, pursuant to the terms and conditions stipulated in the decree and under the supervision of the Independent High Commission for Elections.

Article 7:

The voter register shall be delivered to the Subsidiary Commissions, municipalities, districts, sectors or Tunisian diplomatic or consular missions abroad. Each voter shall have the right to consult these lists 30 days at least before polling day.

The voter register shall be published on the website of the Independent High Commission for Elections.

Article 8:

The head of the Subsidiary Commission, the Mayor, the district commissioner, the head of the sector and the head of the diplomatic or consular mission shall post the voter register. The temporary lists shall contain the names of registered and crossed off voters.

The Independent High Commission for Elections shall announce the dates relevant to posting the lists, challenging the content thereof and the expiration of the same using the audiovisual and written media pursuant to the provisions of the present decree.

Article 9:

Registration on the voter register can be made after the elections are called for in the following cases:

- Military and ISF officers in the event that they are no longer in service at the expiry of the registration deadline.
- Persons who meet the legal age limit at the expiry of the registration deadline.
- Persons who are released from prison at the expiry of the registration deadline.
- Persons who were granted the right to register on the voter register.
- Tunisians residing abroad and who shall be present in Tunisia during the elections period.

Registration shall only take place if the concerned person presents, at least 10 days prior to Election Day, a written request for this purpose to the Subsidiary Commission for Elections along with the necessary supporting documents. The relevant application form shall be filled and a copy thereof shall be handed to the concerned person after verification of the voter's identity. The municipality or the sector shall inform the Independent High Commission for Elections of the same.

Article 10:

The Subsidiary Commissions are responsible for crossing off from the voter register:

- Voters who died and whose death certificate is issued.
- Civilians still performing their military duty.
- Persons who were proven to have lost their eligibility to vote.

The cross off shall be made following a written request submitted by the voter who wishes to register on another list though he/she needs to support his/her request for registering on another list.

Article 11:

The Independent High Commission for Elections shall bear the expenses relevant to preparing the voter register and publishing the amendments relevant thereto.

Part 3:

Disputes regarding Registration on the Voter register

Article 12:

Disputes related to the voter register shall be submitted to the Subsidiary Commissions that are territorially competent and that shall decide on the matter within no more than 8 days as of the date of filing the objection request before the Commission.

The Subsidiary Commission affiliated to the diplomatic centre shall examine the objection request concerning the voter register and submitted to the scrutiny thereof.

Article 13:

The Subsidiary Commission shall receive the objection concerning the voter register within 7 days as of posting the latter, by means of a registered letter with acknowledgement of receipt. The objection shall contain either a request for the registration of a name or a request for the cross off of the same.

The date of reception of the registered letter with acknowledgement of receipt shall be considered the date of the objection.

Article 14:

The concerned parties and the public administration can appeal against the decisions of the Subsidiary Commission for Elections before the Court of First Instance that is territorially competent in its tripartite structure within 5 days as of the date of notifying the concerned persons with these decisions.

The Court of First Instance that is responsible for appeals shall examine the case according to the procedures listed in articles 43,46,47, 48 (last paragraph), 49 and 50 from the Code of Civil and Commercial Pleadings. The Court can authorize the immediate pleadings without any further procedures.

The Court of First Instance shall issue its decision within 5 days as of the date of filing the appeal. Its decision shall be deemed final.

It is possible to challenge the decision of the Subsidiary Commission for Elections affiliated with the diplomatic centre before the Central Commission of the Independent High Commission for Elections as per the procedures established by the Commission.

The aforementioned procedures shall be applicable irrespective of any other legal text stating otherwise.

All instruments and decisions related to the elections of the National Constituent Assembly shall be exempt from registration and stamp fees.

Section 2:

Candidacy

Part 1:

Terms and Conditions for Candidacy

Article 15:

Shall have the right to be member of the National Constituent Assembly, whoever:

- is a voter
- completed 23 years of age the day he/she presents his/her candidacy

Cannot stand for the elections:

- Whoever took office in the outgoing government of the former president except for those who were not part of the Constitutional Democratic Assembly and all those who were entrusted with a position within the Constitutional Democratic Assembly in the former president's government. The relevant positions shall be determined upon the suggestion of the High Commission for the Realization of the Goals of the Revolution, Political Reform and Democratic Transition.
- All those who implored the former president to run for a new presidential term in 2014. The High Commission for the Realization of the Goals of the Revolution, Political Reform and Democratic Transition shall set a list with the names of those persons.

Article 16:

Candidates shall file their candidacy applications on the basis of parity between men and women. Lists shall be established in such a way to alternate between men and women. Lists that do not follow this principle shall only be admitted when the number of seats, in the relevant constituency, is odd.

Article 17:

The persons below may not run as candidates for the elections of the National Constituent Assembly while still exercising their jobs and pending the end of their service:

- Heads of diplomatic and consular missions
- Governors
- Judges
- Deputy Heads of districts, Public Prosecutors in governorates, Heads of Districts and Sectors.

They may not submit their candidacy in any constituency that was formerly subject to their mandate.

Article 18:

It is inadmissible to combine membership of the National Constituent Assembly with a position at a foreign country or an intergovernmental international organization in return of a salary paid by the relevant foreign country or the organization.

Article 19:

It is inadmissible to combine membership of the National Constituent Assembly with a public non electoral job that is remunerated by the government, the local communities, the public institutions, the public enterprises or the companies having direct or indirect public shareholding.

It is inadmissible as well to combine membership of the National Constituent Assembly with a management position at public institutions or enterprises or companies with direct or indirect public shareholding.

Article 20:

All members of the National Constituent Assembly are prohibited from accepting, during his/her term, any position at any public institution or enterprise or any company referred to in Article 19 of the present decree.

Article 21:

It is prohibited to appoint a member of the National Constituent Assembly to represent the State or the local communities in public enterprises or public shareholding companies indicated in Article 19 of the present decree.

Article 22:

Members of the National Constituent Assembly shall not be authorized to use their status in promoting financial, industrial, commercial or professional projects.

In case of violation of the provisions of this article, the National Constituent Assembly can take the actions it deems necessary.

Article 23:

Any member of the National Constituent Assembly who did not meet the conditions set forth in articles 18 and 19 of the present decree, upon his/her election, shall be automatically released from his/her functions once the final election results are announced.

He/she shall not assume function especially if he/she occupied a function in the public sector. Such provisions do not apply to contractors.

Any member of the National Constituent Assembly, who during his/her term, is entrusted with the duties/posts referred to in articles 17 to 21 of the present

decree or undertakes a duty that cannot be combined with his/her mandate, shall be *de facto* released from his/her function unless he/she voluntarily resigns. It is incumbent upon the National Constituent Assembly to announce the resignation or the compulsory release.

In the event of vacancy at the National Constituent Assembly, the member shall be replaced by the next candidate on the same list.

Part 2:

Submission of candidacy applications

Article 24:

The list that is running for elections in a given constituency shall submit a statement signed by all candidates and stating the following:

- the names of the candidates
- the voter register where the name of the candidates is registered

A copy of the candidate's ID shall be attached to the statement.

Article 25:

The lists of candidates shall be made written and in duplicate on regular paper and submitted to the competent Subsidiary Commission 45 days prior to Election Day. The process shall be recorded in a special register that is sealed and numbered and contains the name of the list as well as the date and time relevant to the submission thereof.

A copy shall be kept by the Subsidiary Commission and the applicant shall be delivered a temporary receipt. The final receipt shall be issued within the days that follow the delivery of the statement provided that the list is in accordance with the provisions of the present decree. When the final receipt is not delivered within the said period, the registration is believed to be implicitly rejected.

Article 26:

It is prohibited to use the same name for more than one electoral list and it is prohibited to have many lists for the same party in the same constituency.

It is required to have the number of candidates equal to the number of seats that is allocated to the concerned constituency.

Article 27:

It is prohibited to stand for elections in more than one list and more than one constituency.

Article 28:

Candidacies can be withdrawn within a maximum period of 48 hours prior to Election Day. The declaration of the withdrawal shall be registered according to the same procedures used for the declaration of candidacy. The head of the list, or one of its members if necessary, shall be immediately informed of any withdrawal from the list. It is possible to substitute the candidate who withdrew from the list by another candidate within a period not exceeding 24 hours from the moment the withdrawal was announced, pursuant to Article 16 of this decree.

Article 29:

The rejection of a list registration can be challenged before the Court of First Instance that is territorially competent within a maximum period of 4 days following the rejection. The Court shall issue its decision within a period of 5 days pursuant to the procedures stipulated in Article 14 of the present decree. The decision can be appealed within 48 hours before the Appeal Chambers at the Administrative Tribunal that shall settle the dispute within 4 days from the day the challenge is submitted, according to simplified procedures. Its decisions concerning this matter shall be deemed final.

Section 3:

Voting

Article 30:

Voters shall be called for the elections by virtue of an ordinance issued at least 2 months prior to Election Day.
The elections shall be held in one single day and this day shall be a Sunday.

Part 1:

The Voting

Article 31:

Pursuant to Article 33 of the present decree, the number of members at the National Constituent Assembly and the number of seats allocated to each constituency shall be established on the basis of one deputy for every 60.000 inhabitants.
An additional seat shall be assigned to the constituency when it is found after calculation of the number of seats to be allocated thereto, that the remaining number of inhabitants exceeds 30.000 inhabitants.
The National Constituent Assembly shall include members that represent the Tunisians living abroad, the representation thereof shall be established by ordinance.

Article 32:

The elections shall take place in one round and the seats shall be distributed among constituencies on the basis of a proportional representation, while taking into account the largest remainders.

Article 33:

The elections shall be done according to constituencies. Each governorate shall represent one or more constituencies but the number of seats allocated thereto, shall not exceed 10.
Two additional seats shall be allocated to the governorates counting less than 270.000 inhabitants.
An additional seat shall be allocated to the governorates counting between 270.000 and 500.000 inhabitants.
Each list shall work on having its candidates from the different districts of the constituency. At least one of the members shall be aged less than 30.
Constituencies shall be divided as per the suggestion of the Independent High Commission for Elections after consulting with the High Commission for the Realization of the Goals of Revolution, Political Reforms and Democratic Transition.

Article 34:

The voter shall choose one of the candidate lists without crossing off candidates or changing the order thereof.

Article 35:

In the event that one list runs for the elections, it shall be declared a winner irrespective of the number of votes obtained thereby.

Article 36:

If more than one list runs for the elections in the same constituency, seats shall be divided according to the electoral quotient. This quotient shall be determined by dividing the number of valid votes over the number of seats allocated to the constituency.
The list shall be allocated a number of seats that is equal to the number of times during which it obtained the electoral quotient. The seats shall be allocated to the lists as per the order indicated therein upon submission of the candidacy.
If seats remain vacant after calculation of the quotient, they shall be distributed at a later stage on the basis of the highest remainders in the constituency. If the figures relevant to two lists or more are found equal, the youngest candidate shall be given priority.

Part 2:

The Campaign

Article 37:

The campaign shall be subject to the following fundamental principles:

1. Impartiality of the administration, places of worship and the national media
2. Transparency of the campaign in terms of funding and the methods of disbursement of the allocated funds.
3. Equality between all candidates
4. Respect of the physical integrity and honour of both candidates and voters

Article 38:

Campaigning shall be prohibited in:

- Places of worship
- Places of work
- Academic institutions and universities

Any campaign that includes a call for hatred, fanaticism, segregation based on religion, class, region, tribalism, during the elections shall also be prohibited.

Article 39:

Public authorities shall not distribute the programs of candidates, the leaflets or ballot papers relevant thereto. Public tools and resources shall not be used in the campaign promotion of one or more candidate or lists.

Article 40:

The public electoral gatherings shall be free. However, the Subsidiary Commission shall be notified thereof in writing 24 hours earlier. The statement shall contain the names of the board members.

Article 41:

Every meeting shall have a board composed of at least two persons chosen by the candidate list. The bureau shall be entrusted with maintaining order and ensuring the smooth running of the meeting. The bureau can adjourn the meeting when such is deemed necessary and it can, when appropriate, request the help of the General Security Forces.

Article 42:

No electoral poster of any list shall display the flag or logo of the Republic of Tunisia.

Article 43:

Campaigning shall be prohibited after the end of the electoral campaign timeframe set forth in article 51 of this decree.

Article 44:

During the electoral campaign period, candidates shall be authorized to use the national media only. The Independent High Commission for Elections shall regulate the use of media according to the principles referred to in article 1 of this decree and shall take the necessary measures for this purpose.

Article 45:

The Independent High Commission for Elections shall work on removing all obstacles that violate the principle of freedom of access to media on the basis of non-discriminatory treatment of all the lists of candidates and on the basis of precise criteria for the respect of privacy, human dignity, rights of others, and public order.

The Independent High Commission for Elections shall set forth the campaigning programs technical standards and rules to be observed by public and private media and communication institutions.

Each private media institution shall prepare a program for the distribution of broadcasting shares and spaces allocated to the campaigners and shall submit it to the approval of the Independent High Commission for Elections.

Article 46:

The Independent High Commission for Elections shall specify the rules and procedures of the campaign, including the air time shares, the programs and spaces allocated to each list of candidates, in addition to the distribution and timing thereof in the various media, and this upon consultation with the different stakeholders and based on respecting the principles of pluralism, transparency, equality and equal opportunities.

Article 47:

The Independent High Commission for Elections shall monitor the observance of these rules and shall receive the appeals relating to their non-observance. It shall take, when necessary, the appropriate actions and measures to immediately end all violations before the end of the campaign. It is possible to appeal against the decisions of the Independent High Commission for Elections in this regard to the Appeal Chambers at the Administrative Tribunal that shall decide on the appeal pursuant to simplified procedures within 10 days from the date of the appeal submission. The decisions of the said Chambers shall be final.

Article 48:

The Independent High Commission for Elections shall undertake both automatic and appeal-based monitoring. The Commission can do all the research and investigations within the framework of respect of the rights of defence; however, it cannot be opposed under the pretext of professional secrecy. When appropriate, it can ask for the support of the judicial police mentioned in article 10 of the Code of Criminal Procedures.

The owners of media and communication networks establishers and operators shall provide the Commission with the necessary documents and data to perform the needed research and investigations.

Article 49:

Within the framework of its tasks, the Independent High Commission for Elections shall seek the assistance of observers selected on basis of their impartiality, independence, and qualifications. These shall be responsible for monitoring the documents and looking into all the irregularities in coordination with the National Commission for Media and Communication Reforms and the National Union of Tunisian Journalists. Those observers shall be trained when needed to ensure the good execution of their functions.

The observers assigned by the Commission shall be responsible for immediately providing the latter with all the documents and recordings that prove any occurring violations.

Article 50:

During the campaign period and under the supervision of the Independent High Commission for Elections, the municipalities, districts and sectors shall designate specific places and equal spaces for the advertisement material of each list of candidates.

The allocation of places for publications shall be determined pursuant to a draw.

It is prohibited to post any elections-related material outside the designated places and spaces or within those allocated to other lists.

The Subsidiary Commission for Elections shall monitor the observance of these provisions and may order the administrative authority to remove any display that violates them.

Article 51:

The campaign shall start 22 days before the Elections day.

The campaign shall in all cases end 24 hours before the Elections day.

Article 52:

Each party or list of candidates may open only one bank account for its electoral campaign. This account shall be subject to control by the Revenue Court. The Revenue Court reports on campaign finance shall be published in the Official Gazette of the Republic of Tunisia.

It is prohibited to fund electoral campaigns using any kind of foreign funds.

It is prohibited to fund campaigns using private assets.

Article 53:

Each list shall be allocated a “public support” grant for funding the campaign, calculated on the basis of an amount of money for each 1000 voters at the constituency level. 50% of the grants shall be equally distributed to all the lists before the beginning of the campaign and the remaining 50% during the campaign. The list that does not obtain a minimum of 3% of the valid votes at the level of the constituency shall return half of the grant amount.

The campaign expenditure ceiling and the public support grant disbursement procedures shall be determined by ordinance.

Part 3:

Polling

Article 54:

The Independent High Commission for Elections shall appoint the list and the locations of polling stations for each municipality or district. These polling stations shall be announced to the electorate through ads posted in the premises of governorates, districts, sectors and municipalities, at least 7 days before the Elections Day. In municipalities where the number of voters equals or exceeds 7,000, the minimum number of voters per polling station shall be 800.

No polling station shall be established in premises belonging to a political party, an association, or a non-governmental organization.

The Independent High Commission for Elections shall select from among the voters: a head of the polling station and two members at least as assistants. Candidates cannot be selected to work in the polling station panel.

Article 55:

Two members at least from the polling station panel shall be present at the polling station during the entire polling time.

Each candidate shall have the right to be present at the polling station during the entire polling time, and can appoint a representative or delegate to monitor the electoral process.

Members of the polling station shall not wear any badges that indicate any political affiliation. This prohibition does not apply to party agents and representatives. The head of the polling station shall ensure the observance of this regulation.

The Commission is entitled to appoint reporters and observers to observe the conduct of the elections.

The Independent High Commission for Elections shall be formally informed of the names of party agents or representatives and observers at least 3 days before the Elections day. The Independent High Commission for Elections shall issue a receipt of acknowledgment for this purpose.

The party agents and representatives are selected from among the registered voters.

The party agents and representatives may write their comments concerning the conduct of the electoral processes on a memorandum sheet that shall be necessarily attached to the minutes of the electoral process. The minutes shall contain the said comments in addition to the duration of the presence and absence of party agents and representatives in the polling station.

Article 56:

At the end of the polling process, each polling station head shall prepare the list of voters who voted.

The members of the polling station shall decide on all the disputes that have occurred during the voting process and shall mention them in the minutes.

Article 57:

The polling station head shall maintain order inside the polling station and is entitled to suspend the voting process whenever needed. He shall also be entitled to ask for assistance from the General Security Forces, if appropriate, and this of his own initiative or following a request from the party agents or representatives or observers.

The polling station head may ask any voter to leave the polling room if he/she deliberately causes confusion during the polling.

The voter shall leave the polling station right after voting. All discussions and negotiations shall be prohibited inside the polling station.

No voter is authorized to enter the polling room if he is carrying any kind of weaponry.

Article 58:

The election of the National Constituent Assembly shall be done through standard ballot papers printed by the Independent High Commission for Elections.

The ballot papers shall be put in the polling stations on a table that is designed for this purpose.

While submitting its candidacy application, each list of candidates shall choose a symbol from among the symbols suggested by the Independent High Commission for Elections. The selection shall be run based on the precedence of submission of candidacy applications. A receipt shall be issued for acknowledgement.

A party shall have the same symbol for all constituencies.

Article 59:

Every polling station shall have a ballot box.

Each box shall have only one opening from which the ballot can be cast.

The head of the polling station shall open the ballot box at the time set for starting the polling and shall verify that the box is empty in the presence of all the members of the polling station panel and all party agents or representatives and observers who are present. He then shall close the ballot box using two padlocks or locks, keep one of the keys, and give the other to the oldest member of the polling station panel.

Article 60:

The voter shall present his identity card when entering the polling room. His first name, family name, address, the number of his identity card, and its date of issue shall be verified.

He/she shall take one ballot paper from the ballot paper table and, without leaving the polling room, shall necessarily enter the polling booth to vote by marking an X in front of the list he/she chooses.

The voter then goes towards the panel and the head of the polling station shall verify that they carry only one ballot paper. The voter shall cast the ballot in the box.

Upon completion of the voting process, the voter shall sign on voters' checklist in front of his first name and family name.

The voter who enters the polling room before the scheduled end time for polling has the right to exercise their right to vote.

Article 61:

Illiterate voters or voters who clearly suffer from a disability that prevents them from performing the polling steps mentioned in article 60 above shall be authorized to assistance by a voter of their choice and who shall not be a candidate. One helping voter cannot assist more than one person.

Voting by proxy is prohibited.

Excess ballot papers shall not exceed 10% of the number of voters in one polling station.

Part 4:

Sorting

Article 62:

Upon completion of the polling, the polling station panel shall immediately disclose the voting process outcome.

The disclosure procedures shall be public.

The ballot box shall be opened in the presence of the observers, the party agents and representatives mentioned in article 55 above. If any or all of them are absent, their absence shall be noted in the minutes of the polling procedures referred to in article 55 of this decree.

The ballot papers in the box shall be counted. If their number is higher or lower than the number of voters' signatures the ballots shall be counted again. If the number of ballot papers is still not equal to the number of voters, this shall be marked down in the polling station minutes and the causes of this mismatch shall be investigated. After verifying the number of ballot papers, the head of the polling station shall signal the beginning of the ballot paper sorting process.

The Subsidiary Commission for Elections shall investigate the causes of the mismatches between the number of the ballot papers and the number of voters and, when appropriate, shall inform the Public Prosecutor of the case.

The Independent High Commission for Elections shall be informed of mismatches between the number of ballot papers and the number of voters.

Article 63:

The members of the polling station shall start sorting the ballot papers and, if needed, they may be assisted by other persons selected by the head of the polling station from among the present voters to have a sufficient number of desks working on the results of the election.

On each desk, one person shall take out the ballot paper, give it folded to another person who shall read it out loud. Two other persons at least shall mark the votes obtained by each list and, at the same time, mark the vote on the sorting sheets.

At the end of the results disclosure process, the persons in charge of sorting shall mark on the sorting sheet the number of votes obtained by each list, sign it and submit it to the head of the polling station along with the ballot papers.

In the event of dispute between the two persons in charge of sorting, on counting a vote for a given list, the vote shall be discarded. The disputed ballot paper shall be signed and numbered and given to the polling station panel that shall decide on it at the end of the disclosure.

Blank ballot papers shall be counted separately.

Article 64:

The following ballot papers shall be cancelled:

- Any ballot paper that is different from the ballot papers made available in the polling station.
- Any ballot paper that contains a mark or a text revealing the identity of the voter.
- Any ballot paper where names of candidates have been substituted or added.

Article 65:

The polling station panel shall determine the results by adding the figures on the sorting sheets prepared by the persons in charge of sorting. After deciding on the disputed ballots, the panel shall add them to the lists to which it deems they belong.

Article 66:

The Independent High Commission for Elections shall appoint before the polling day a central station for each electoral constituency. The central station shall not be appointed from among the calculation centres.

The Independent High Commission for Elections may issue a decision before the polling day appointing one or more calculation centres for each electoral constituency and specifying the polling stations covered by each calculation centre. A calculation centre shall not be appointed from among polling stations.

The calculation centre shall add up the results of polling stations that fall under its coverage and prepare the minutes in three copies to be signed by all its members in the presence of party agents or representatives and observers.

The central station shall be responsible for collecting all the results coming from the calculation centres, if appointed, or from all the polling stations of the constituency, if no calculation centres were appointed. The central station shall also handle the lists and prepare the minutes in three copies to be signed by all its members in the presence of party agents or representatives and observers.

The central station and calculation centres shall be forms pursuant to the provisions of article 55 of the present decree.

The heads of polling stations, calculation centres, if appointed, and central stations shall collect all documents of evidence and submit them to the Independent High Commission for Elections.

Article 67:

The polling procedures minutes prepared in three copies in each polling station shall include: the number of votes obtained by each list, the final number of valid

votes, and the number of voters registered on the voter register of the concerned polling station.

The minutes shall also include the number of blank ballot papers and cancelled ballots that shall not counted. These ballot papers shall be added to the other ballot papers that contain the valid votes. All these documents shall be immediately submitted to the calculation centre or the central station if no calculation centre is appointed.

Upon completion of the ballot sorting, the polling procedures minutes shall be posted in each polling station by the head of the polling station.

The detailed results of the elections shall be also published on the website of the Independent High Commission for Elections.

Article 68:

Every list of candidates or their representatives and observers may attend the sorting and counting procedures where they take place. They may also ask to have their comments, objections, and complaints incorporated in the minutes before or after the announcement of the results.

Article 69:

The expenses resulting from the polling shall be added to the budget of the Independent High Commission for Elections.

Section 4:

Announcing the results

Article 70:

The Central Commission of the Independent High Commission for Elections shall verify the compliance of winning candidates with the provisions relating to the campaign funding. It may cancel their results if they are proved to have violated these provisions. In this case, the results shall be reconsidered without taking into account the votes obtained by the list whose results were annulled.

Article 71:

The Central Commission of the Independent High Commission for Elections is responsible for announcing the preliminary results of the elections.

Article 72:

The preliminary results of the elections may be appealed before the General Assembly of the Administrative Court within 48 hours following their announcement. The court shall render its decision within 5 days starting the date of the appeal. The

decision of the court shall be final and cannot be challenged by any form of appeal.

Article 73:

The Central Commission of the Independent High Commission for Elections shall announce the final results of the elections after deciding on all the appeals related to the results or at the end of the appeal period if no appeals were filed. The announcement shall be made by virtue of a decision published in the Official Gazette of the Republic of Tunisia and posted on the website of the Independent High Commission for Elections.

Section 5:

Elections crimes

Article 74:

Shall be sentenced to a six year imprisonment and a fine of 1000 Tunisian Dinar:

1. Any person who illegally adopts a name or status, makes false statements or testimonies, hides any of the conditions of ineligibility to vote mentioned in the present decree, or votes in more than one polling station.
2. Any person who discloses a secret relating to the choice of a voter in the framework of article 61 of this decree.

Article 75:

Shall be sentenced to one month imprisonment and a fine of 1000 Tunisian Dinar any person who violates the provisions of article 38 of this decree.

Shall be sentenced to one year imprisonment and a fine of 1000 Tunisian Dinar any person who violates the provisions of article 39 of this decree.

Article 76:

Shall be sentenced to five year imprisonment and a fine of 3000 Tunisian Dinar any person who willingly:

1. Adds or hides a name on the voter register in violation of the provisions of Part Two/Section One of this decree.
2. Misappropriates or destroys the voter register, the ballot papers, or the ballot box.
3. Falsifies, misappropriates, destroys or confiscates the polling procedures minutes.
4. Attacks the voting freedom by violent acts or threatening or financial corruption either against the voter directly or against the members of his family.

Article 77:

A candidate is not allowed to receive any direct or indirect financial support from a foreign party. Each violation of these provisions shall result in:

1. A sentence to a year imprisonment and a fine of 1000 Tunisian Dinar.
2. The automatic loss of the status of candidate or elected candidate- after the announcement of the polling results- once the verdict is pronounced,

The right to sue for the purposes of this article shall become invalid 2 years after the date of the elections results announcement.

Article 78:

Any attempt to commit the offences set forth in articles 74 to 77 of this decree shall be punished.

The provisions of article 53 of the Penal Code shall not apply to the offenses or attempts of offenses referred to in articles 74 to 77 of this decree. In addition, the offender may be deprived of his/her right to vote for a period of 5 years from the day he/she is sentenced.

Article 79:

In case of violation of the provisions of articles 44, 45 and 46 of this decree, the Independent High Commission for Elections shall refer the case to the Public Prosecutor who is territorially competent to warn the violator to immediately stop the mentioned violations. In case of no-compliance, the violator shall be immediately referred to the Criminal Prosecutor who shall inflict on him/her a fine ranging between 1000 and 5000 Tunisian Dinar.

Article 80:

The present decree shall be published in the Official Gazette of the Republic of Tunisia and shall enter into force starting from the date of its publication.

Tunis, May 10, 2011

*The Interim President of the Republic
Fouad Mebazaa*