

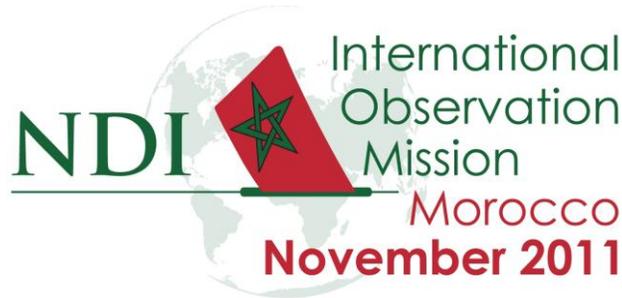


FINAL REPORT ON THE MOROCCAN LEGISLATIVE ELECTIONS

NOVEMBER 25, 2011



NATIONAL DEMOCRATIC INSTITUTE



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TABLE OF CONTENTS

ABOUT NDI	3
LIST OF ABBREVIATIONS	4
ACKNOWLEDGEMENTS	5
EXECUTIVE SUMMARY	6
INTRODUCTION	10
POLITICAL CONTEXT	11
FINDINGS AND OBSERVATIONS	14
ELECTION PREPARATIONS	14
ELECTION DAY	20
THE POST-ELECTION PERIOD	22
RECOMMENDATIONS	24
APPENDICES	
I. Preliminary Statement (November 26, 2011)	29
II. Summary of Election Results by District	37
III. Summary of Election Results by Party and for Women’s Representation	40
IV. Overview of the Moroccan Electoral System	41
V. Comparison of Key Electoral Framework Provisions, 2007 and 2011	46
VI. Statement of the Pre-Election Assessment Mission (October 26, 2011)	47
VII. International Pre-Election Assessment Delegation Members	58
VIII. International Election Observation Delegation Members and Staff	59

ABOUT NDI

The National Democratic Institute for International Affairs (NDI) is a nonprofit, nonpartisan, nongovernmental organization that responds to the aspirations of people around the world to live in democratic societies that recognize and promote basic human rights.

Since its founding in 1983, NDI and its local partners have worked to support democratic institutions and practices by strengthening political parties, civic organizations, and parliaments; safeguarding elections; and promoting citizen participation, openness, and accountability in government.

With staff members and volunteer political practitioners from more than 100 nations, NDI brings together individuals and groups to share ideas, knowledge, experiences, and expertise. Partners receive broad exposure to best practices in international democratic development that can be adapted to the needs of their own countries. NDI's multinational approach reinforces the message that while there is no single democratic model, certain core principles are shared by all democracies.

The Institute's work upholds the principles enshrined in the Universal Declaration of Human Rights. It also promotes the development of institutionalized channels of communications among citizens, political institutions, and elected officials, and strengthens their ability to improve the quality of life for all citizens. For more information about NDI, please visit www.ndi.org.

LIST OF ABBREVIATIONS

CAOE	Collective Association for Election Observation (<i>Collectif Associatif pour l'Observation des Elections</i>)
CERED	Center for Demographics Study and Research (<i>Centre d'Etudes et de Recherches Démographiques</i>)
CIN	National identity card (<i>Carte d'identité nationale</i>)
CNDH	National Council for Human Rights (<i>Conseil National des Droits de l'Homme</i>)
CSO	Civil society organization
EGE	Rabat School of Governance and Economy (<i>L'Ecole de Gouvernance et d'Economie de Rabat</i>)
FDCM	Moroccan Democratic Forum (<i>Forum Démocratique Civil Marocain</i>)
HACA	High Authority for Audiovisual Communication (<i>Haute Autorité de la Communication Audiovisuelle</i>)
LTO	Long-term observer
MEPI	Middle East Partnership Initiative
MP	Popular Movement (<i>Mouvement Populaire</i>)
NDI	National Democratic Institute
OMDH	Moroccan Organization for Human Rights (<i>Organisation Marocaine des Droits de l'Homme</i>)
PACE	Parliamentary Assembly of the Council of Europe
PAM	Party of Authenticity and Modernity (<i>Parti Authenticité et Modernité</i>)
PEAM	Pre-election assessment mission
PI	Independence Party (<i>Parti d'Istiqlal</i>)
PJD	Justice and Development Party (<i>Parti de la Justice et du Développement</i>)
PPS	Party of Progress and Socialism (<i>Parti du Progrès et du Socialisme</i>)
RNI	National Rally of Independents (<i>Rassemblement National des Indépendents</i>)
SMS	Short message service
UC	Constitutional Union (<i>Union Constitutionnelle</i>)
USFP	Socialist Union of Popular Forces (<i>Union Socialiste des Forces Populaires</i>)

ACKNOWLEDGEMENTS

NDI extends its gratitude to each of the 41 members of its international election observation delegation and the four members of its pre-election assessment mission who volunteered their time and expertise, and who each contributed to the success of this mission. NDI thanks the many government officials, candidates, polling staff, political party leaders, and civic activists who facilitated the work of the mission. Similarly, NDI expresses its appreciation to the citizens of Morocco for the welcome and cooperation they offered throughout the mission.

NDI would like to thank the Special Commission for the Accreditation of Election Observers—and in particular the National Council for Human Rights (*Conseil National des Droits de l'Homme*, CNDH) that served as its secretariat—for accrediting the Institute to conduct this international election observation mission in Morocco.

In addition, the Institute expresses its gratitude to the Collective Association for Election Observation (*Collectif Associatif pour l'Observation des Elections*, CAOÉ), as well as the government, civic, and political leaders whose reports, briefings, and input served as valuable resources for NDI's pre-election mission, its election day delegation, and this report. NDI also expresses its appreciation to the Rabat School of Governance and Economy (*L'Ecole de Gouvernance et d'Economie de Rabat*, EGE), which provided comprehensive unofficial election results used in this report through its site www.actionpublique.ma.

This program was made possible by a grant from the Middle East Partnership Initiative (MEPI) of the United States Department of State.

EXECUTIVE SUMMARY

On November 25, 2011, Moroccans voted in the first national legislative elections since popular demonstrations prompted a political reform process and revisions to the country's constitution earlier in the year. Following a decade of incremental reform, the protests—inspired by similar popular movements across the Arab world—obliged Morocco's leaders to make more visible efforts to appease political and social discontent. Leaders heralded as significant reforms the constitutional revision and referendum that followed, along with subsequent changes to the electoral framework and the announcement of early legislative elections. Yet as election preparations began, many Moroccans were skeptical that these steps would lead to a more open political process. In this context, the November elections came to represent a critical test of public confidence in the integrity of Morocco's political and governing institutions.

To demonstrate international support for the democratic process in Morocco, NDI organized an election observation mission that included a four-person pre-election assessment and the deployment of 31 short-term observers and 10 long-term observers to witness the electoral process. NDI conducted its activities in accordance with Moroccan law and with the *Declaration of Principles for International Election Observation*,¹ which has been endorsed by 39 intergovernmental and nongovernmental organizations.

A new observation law streamlined accreditation for both domestic and international observers and opened the process to outside scrutiny. However, despite authorities' efforts to prepare for voting in a smooth and professional manner, NDI's observers noted that the run-up to the 2011 elections appeared to reinforce confusion and disenchantment about the overall electoral process. Among the weaknesses identified by NDI's pre-election assessment mission was the decision—despite political parties' calls to address the issue—to maintain an electoral districting system with wide discrepancies in representation between districts that distorted electoral outcomes. Poor communication with citizens around the voter registration period led to considerable confusion and challenges on election day. Candidate registration proceeded relatively smoothly, and political parties included a significant number of “new faces” on candidate lists. The brief campaign period was largely devoid of energy; especially in urban areas, where parties appeared to expend minimal effort on public events or canvassing. Voters reported difficulty in distinguishing between party platforms, contributing to a general sense that parties remained out of touch with their day-to-day concerns. Moroccan media provided extensive coverage of the elections amid concerns by some journalists that authorities were actively discouraging discussion of the pro-boycott movement that gained strength in the weeks before voting.

On election day, election officials administered a voting process that was, by and large, procedurally sound and transparent. While not without flaws, the process allowed voters to cast their ballots without fear of tampering or systematic procedural violations. Confusion about voter identification requirements and the ordering of the list by voter number was widespread, though the move to the use of the national identity card (CIN) as the only required form of identification was a positive

¹ The declaration is available in multiple languages at <http://www.ndi.org/node/13494>.

change. Accusations of vote buying were common, though observers were unable to verify any such claims. Party observers were present in most polling stations but asserted themselves only in a few observed instances during voting or counting. Civil society monitors were accredited with only occasional technical difficulties, and observed a significant number of polling stations. NDI observers noted that voters with disabilities faced considerable difficulties accessing polling stations. Though the



On election day, NDI observers visited over 200 polling stations around Morocco.

delegation recognized the revisions to Morocco's constitution that promote gender parity, there were concerns over their application, as women represented only small percentages of candidates, voters, polling workers, and party agents.

At an estimated 45 percent, voter turnout was higher in relative terms than in the 2007 legislative elections, though revisions to the voters register seem to have contributed to the increase. In addition, the February 20 Movement and several political parties led a nationwide campaign to encourage an election day boycott, and on election day NDI observers noted a high number of invalid and protest ballots (averaging 20 percent in stations observed by NDI and over 25 percent nationally based on unofficial data collected independently²). Although authorities have yet to release final detailed vote tallies, preliminary results gave a plurality of votes to the Justice and Development Party (PJD), in line with many analysts' expectations. While procedural improvements may have resulted in an outcome more reflective of Moroccans' wishes than in previous elections, the limited voter participation, boycott calls, and the high proportion of protest votes indicate that political reforms enacted to date have not yet satisfied citizens' demands. Moroccans desire further and deeper political reform.

Based on its delegation's observations and in the spirit of international cooperation, NDI offers the following recommendations to enhance future electoral processes and Morocco's democratic process as a whole:

To the Moroccan Government and Political Leaders:

1. Initiate an open, transparent dialogue among Moroccans, including representatives of the palace, government, political parties, press, academia, civil society, and the Moroccan people—ensuring the involvement of women and youth as equal participants—to solicit expectations for political reform, aspirations for change, and ways to re-engage citizens in the political process.

² Data based on unofficial figures provided by the Rabat School of Governance and Economy (*L'École de Gouvernance et d'Économie de Rabat*, EGE) through its actionpublique.ma website. The government of Morocco has not yet released official results data.

2. Consider modifications to the electoral system to address continued political fragmentation in parliament and divergences in the number of voters represented by each seat.
3. Explore new mechanisms to enhance women's political participation, particularly in political party leadership, election administration, and senior government positions, to realize the constitutional commitment to parity.
4. Review the 2011 Law on Election Observation in consultation with observer groups and authorities to address provisions that restrict and constrain observers from fully fulfilling their constitutional role.
5. Consider the establishment of an independent election commission to enhance and build public confidence in the electoral process.
6. Strengthen guarantees of equitable media access by detailing equitable distribution of time slots throughout the electoral period and by empowering monitoring authorities to correct misallocations.
7. Consider extending the official campaign period to allow further voter education and more meaningful voter outreach by political parties to increase voter engagement and help voters make more informed choices.

To Election Officials:

8. Publish detailed election results by polling stations, including the number of votes won by each candidate and list, in a timely and accessible manner.
9. Consider ways to encourage and facilitate voter registration and provide guarantees for political parties and civic groups to carry out an audit of the voters register to increase political parties' and voters' confidence in the list.
10. Ensure uniform training for polling officials through the use of a publicly available manual on polling procedures, and review the organization of names on the voters register to avoid confusion on election day.
11. Reinvigorate civic and voter education efforts to ensure that all Moroccans understand voting procedures, how elections relate to citizen rights and responsibilities, and how they can make informed choices.
12. Ensure polling stations are accessible to voters with disabilities.
13. Ease polling day confusion by posting voters lists outside polling stations, and allow for timely party agent and observer planning by releasing an aggregated, searchable list of polling stations.
14. Reconsider the practice of burning valid ballots after the vote count to allow for full judicial review of complaints lodged by parties or candidates.

To Political Parties:

15. Develop clear platforms that respond to citizen concerns, including those of youth, and initiate ongoing outreach activities to communicate with voters and build membership.
16. Support and enhance women's political participation, especially in political party leadership.
17. Ensure party polling agents are systematically trained on their roles and responsibilities and deployed in a coordinated manner.

To the Media:

18. Expand and develop media programming to educate voters on campaign platforms and contribute to debate on electoral and public policy issues.

To Civil Society Organizations:

19. Continue to seek avenues to steer and monitor Morocco's political reform process by engaging in dialogue with Moroccan authorities and citizens—particularly women and youth.

INTRODUCTION

In early 2011, Morocco witnessed unprecedented popular demonstrations that prompted constitutional revisions and a political reform process, culminating in national legislative elections on November 25, 2011. At an estimated 45 percent, turnout on election day was higher in relative terms than in the 2007 legislative elections, though revisions to the voters register appear to have contributed to the increase. Nationwide efforts by some civic groups and several political parties to encourage an election day boycott, as well as the high number of invalid and protest ballots (averaging 20 percent in stations observed by NDI and over 25 percent nationally based on unofficial data collected independently), indicate that citizens remain dissatisfied with Morocco's political process.

NDI deployed an international election observation mission to assess the pre-election environment, election day proceedings, and the immediate post-election period. From November 20 to 27, NDI fielded 41 accredited observers from 21 countries. They deployed to over 200 polling stations across 31 electoral districts on election day. The group included 10 long-term observers (LTOs) who arrived in the country in late October and remained through early December to observe post-



NDI's election day observation mission included observers from over 20 countries.

election developments. The delegation was co-led by Bob Rae of Canada, leader of the Liberal Party and former premier of Ontario; Abdullah Al Derazi of Bahrain, secretary general of the Bahrain Human Rights Society; Kastriot Islami of Albania, member of the Albanian parliament and former minister of foreign affairs; Sally Shelton Colby of the United States, former deputy secretary-general of the Organisation for Economic Co-operation and Development (OECD); and Shari Bryan of the U.S., NDI vice president. The mission built on a pre-election assessment in October 2011 and on NDI's 25 years of experience observing more than 150 elections around the world, including Morocco's 2007 parliamentary elections.

This report summarizes the findings of the NDI mission and offers recommendations to strengthen democratic practices, enhance accountability and citizen participation, and improve the conduct of future elections.

POLITICAL CONTEXT

As neighboring Tunisians, Egyptians, and Libyans took to the streets during the Arab Spring, young Moroccan organizers rallied crowds across the country in unprecedented, simultaneous street protests to demand more inclusive governance and an end to corruption and nepotism within the ruling class. Protests are commonplace in Moroccan society and reforms over the past decade had already resulted in incremental political change. However, the February 20 Movement—which took its name from the first day of the 2011 protests—succeeded for the first time in unifying diverse groups from across the social, political, and economic spectrum. The leaderless movement mobilized protesters for several weeks of demonstrations, ultimately prompting King Mohamed VI to announce the formation of a committee to propose amendments to the Moroccan constitution.



Protesters from Morocco's February 20 Movement unveil a banner that reads "The people want real change."

Until that time, modern Morocco had not seen a royal decision follow so directly from citizen demands, and respect for the King was an enduring theme throughout the protests. The monarchy's religious authority and close association with Morocco's struggle for independence from France have long legitimized the king's central role in Moroccan life. In contrast to peers elsewhere in the Arab world, protesting Moroccans called for reforms within the framework of their constitutional monarchy and not for the fall of the regime. When the king's hand-picked committee put forward a new constitution, 73 percent of registered voters turned out for the July referendum.³ More than 98 percent of those favored its adoption, according to official results from the Ministry of Interior.

Even as debate continued over whether the constitutional amendments would bring about real change,⁴ preparations for early elections began with the revision of key laws on the chamber of

³ Notably, Moroccan election law permits various categories of security forces to vote in referendums, though not in general elections.

⁴ Many groups pointed positively to: the guarantee that the head of the government would be named from the party holding the most parliamentary seats; greater limits on the powers of the king, such as the transfer of authority to appoint civil servants to the head of government; an expanded range of legislative powers and authority; the pursuit of "parity" between men and women; and the official recognition of Amazigh, the language of the country's indigenous Berber people. However, some Moroccans also expressed concern that the referendum campaign period demonstrated anew the unfair playing field, as supporters of the constitution used state resources and assistance from religious authorities to promote passage.

representatives, political parties, electoral districting, the electoral list, and electoral observation. Unfortunately, in the first test of whether the parliament and parties would exercise their expanded authority, legislators made few significant changes to the electoral framework. During the revision period, most parties were unable to move quickly enough for meaningful internal discussions—much less for consultations with constituents. Neither the government nor parliament sponsored public hearings, leaving civil society with few opportunities to share its views. A significant proportion of members were absent from parliament during debates and votes on key pieces of electoral legislation.

Leading up to the 2011 reforms, Morocco had undergone a decade of incremental change that resulted in greater political and social openness. Following the death of King Hassan II, his son and successor King Mohamed VI opened a dialogue with political parties, civil society leaders, and

Constitutional and Legal Guarantees for Election Observation in 2011

The Moroccan government took an important step to strengthen the electoral framework with a guarantee in the new constitution for domestic and international observation and with the adoption of the country's first law on election observation. The new law provides for independent and impartial observation by Moroccan national institutions, civil society associations, and foreign non-governmental organizations. Unfortunately, and like other laws in the electoral framework, the observation law was drafted quickly, with little opportunity for outside consultation. Civic groups, including the Collective Association for Election Observation (*Collectif Associatif pour l'Observation des Elections*, CAOE) and the Moroccan Organization for Human Rights (*Organisation Marocaine des Droits de l'Homme*, OMDH), received an official copy of the draft only after it had been approved by the council of ministers and presented to the legislative assembly. Although several provisions that would have restricted the geographic range of observers were eventually removed, civil society organizations noted particular concern over restrictions on public comments by observers and required documentation for observer applications. Some groups also advocated that provisions related to observation be integrated into the electoral law, rather than maintained as a separate piece of legislation.

activists to address concerns about human rights violations, limited freedoms, and a corrupt political system. Some notable reforms resulted, including a revised family code (*Moudawana*) and the establishment of the Equity and Reconciliation Commission to address past human rights abuses.

There were also important changes to the electoral framework ahead of the previous two rounds of parliamentary elections in 2002 and 2007. Women's participation in political life increased after political parties agreed to guarantee a minimum number of seats for women.⁵ In response to concerns over vote buying and a desire to consolidate the number of political parties, Morocco replaced its old first-past-the-post system with a proportional representation system with multi-member electoral districts.⁶ In practice, this system made it difficult for parties to win more than one seat in any electoral district in both the 2002 and 2007 parliamentary elections and no one party was able to form a government without negotiating a coalition with several other parties. Agreement to accredit domestic election observers in 2002, followed by invitations to international observers in 2007, as well as an active voter education effort supported by government, political parties, and

⁵ In 2002, 30 seats were reserved for women through a national list in an agreement among political parties. Taken with wins on local lists, this increased women's representation from two to 35 seats between 1997 and 2002. Seats on the national list were again reserved in 2007.

⁶ See Appendix D for an overview of the current Moroccan electoral system.

civil society in both 2002 and 2007, presented new opportunities for civic participation in the electoral process.

While Moroccan authorities hoped their paced approach to reform would appease popular demand for political change, NDI's observations from the September 7, 2007, legislative polls highlighted the resulting tensions and dissatisfaction that already existed at that point. By and large, observers found that operations on election day were conducted in an orderly and transparent manner. However, low voter turnout (37 percent) and a high rate of blank, spoiled, or protest ballots (19 percent) indicated that reforms had not yet overcome low voter confidence. Though the PJD gained the largest percentage of the popular vote in 2007, it won six fewer seats than second-place finisher Independence Party (PI),⁷ an illustration of the way in which uneven districting continued to distort the composition of the parliament. Though the turnout rate improved to 52 percent, municipal elections in June 2009 followed a similar pattern that was reinforced by the October 2009 indirect election for the chamber of councilors. The emergence of the Party of Authenticity and Modernity (PAM) in 2009 briefly challenged the political status quo, but its founders' close ties to the palace raised questions about its commitment to fundamental reform.

⁷ The PJD won 10.9 percent of votes for local electoral districts and 13.4 percent for the national list, while the PI won 10.7 percent of votes for local electoral districts and 11.8 percent for the national list. The PJD won 46 of 325 seats compared to PI's 52 seats.

FINDINGS AND OBSERVATIONS

Election Preparations

By and large, preparations for Morocco's 2011 legislative elections proceeded smoothly. NDI observers met with a broad range of political party representatives, civic leaders, and citizens to hear their views on the election preparations. Though government officials hesitated to meet or share information with the LTOs before accreditation badges had been distributed, many within the election administration ultimately provided useful insights.

Electoral Redistricting. NDI's observation report on the 2007 legislative elections noted that the number of voters per district varied substantially, with as few as 3,668 registered voters per seat in one district and as many as 83,257 in another.⁸ While electoral district boundaries were adjusted ahead of the 2011 elections,⁹ redistricting was not carried out in a systematic manner (population figures for the new districts were not even available), and the divergence in representation for each seat remains outside international standards.¹⁰ Some political parties successfully lobbied the Ministry of Interior to address specific discrepancies or concerns of undue political influence in drawing the district boundaries. But many party leaders expressed frustration about the limited dialogue and opaque

Summary of 2011 Legislative Election Timeline

- *September 28 to October 27:*
Voter registration and update of electoral list*
- *October 17 to 28:*
Call for observer accreditation
- *October 30 to November 3:*
Display of provisional voters list
- *November 6 to 10:*
Display of amended voters list
- *November 3 (12:00 AM) to 11 (12:00PM):*
Candidate registration
- *November 10:*
Final decisions on observer accreditation announced
- *November 12 (12:00 AM) to 24 (11:59 PM):*
Campaign period
- *November 25:*
Election day

**Note: Registration was extended and eligible citizens could register during the first two days of the preliminary display of the voters' list (October 30-31).*

⁸ See Appendix B (Final Summary of Election Results by District) in *Final Report on the Moroccan Legislative Elections* September 7, 2007.

⁹ The new redistricting law differed from the 2007 law in three main ways. First and most significantly, provinces were used as the basis for demarcating the electoral districts; a province and an electoral district were synonymous, sharing the same boundaries and population, or several districts were nested within the provincial boundaries. Second, the number of electoral districts decreased from 95 to 92. Finally, the maximum number of seats per district increased from five to six, with the minimum number of seats remaining at two.

¹⁰ The importance of consistent district size has been recognized by the Venice Commission's 2002 *Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report*. The code, along with other international norms, recommends that the discrepancy in district population size not surpass 15 percent: "The permissible departure...should not be more than 10 percent, and should certainly not exceed 15 percent except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)." The code emphasizes the importance of basing district delineation and seat distribution on demographic considerations, such as overall population or number of registered voters. The full text is available here: <http://www.venice.coe.int/docs/2002/CDL-AD%282002%29023rev-e.pdf>.

decision-making process. Party leaders and observer groups also noted the challenge of developing campaign, observation, and outreach plans because final redistricting details were not available early in the electoral process and a map was never published. Perhaps most importantly, recommendations to correct discrepancies in district population size in a systematic manner seem to have been ignored; as one example among many, based on unofficial figures a seat in Boulemane represented an average of 29,021 voters, while a seat in nearby Sefrou represented an average of 42,125 voters, a variation of 31 percent within the same region.¹¹

Voter Registration. It is difficult to evaluate the quality of the voters register in the absence of an audit, a recommendation offered by NDI in its 2007 observation report. However, based on the available data, continued efforts are necessary to ensure a complete and accurate list. In line with the requirement to update the voters register ahead of elections, the Ministry of Interior opened registration for a 30-day period from September 28 to October 27, plus a two-day extension following the initial display of the register from October 30 to November 3.¹² The Ministry also reviewed the existing register with the aim of removing names of voters who were no longer eligible, had moved, or had died. At the end of the extraordinary review, the Ministry of Interior reported the number of registered voters as 13,475,435—an estimated 67 percent of the eligible population.¹³ This number represented an overall decrease of approximately two million voters from the 2007 registry, despite an increase in total population since 2007 and a lowered eligible voting age from 21 to 18 years.

In the absence of publically available information about the changes in eligibility and identification requirements, many voters expressed confusion about the process for voter registration. Some were unsure whether they would have to register again after having registered for the constitutional referendum. Some citizens who knew that the CIN, rather than a special voting card or notification, would be required for voting indicated to observers their understanding that they did not need to register because they already possessed their CIN. Other citizens told observers that they did not know where to register or that the closest registration site was too far away. Some cited as rationale for not registering the belief that their vote would not contribute to addressing the issues that concerned them.

The display of the voters register and subsequent appeals process also attracted little attention or participation. An innovative short message service (SMS) program and an Internet-based tool allowed citizens to confirm whether they were registered and provided information about the registration location in their area. Election officials also sent political parties copies of the voters register on compact discs for review. However, voters were required to travel to the provincial government office to appeal if their names were not found. Those without access to the SMS- or internet-based tools had to check their names on paper lists that were supposed to be available in government offices but were often not made visible or obvious. Some voters whose names had been removed after they had voted in the referendum were denied registration even after appealing the omission.

¹¹ See Appendix B for a summary of election results by district.

¹² The voters register is based on a 1992 list that is updated each January and ahead of elections.

¹³ While information about the total number of eligible voters was also not available from the Ministry of Interior, data from the United Nations Department of Economic and Social Affairs indicates a population of 20.1 million in the categories 20 years and older in 2010. See <http://esa.un.org/unpd/wpp/Excel-Data/population.htm>.

While election officials maintained a website dedicated to the voters register, detailed data that could have assisted in planning voter education, observation strategies, and party campaigning were not available in a central location. At the national level, the Ministry of Interior typically directed international observers to other government bodies or referred anyone with questions to its website, where the information was also unavailable. In some provinces, the governor's office was able to provide print-outs with the number of registered voters by polling stations and changes to the voters register.

Candidate Registration. The candidate registration period took place over nine days, from November 3 until noon on November 11. In the lead-up to this period, parties and candidates reported that they had access to the necessary forms and understood the registration requirements. Despite concerns over the proximity of the Eid Al-Adha holiday, which fell on November 7, NDI heard no complaints that the holiday prevented candidates or parties from registering. At the end of the period, 33 parties had registered a total of 1,565 party lists.¹⁴

The short time period between the announcement of the electoral timetable and the candidate registration deadline limited the ability of political parties to fully involve members or constituencies in nomination processes. Internal candidate selection processes varied by political party.¹⁵ Some parties held primaries that allowed local members to vote for their preferred candidates to fill local district slates. Other local party branches nominated candidates to a central national committee that held final approval authority for each list. In some cases, candidate selection methods varied among local branches of the same party. Several parties relied on their national councils to vote and rank women and young men for the national lists. Whatever their methods of selecting candidates, many parties tried to respond to citizens' desires to see "new faces" on the electoral lists. The Ministry of Interior reported that 87.6

Voter Documentation Requirements: Comparison of 2007 and 2011

In 2007, the electoral law required election authorities to send registered voters **postal notification slips**, which confirmed the voter's registration and assigned a polling station and voter registration number. Registered voters also received **voter cards**, which could be collected either at the prefecture office before election day or at the polling station. Upon arrival at the polling station, voters were required to present 1) **voter cards**, which also included their registration number, and 2) **picture identification**—either a national identity card (CIN), passport, hunting permit, driver's license, civil status booklet, or professional card.

In 2011, the law again required that **postal notification slips** be sent to registered voters, but no voter cards were issued. Upon arrival at the polling station, voters were required to present only their **CIN**.

The use of the CIN as the primary document was intended to address confusion about collecting the cards on or before election day. But insufficient voter education and, in some cases, inconsistent distribution of the postal notification slips meant that confusion persisted. Though voters were not legally required to present the postal notification slip on polling day, the voters list remained organized by registration number rather than alphabetized by name. Voters who presented only their CIN had to wait while the election authorities searched the list for their names.

¹⁴ See <http://elections2011.gov.ma>. This total includes 1,546 local district lists and 19 national lists.

¹⁵ In theory, all political parties were required to comply with the 2011 Law on Political Parties that calls for strengthening internal democratic mechanisms, stronger participation by women and youth, and the formation of a committee on candidacies and a committee on parity and equal opportunity. However, the law does not provide specific definitions for the "internal democratic mechanisms," or define penalties for noncompliance. Regulatory functions rest with the Ministry of Interior; the law did not establish an independent oversight body.

percent of local electoral lists were headed by first-time candidates and 36 percent were headed by candidates 40 years old and younger, though press and anecdotal reports suggested that these new faces were concentrated in smaller parties and in rural areas.

The Law on the Chamber of Representatives also reserved 90 seats for national list candidates, composed of 60 women and 30 youth. Almost all parties fielded a 90-candidate national list. Unfortunately, lawmakers' decision to mandate that the youth seats be reserved for men 40 years and younger—in essence signifying that the limited women's quota was sufficient—raised questions about the spirit with which the constitutional principle of gender parity was being implemented. Overall, women made up 22.9 percent of all candidates. Perhaps even more telling, however, only nine percent of candidates on local electoral lists were women and just over four percent of local electoral lists were headed by women.¹⁶ In many cases, observers were told that women were allocated the last seats on the slate. Parties indicated that because of the competitive nature of the election, they were compelled to put their strongest, most popular candidates—most of whom were male—at the top of the list.

Campaign. Campaigning started slowly and remained relatively quiet throughout the short 13-day campaign period. Party officials told observers that the first few days of the campaign are typically reserved for finalizing the campaign plan and mobilizing resources. Others attributed the slow start to the fact that candidate registration ended just 12 hours prior to the opening of the campaign period, while others pointed to Eid Al-Adha, one of the most important holidays in Morocco, which closely preceded the campaign. In the final days before the elections, observers



During the campaign period, observers witnessed numerous party supporters throwing flyers indiscriminately rather than engage voters directly.

witnessed a small number of rallies, caravans, and other campaign events. Parties appeared to use only a small percentage of the designated public spaces for hanging campaign posters. In many cases, campaign workers scattered campaign flyers in public places, such as markets, without making direct voter contact. Political parties' efforts to mobilize voters peaked in the last days of the campaign, just as the February 20 Movement and others raised wider calls for a boycott. But even on the eve of the elections, streets were relatively quiet and largely devoid of campaign activities.

NDI observers noted that campaign activities were generally more visible in rural areas, where political parties focused on direct voter outreach that included the distribution of fliers door-to-door. In both rural and urban areas, activities were generally conducted by young people hired to distribute flyers, rather than by actual party supporters or members. Campaign content tended to center on the visibility, recognition, and promotion of the head of the local electoral list rather than

¹⁶ See <http://elections2011.gov.ma>.

a particular message or policy agenda. While there was considerable coverage of the new Coalition for Democracy, and the potential for other coalitions, there appeared to be little campaign coordination among the member parties or their candidates. Voters indicated that they had trouble distinguishing one party platform from another; all parties spoke against corruption and made promises for economic growth, though few articulated their specific strategies to address these issues. Despite efforts by some political parties to engage youth in decision-making structures—a key issue identified in NDI’s public opinion research¹⁷ conducted after the constitutional referendum—young people told observers that they still felt detached from the political process and that their concerns were not being taken seriously or addressed by political parties or their candidates.



Authenticity and Modernity Party (PAM) supporters mobilize for door-to-door campaigning in Casablanca ahead of the November elections.

Campaign Finance. The 2011 electoral framework established new limits and reporting requirements on campaign financing.¹⁸ In the lead-up to the campaign period, most parties indicated that they were aware of the new reporting requirements and procedures, and that they intended to provide required information on funding sources, amounts expended, and supporting documentation to the High Court of Auditors before the deadline set at 30 days after election day. In the lead-up to election day, NDI observers heard allegations that some candidates were spending above and beyond the campaign funding ceiling. Observers heard many allegations that candidates and parties were buying votes with cash or other incentives, or using state resources. No parties and few candidates were exempt from these accusations, though NDI observers did not witness any confirmed use of state resources or exchange of money.

Voter Education. In contrast to extensive get-out-the-vote efforts for the July referendum and the 2007 legislative elections, voter education activities were not widely visible leading up to the 2011 elections. Efforts focused more on voter *information*—designed to encourage voters to go the polls—rather than in-depth voter education, discussion of campaign platforms, or explanation of the

¹⁷ *Youth Perceptions in Morocco: Political Parties and Reforms*, <http://ndi.org/Report-on-youth-perceptions-in-Morocco>.

¹⁸ See Article 32 of the 2011 Organic Law on Political Parties. Political parties and candidates were permitted to finance campaigns through various sources, including individual donations at a maximum of 300,000 *dirhams* (just over US\$34,000) per candidate per year. Each candidate was required to respect the campaign spending ceiling, which was established by decree. Foreign funding, whether direct or indirect, of political parties or candidates was prohibited. The Moroccan government also provided a total of 220 million *dirhams* (US\$25.2 million), which was allocated among political parties based on two criteria: 1) the percentage of votes obtained in the local and national districts; and 2) a formula based on the number of seats obtained in the local and national districts, with incentives for local electoral district seats won by women. This state support for election campaigns is in addition to annual funding provided to political parties, also allocated on the basis of the percentage of seats and votes won in the general legislative elections.

elections' place in the broader political reform process. In the days before the elections, the Ministry of Interior distributed voter education flyers and televised public service announcements to inform voters about voting procedures. Youth and women's organizations also carried out some targeted voter information activities.

Observation. Overall, the Special Commission for Accreditation of Observers fulfilled its mandate in a professional and impartial manner in implementing Morocco's first election observation law.¹⁹ However, the regulations and procedures for observation caused unnecessary challenges. The Special Commission opened a one-time, 10-day submission deadline for applications, which was an insufficient period for both domestic and international observers. Furthermore, little information was available about the appeals process for denied applications. Similarly, no formal provisions were made to allow for the replacement of observers who might be sick or otherwise unable to observe on election day. Given the short electoral calendar and the implementation of new regulations, the absence of clear, timely, and widely disseminated information limited participation by citizen and international observers.

NDI's LTOs also experienced some obstacles in observing the voter registration, candidate registration, and campaign periods. Election officials were more hesitant to meet with international LTOs or to share information during the pre-election period; many noted their understanding that election observation takes place only on election day. This resistance generally disappeared once observers had obtained their accreditation badges and notification had been sent by the Ministry of Interior to regional and local election officials.

Media Coverage. Some press outlets expressed concern about restrictions on their ability to report on certain sensitive topics. Media houses reported to observers that covering events or positions related to boycott calls from the February 20 Movement or other parties was generally not tolerated by the government, even if not expressly forbidden. Some media activists pointed to the denial on October 24 of journalist Rachid Nini's appeal of a conviction and one-year sentence for offending public officials by criticizing official corruption in his popular weekly column²⁰ as a warning to other journalists during the election process that encouraged self-censorship.

NDI did not conduct a formal media monitoring, though some domestic observation groups such as the *Collectif* did monitor media during the campaign period and on election day. The regulatory framework required that audiovisual media dedicate fair and regular speaking time and coverage to all political parties during the election period.²¹ These guarantees for equitable access to television

¹⁹ The Special Commission reported accrediting 3,828 observers—including 331 internationals—from 16 different institutions. Domestic observer groups included, among others, the *Collectif*, the CNDH, and the *Forum Démocratique Civil Marocain* (FDCM), while international bodies included NDI, the Parliamentary Assembly of the Council of Europe (PACE), and the Election Network of the Arab World.

²⁰ For more information on the Rachid Nini case, see <http://www.hrw.org/news/2011/12/06/morocco-free-popular-columnist>.

²¹ See Articles 2 and 5 of the Decision of HACA 46.11 of 11 October 2011 Relating to the Guarantee of Political Pluralism in the Broadcast Media during the General Legislative Elections (2011). A portion of total hourly programming is divided equally among all political parties while the remainder is allocated according to parliamentary representation in the previous legislative year. Allocations are divided in three categories: 1) 35 percent to political parties that have the number of seats required to form a caucus within either of the two chambers of parliament. In 2011, this included eight political parties; 2) 35 percent to political parties represented by at least one member of the Chamber of Representatives or one member of the Chamber of Councilors (In 2011, this included 11 political parties.); 3) 30 percent

and radio were notable improvements in the legal framework. Likewise, the High Authority for Audiovisual Communication (HACA) fulfilled its oversight function professionally, including by issuing an initial report on the pre-campaign period that documented more than 193 hours of programming and instances where some parties exceeded their allocated times and others had not attained their full coverage. However, the absence of real-time reporting and of an enforcement mechanism meant that misallocations could not be corrected. Imprecise allocations across the entire campaign also meant that some parties may not have had equal access during critical periods, in particular the last several days of the campaign period.

Election Day

Voting Process. Election day unfolded calmly throughout the country, with polling procedures implemented in a largely uniform, transparent fashion. Observers noted that officials generally seemed knowledgeable about the process and impartial in their duties, but remarked on less consistency after the polls closed, especially when it came to drafting minutes, counting, and tabulation. Lack of clear information for voters across regions about the new voter identification requirements and the location of their polling stations caused the greatest confusion on election day. The sequencing of the register by registration number—which voters only knew if they carried their



Poll workers attended a training session in Kbouribga ahead of election day.

postal notification slip, which was not legally required for voting—resulted in considerable delays and, in some cases, voter disenfranchisement. Some voters waited for lengthy periods, spent considerable time trying to find their name, and then learned that they would have to go to another polling station. Observers also expressed concern about the low number of women polling officials; of the nearly 900 polling officials in 201 stations visited, observers reported seeing fewer than 70 women (less than 8 percent of officials seen).

Voter Turnout and Participation. At a reported 45.4 percent, voter turnout was higher than in 2007. Authorities quickly pointed to this increase as an indication of support for the reform process and greater public satisfaction with Morocco’s political system. However, the fact that an estimated six million eligible citizens (or about 37 percent of the eligible population) remained unregistered cast doubts on these assertions, as did the high rate of invalid ballots. Blank or invalid ballot rates in the double digits are considered out of the ordinary, yet NDI observers witnessed invalid ballots at an average rate of about 20 percent, and unofficial national data collected independently placed the average at over 25 percent.²² The high proportion of intentionally invalidated ballots was particularly concerning. Written messages, such as “No! No! No!” were evidence of citizens’ continued

to political parties not represented in parliament. (This included the 16 remaining parties competing in the elections.)

²² The Ministry of Interior had not released official statistics as of the completion of this report.

frustration, apathy, or lack of confidence in the political process. The amount of time invested by voters to register, find their polling station, and stand in line only to write such messages on a ballot paper suggests that Moroccans are seeking meaningful channels to communicate their political views and want to play an active role in Morocco's political life. As one citizen wrote, "There is no water in Morocco and we are thirsty!" Active protests by February 20 Movement and boycott supporters were not directly observed on election day.

Women's Participation. New provisions in Morocco's constitution promote gender parity in decision-making bodies, yet observers noted that further efforts will be required to realize that goal. Despite impressive leadership by a handful of women, women were largely absent from the election process. The Ministry of Interior reported that women represented 45.1 percent of registered voters, yet NDI observers estimated far lower turnout figures. In local trainings of polling officials observed by NDI, no more than one or two of the 70 to 100 participants were women. This trend was reflected on election day, when virtually none of the polling officials seen by NDI observers were women. The observers also noted that men dominated campaign and voter education activities, except in those few electoral districts where a party had selected a woman candidate to lead its local slate.

Voters with Disabilities. The overwhelming majority of polling stations lacked proper access for disabled voters, though observers did note individual efforts to assist disabled voters once in polling stations. Observers saw disabled and elderly voters struggling to navigate steep inclines to reach polling locations, walking on narrow makeshift "bridges" over open gutters, and being carried up flights of stairs to reach their assigned polling station.

Observation. Observers were received warmly on election day and NDI was able to field all observers without problem or interference. The CNDH, acting as the secretariat for the Special Commission, demonstrated flexibility and thoughtfulness in interpreting vague or restrictive aspects of the observation law. Some domestic organizations with larger delegations, such as the *Collectif*, faced more significant challenges. Of the 2,482 observers accredited by the Special Commission, 540 did not receive badges for technical reasons, such as problems with photos; 458 of those who originally applied were rejected because they were not registered voters and the *Collectif* was unable to replace them as accreditation procedures did not provide sufficient time to identify alternates.

Party Conduct on Election Day. Political party polling agents were widely seen by observers on election day. However, most polling agents demonstrated inconsistent understanding of their roles and responsibilities. There was little sign of systematic coordination or training for agents by the respective parties. Generally, agents did not voice concerns or raise complaints during the closing or counting procedures. In many cases, party agents could not even name the party they represented or articulate their reporting or communication procedures.

THE POST-ELECTION PERIOD

On November 27, 2011, the Ministry of Interior announced the preliminary results of the elections. The PJD won a plurality with 107 seats in the 395-member body, the largest plurality for a party over the last decade and an increase by nearly 13 percent over the 2007 elections. Eighteen parties are now represented in the parliament, with 95 percent of the seats going to the eight largest parties—a substantial contrast to highly divided parliaments seen in recent decades.²³ Women’s representation increased slightly to 17 percent overall,²⁴ though women won only seven of the 305 local electoral district seats, with the remainder gained through the national women’s list.

Within a week of the announcement, the government’s election website²⁵ provided information about the winning candidates, including their photos, party affiliation, and party symbols by province and electoral district. The turnout rate was officially reported at 45.4 percent. Despite legal guarantees that minutes and results from individual polling stations be made public, the rate of invalid ballots, detailed information on the popular vote won by each party at the national level, and the popular vote won by each candidate has yet to be released as of the writing of this report.

On November 29, 2011, King Mohammed VI held talks with Abdelilah Benkirane, secretary general of the PJD, on the formation of a new government. Later the same day, the king announced Benkirane’s appointment as the head of the government in line with the new constitutional provision (Article 47) that the position be filled by a member from the party holding the largest number of seats in parliament. The swift appointment appeared to signal the king’s commitment to uphold the new constitutional provisions, and increased expectations that the new parliament and government would have more independence to exercise their powers and functions.

NDI LTOs remained deployed through early December. In meetings with leaders from political parties, civil society, and media during the immediate post-election period, they heard few concerns about election day itself or the overall results. Most political actors quickly turned to preparations for the new legislative session. Political parties engaged in discussions about their participation in the new government and civic groups began planning new advocacy activities. Some political parties and candidates indicated that they were filing complaints for campaign and election day violations and following up on appeals, primarily related to campaign practices and alleged misuse of government resources. At the end of January 2012, reports indicated that 489 complaints had been filed, 348 of which had been immediately rejected for lack of evidence. Twenty others were reportedly under investigation, while details about the remaining 121 were unavailable. Officials at the High Court of Auditors, responsible for oversight of campaign financing, indicated to NDI that all political parties had submitted their financial reports as of the legally mandated December 27 deadline. However, the law regulating these reports does not include provisions for making the information available publicly.

²³ See Appendix C for a summary of the results and changes since 2007.

²⁴ See Appendix C for more details.

²⁵ See <http://elections2011.gov.ma>.

Few questioned the overall results of the elections and the success of the PJD. A number of political observers indicated that the PJD's gains were expected and aided by their well-organized and systematic campaign that built on their reputation for transparency and service delivery. Others speculated that the PJD's campaign messages promoting good governance resonated with citizens who wanted to see an end to government corruption. Others pointed to the PJD's position as the opposition in previous governments, which may have allowed the party to garner support from citizens who wanted to cast a vote against previous practices, old faces, and "business as usual."

In mid-December, the pro-boycott camp was shaken by the decision of a popular grassroots Islamist group, Justice and Charity, to no longer participate in the February 20 Movement. In a press statement published on its website, Justice and Charity reiterated its goals and principles, including calls for the release of all political prisoners, a united effort against the current regime, and liberty and justice in Morocco. Some theorized that Justice and Charity may be testing Prime Minister Benkirane and the PJD to see whether the new government will officially recognize their group. Others speculated about the ability of the February 20 Movement to survive without Justice and Charity, which is believed to have accounted for a significant number of the regular protestors.

In preparation for the first sitting of the Chamber of Representatives on December 19, intensive negotiations took place within and between political parties about the formation of the new government. The PAM announced that it would not join the government, which came as no surprise given its history of political clashes with the PJD. The National Rally of Independents (RNI) also indicated that it would join the opposition. While the Socialist Union of Popular Forces (USFP) seemed a possible fit for government given its previous alliances with several key parties in the emerging majority coalition, the party concluded after contentious internal debates that it would return to the opposition. The final governing coalition included four parties: PJD, PI, the Popular Movement (MP), and the Party of Progress and Socialism (PPS). The three senior coalition partners (excluding PPS) shared a center-right outlook, giving the coalition greater ideological coherence than other governments in the recent past. When the 31-member cabinet list was officially announced on January 3, 2012, the PJD held 12 seats and allocated six to the PI, four to each of the other two members of the governing coalition, and five to individuals without party affiliation. The non-aligned cabinet members included the minister of agriculture and maritime fishing, who maintained his position after leaving the RNI when the party joined the opposition bloc. In total, nine members of the previous cabinet remain in the new government. Only one woman was appointed, in contrast to the seven women who served in the previous government. Two ministers from the previous government and the founder of the PAM were named as royal advisors during the same period as the formation of the government.



The Justice and Development Party (PJD), represented by the lamp, won a plurality of the new parliament's seats.

RECOMMENDATIONS

In the spirit of international cooperation, NDI and its delegation offer the following recommendations to the Moroccan government, election officials, political parties, media, and civil society. While the recommendations touch on technical issues including the electoral framework, administration, and procedures, each stems from the need to foster greater confidence and participation in Morocco's political and electoral processes.

To the Moroccan Government and Political Leaders:

1. **Create opportunities for dialogue on fundamental issues.** Continued public dialogue is needed among Moroccans, including representatives of the palace, government, political parties, press, academia, civil society, and the Moroccan people—ensuring the involvement of women and youth as equal participants—to solicit expectations for political reform and aspirations to achieve change and development in their country. Transparent discussions and decisions would help citizens gain trust in government, and ultimately hold decision-makers more accountable for their promises.
2. **Review the electoral system and districting process.** Further review of the electoral system and map should include dialogue with political parties, electoral experts, and civil society groups. The current proportional representation with the largest remainder system has been most successful in countries emerging from conflict, where broad inclusion of political forces served as a necessary confidence-building mechanism. Moroccans should consider whether this system's results are the most appropriate and constructive for their current governance priorities. In addition, authorities should review the delimitation of districts and allocation of seats to ensure that the variation in the number of voters represented by each seat falls within accepted international standards. At the very least, the principles outlined in the legal framework, including a demographic balance among districts, should be translated into a systematic review of districts that includes population analysis.²⁶
3. **Enhance women's political participation.** As other political reforms are pursued, Moroccans should consider how to achieve the goal of gender parity and increase women's political representation. Some options could include stronger and enforceable requirements for women's participation in internal party structures, specific guarantees for women candidates across electoral lists (as opposed to just the national list), and a minimum percentage of women-headed lists. The legal framework could also require a minimum percentage of women polling staff for election day. Moroccan authorities should take into consideration the experiences of other countries that have successfully adopted legal measures to increase the number of women

²⁶ Article 2 of the 2011 Law on the Chamber of Representatives states, "Local electoral districts and the number of seats for each electoral district shall be established by decree based on the following principles: a) a demographic balance shall be established as much as possible between electoral districts, while taking into consideration the territorial aspect; b) the territorial jurisdiction of electoral districts shall be homogeneous and continuous; c) in each prefecture, province or prefecture of districts, a single electoral district shall be established and shall comprise a number of seats to be determined by decree. However, some prefectures or provinces may comprise more than a single electoral district."

elected at the municipal and national level. Tunisia, for example, used the same proportional representation electoral system, but required that parties alternate men and women candidates on all electoral lists for the October 2011 constituent assembly elections.

4. **Review the Law on Election Observation to ensure the rights of observers.** The Moroccan government should consider a participatory review to address articles in the 2011 Law on Election Observation and accreditation procedures that restricted observers and observer groups from fully exercising their constitutionally guaranteed rights. Close examination of domestic and international observers' reports and recommendations, input from comparative experts, and consultation with civil society and political parties should be part of the review.²⁷ Early accreditation for LTOs and continued education for election officials about the role of observers throughout the electoral cycle should also be explored. This would allow domestic and international groups to report accurately and fully on the voter registration, candidate registration, and campaign processes, ultimately contributing to citizen confidence and trust in the transparency of future elections.
5. **Consider the establishment an independent election commission.** As recommended in 2007, the Moroccan government should explore the feasibility of an independent election commission with supervisory powers over future elections and formally recognize the role of such a commission in the electoral code. Such commissions are a common feature in election processes worldwide that seek to build public confidence. The empowerment of such a body and its role as a neutral actor in the electoral process would also help overcome public skepticism of administrative and government structures.
6. **Strengthen guarantees of equitable media access.** To improve Morocco's already advanced promise of equity in media allocation for parties and candidates, further guarantees for equitable distribution of "prime time" slots should be explored. Rather than measuring allocation across the entire electoral cycle, authorities could also guarantee percentages at each stage in the electoral process. The HACA could be mandated with additional powers and resources to rectify misallocations—through court order if necessary—rather than simply record them.
7. **Consider extending the official campaign period.** As NDI's international observation report recommended in 2007, Moroccan authorities should consider extending the official campaign period. Additional campaign time would allow political parties time to promote their platforms, rather than focus on get-out-the-vote strategies, which would increase voters' understanding of their choices. Consideration should also be given to liberalizing rules on the distribution and posting of campaign advertisements to decrease the practice of "dumping" fliers as a way to evade the current tight restrictions.

²⁷ Given the constitutional guarantee for observation, the government is obligated to ensure that the accreditation is accessible and as simple as possible. In line with international standards, priority issues should include: guaranteeing the right of observation delegations to make statements even before the release of final results; guarantees for an appeal process in the observation law to protect observers or groups against potential discrimination; advance notice, sufficient time, and simplified procedures for observer groups to prepare their accreditation applications; accreditation of organizations, not individual delegates, to ease logistical burdens; guarantees for observer substitutions within a reasonable timeframe; and separation of the accreditation process from the same authority that itself conducts an observation initiative.

To Election Officials:

8. **Publish detailed election results.** The Ministry of Interior has demonstrated the capacity to provide information online with rich graphics and in multiple languages. Election officials should consider releasing more detailed election results by polling station (as required by the Law on the Chamber of Representatives), and information on voter turnout, the rate of invalid ballots, and the vote count disaggregated by party. In 2007, this information was released for the national level within a week of the announcement of results. However, in this electoral cycle, the national results and invalid rate had still not been released as of the end of March 2012, despite specific requests from NDI and other observer groups.
9. **Review the voters register and formalize audit procedures.** To further increase confidence in the voters register and comply with international best practices, the Moroccan government should amend the electoral code to facilitate the right of political parties and citizens to audit the voters list, including revisions. Regular, comprehensive auditing by electoral authorities is also recommended. An extension of the display and appeals period, along with comprehensive voter education on this critical phase of the electoral process, could also improve the quality of the voters register. Authorities should also consider other ways to organize the voters register to avoid unnecessary delays on polling day. For example, the list could be ordered by name rather than by voter register number. Election officials could also explore using the CIN system as the basis of the voters register in the future, which could establish the foundation for a merged system or passive registration process that would increase opportunities for eligible voters to participate.²⁸
10. **Ensure consistent training for all polling officials for the entire polling process.** Election officials should enhance training for all polling staff on the closing, counting, and tabulation procedures, including the reconciliation process and determination of ballots' validity, to ensure greater consistency and allay concerns of manipulation. To avoid confusion or technical irregularities, election officials should also consider specific duties and training for each of the five members of the polling station staff. The manual on polling procedures should be developed earlier in the process and should form the basis of more rigorous and consistent training. It should also be made available online for political parties, civic groups, and interested citizens involved in voter education or observation efforts.
11. **Reinvigorate civic and voter education efforts.** Election officials should consider renewing previous public-private partnerships such as the *Daba 2007* effort, which in 2007 allowed local CSOs to partner with the Moroccan government to disseminate voting procedures in different languages and through pictures to reach illiterate populations. Beyond basic information on how to vote, authorities should consider leading and supporting initiatives to educate citizens about why it is important to vote, how elections relate to civic rights and responsibilities, and how citizens can make informed choices at the ballot box. Such efforts, sustained beyond the electoral cycle, would help civic organizations build and sustain confidence and interest in political processes and institutions.

²⁸ Passive registration processes can take several forms, but generally function by adding eligible voters to the voters register without requiring any individual effort on their part to register themselves. A passive registration system does not contradict the individual choice of citizens to vote, but rather facilitates their ability to participate.

12. **Ensure accessibility for voters with disabilities.** Local authorities should take additional steps to make polling stations and polling centers more readily accessible to voters with disabilities to meet their legal obligation. At a minimum, efforts should be made to situate polling stations at ground level.

13. **Post voters lists outside polling stations and release an aggregated, searchable list of polling stations.** Election officials and local authorities should post voters lists outside each polling station and in a central administrative location to help voters locate their polling station prior to election day to reduce confusion and avoid voter frustration. Additionally, the Ministry of Interior should release an aggregated, searchable list of polling stations as early as possible to assist political parties and non-partisan observers in election preparations.



The practice of burning valid ballots immediately after counting at the polling station level serves little practical purpose, and undermines judicial review of election results.

14. **Reconsider the practice of burning valid ballots.** As recommended in 2007, the Moroccan authorities should review the practice of burning valid ballots after the completion of the vote count. Although this practice is presumably intended to discourage vote rigging at subsequent stages of the vote tally (e.g., at the provincial, governorate, or national level), it also makes it difficult to contest results. To avoid unnecessary disputes, election officials should not destroy valid ballots for a district before higher courts have had the opportunity to adjudicate all legal complaints put forward by political parties or candidates for that district or before the deadline for such complaints to be registered and appeals to be decided. While France is often referenced as the model for Morocco's practice of ballot burning, the French ballot system is different from Morocco's and in France public confidence—as well as party agent presence—is more robust.

To Political Parties:

15. **Develop clear platforms that respond to the needs of all citizens, and increase public outreach.** Parties should work to design and articulate clear platforms and ensure that their distinct identities are known and understood by voters. Party-led education should be built through ongoing outreach and membership development, not just during campaign periods. Given the size of the youth demographic and its demonstrated frustration with the political process in Morocco, parties should make extra efforts to engage young people in more meaningful ways.

16. **Support and expand women's political participation.** Particularly in party leadership, women continue to be absent, leading to the exclusion of essential voices from Morocco's political debate. Political parties should take steps to include women's voices in internal policy and

strategy discussions to help them win votes and develop platforms more responsive to the needs of all Moroccans.

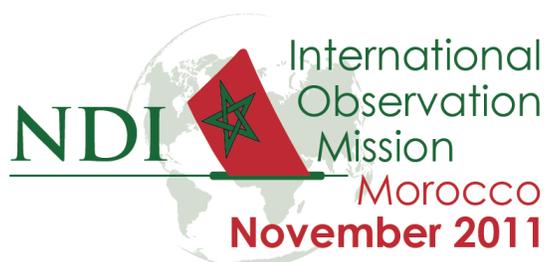
17. **Improve training and deployment of party polling agents.** In the absence of proper training and coordination, party agents add little value to the electoral process at large or to their individual party's efforts to safeguard the transparency of election day operations. Parties must take steps to ensure that party polling agents are systematically trained on their roles and responsibilities and deployed in a coordinated manner.

To the Media:

18. **Support voter education efforts and provide a platform for informed debate.** Media can play a critical role in informing voters of electoral procedures and helping them to make educated choices at the ballot box. Media outlets across the spectrum should expand and develop election-specific content to educate voters on election procedures and campaign platforms, and facilitate debate on electoral issues and policy options.

To Civil Society Organizations:

19. **Expand engagement with the political reform process.** Moroccan civic groups should continue to seek avenues to steer and monitor Morocco's political reform process by engaging in dialogue with the government and citizens—particularly women and youth. Civil society can form an essential bridge between Moroccan citizens and government, while advocating for action on key issues of concern to ordinary Moroccans.



Preliminary Election Statement November 26, 2011

I. Executive Summary

Against the backdrop of Arab Spring movements demanding greater political and economic accountability and avenues for citizen participation in government, including historic youth-led popular protests in early 2011, King Mohammed VI introduced a constitutional reform process that intended to open political space. Leading to the November 25 legislative elections, many Moroccans described these polls as a test of the population's support for the country's political reform process.

Voter turnout—estimated at 45 percent—was slightly higher than in the 2007 legislative elections. However, continuing dissatisfaction expressed through nationwide efforts, including those of the February 20 Movement and several political parties, to encourage an election day boycott, as well as the high number of invalid and protest ballots (averaging 20 percent in stations observed by the Institute), signal citizen interest in further and deeper political reform.

Before and during election day, the delegation's 41 members visited over 200 polling stations across 31 electoral districts. Before observing voting, counting and collation operations, delegates of the National Democratic Institute (NDI) met with citizens, government officials, political party representatives, candidates, domestic observers, representatives of civil society organizations, national and international journalists, and academics. Members of the delegation witnessed or heard reports of isolated irregularities but noted overall that voting proceeded smoothly and according to established procedures. And despite a commitment to gender parity in Morocco's constitution, delegates noted the low number of women poll workers and, in some parts of the country, low numbers of women voters.

On a technical level, the administration of the elections appeared procedurally sound and transparent. However, the delegation believes that steps should be taken to improve Morocco's election process and increase voter confidence. Such measures could lead to broader citizen and voter engagement at all levels of the election process. These could include: simplifying ballot design, educating voters on polling procedures, and bringing those procedures in line with internationally accepted norms and standards.

On a more fundamental level, however, the delegation respectfully recommends that Morocco consider a more inclusive and participatory political dialogue process to engage the country's diverse and vibrant citizenry in making decisions about their country's future. Although enthusiasm had flagged in recent months, on election day many citizens showed that they have not yet given up on

the electoral process as a means of advancing further reform. While the opportunity exists, Morocco's newly elected leaders should seek avenues to meet Moroccan citizens' legitimate desires to participate more meaningfully in political decision-making processes, both within political parties and government.

The delegation recognizes that it is still early in the post-election period, that results are still not final, and those election complaints and challenges that may be submitted will need to be resolved in accordance with the rule of law. It is therefore not the intention of the delegation to render a complete or definitive assessment of the election process at this time. Indeed, it is the people of Morocco who, as citizens and voters, will determine the credibility of these elections and their significance in the country's ongoing democratic reform process.

II. Background

NDI fielded 41 accredited observers from 21 countries who deployed throughout the country on election day. The mission's objective was to observe impartially every aspect of the election process—including the campaign, the casting and counting of ballots on election day, and the post-election period—and to demonstrate the interest of the international community in Morocco's political and election processes. The delegation's work was informed by a pre-election assessment conducted in October and the deployment of 10 long-term observers more than one month before election day.

The delegation was co-led by Bob Rae of Canada, leader of the Liberal Party and former premier of Ontario; Abdullah Al Derazi of Bahrain, secretary general of the Bahrain Human Rights Society; Kastriot Islami of Albania, member of the Albanian parliament and former minister of foreign affairs; Sally Shelton-Colby of the U.S., former deputy secretary-general of the Organisation for Economic Co-operation and Development; and Shari Bryan of the U.S., NDI vice president.

NDI is a nonprofit, nonpartisan organization working to support and strengthen democratic institutions worldwide through citizen participation, openness, and accountability in government. NDI has worked in Morocco since 1997 with a variety of civic and political institutions that practice democratic values. NDI also organized an international observation mission to observe the 2007 legislative elections, the first time such a delegation ever observed elections in Morocco.

Prior to the November 25 polls, the delegation met with representatives of major political parties; civic leaders; citizen observers; government officials, including election administrators and the National Human Rights Council (CNDH); media; and representatives of the international community. On election day, the delegation visited more than 200 polling centers in 31 electoral districts. NDI conducted its activities in accordance with the laws of Morocco and the Declaration of Principles for International Election Observation, which is endorsed by 39 intergovernmental and nongovernmental organizations and was launched at the United Nations in 2005.

III. Electoral Context

In February, young Moroccan organizers inspired by their peers across North Africa rallied crowds throughout the country in unprecedented street protests demanding broad political reform. Despite social and economic reforms undertaken in recent years, popular pressures had been building for deeper change, particularly more effective, accountable and responsive political institutions. King Mohamed VI responded to these calls within weeks by launching a process of constitutional reform,

and voters enthusiastically voted in favor of a revised constitution during a popular referendum in July. New laws governing the election process were quickly enacted and parliamentary elections were set for November 25, nearly a full year ahead of schedule.

Prior to Morocco's 2007 parliamentary elections, the country had undergone a decade of change as political space expanded within the context of the current system. NDI's observation report on those elections—Morocco's first polls to be observed by an international delegation—noted that despite orderly and transparent voting day procedures, low voter turnout (37 percent) and a high rate of blank, invalid, or protest ballots (19 percent) indicated that Morocco's political system had fallen short of inspiring voter confidence in the country's political institutions and actors. In the June 2009 municipal elections, a stronger turnout rate (52 percent) and improved voting procedures signaled a step forward. At the same time, the high rate of formal complaints (the equivalent of eight for every 100 voters) and invalid votes (11 percent) signaled that underlying issues had not yet been resolved.

The King's response to popular protests earlier this year provided an opening for further reform of Morocco's political system. Following the constitutional referendum, many groups pointed to significant improvements. These include: the King's obligation to name the prime minister from the party winning the most seats in parliament; the prime minister's expanded power to name senior civil servants; a broad commitment to work toward "parity" between men and women that included the reservation of 60 parliamentary seats for women on a 90-seat national list that includes 30 seats for young men; and the recognition of Amazigh, the language of the country's indigenous Berber peoples, as an official language. But despite the significant vote in favor of the new constitution, public debate continued over whether the constitutional amendments were sufficient to represent genuine reform. Some Moroccans saw the referendum campaign period as an example of Morocco's unequal playing field, as referendum supporters took advantage of state resources and support from religious figures to promote its passage.

Following the referendum in July, the Ministry of Interior set the election date and introduced new legislation governing the election process. The choice of November 25 as election day left little time for meaningful discussion, review, and consultation into the various pieces of legislation. Moreover, absenteeism in parliament was common during debates and votes on key pieces of electoral legislation.

Many positive recommendations by Moroccan election monitoring groups, international election observers, women's groups, and other civil society organizations were not taken into account in the new legislation. With little substantive change to the electoral framework, energy and enthusiasm for the elections declined. As NDI's pre-election assessment delegation that visited Morocco in October noted, the greatest challenge in this electoral process would be instilling confidence among voters and the broader citizenry in the integrity of Morocco's political process and its governance institutions.

IV. Observations

Pre-Election and Campaign Period

Citizen Confidence. Prior to election day, NDI long-term observers in most regions reported low voter enthusiasm. Weekly protests by the February 20 Movement visibly and explicitly expressed

dissatisfaction with the reforms initiated in March 2011, particularly among youth. Despite legal constraints prohibiting incitement of voter abstention, protestors ultimately organized boycott demonstrations across the country in the final weeks of the campaign period. Even some citizens who did not support a boycott questioned the degree to which their representatives could influence decisions and deliver tangible change in their communities.

Electoral Preparations. The Ministry of Interior maintained responsibility for all aspects of election administration despite recommendations by international observers to consider the establishment of an independent electoral management body. In the weeks leading up to the polls, officials reported that recruitment of polling staff and preparation of voting materials went according to schedule, although the NDI delegation noted some inconsistencies. On the day before the elections, some NDI observers witnessed well-organized storage and distribution of materials while others reported incomplete training of officials and the delayed delivery of materials to rural areas.

The ministry publicized an online tool²⁹ allowing citizens to identify and verify their assigned polling stations, provided that they knew the name of their electoral district and commune. Registered voters in most areas indicated that they had also received notice of their polling station by mail. Despite these innovations, international observers were unable to obtain a comprehensive list of polling stations or to find the lists in some local administration offices five days before the polling. The online tool also had limited use and should not be seen as a substitute for more comprehensive information required for planning party pollwatching, domestic monitoring, or international observation efforts. Observers also noted with some concern that polling officials, party representatives, and electoral authorities often gave divergent and in some instances contradictory explanations of the rules and procedures for determining valid ballots and the calculations required for allocating parliamentary seats according to Morocco's proportional representation system. In a few training sessions for polling officials that NDI observers attended, some polling officials seemed confused about these same issues, raising questions about the consistency of procedures that would be applied on polling day.

Voter Registration. The Ministry of Interior reported 13,475,435 registered voters for the legislative elections, marking an increase of approximately 100,000 from the 2009 local elections³⁰ but a decrease from the 2007 level of approximately 15.5 million. While the 30-day extraordinary revision of the voters register and the two-day extension provided an important opportunity for new voters, it is difficult to assess the degree to which the process succeeded in the absence of information about the total number of eligible voters. In a positive development, voter registration numbers disaggregated by gender, location, and age were for the first time available online³¹. Voters could also verify registration online or via mobile text messages. Despite these innovations, voters in rural areas had little information about how, where, when, or even why they would check their names on the voters list.

Voter Education. In contrast to extensive get-out-the-vote efforts for the July referendum, voter education activities were not widely visible leading up to the elections. The Ministry of Interior

²⁹ See www.elections2011.gov.ma.

³⁰ The Min. of Interior reported 13,360,219 registered voters for the 2009 local elections (www.elections2009.gov.ma).

³¹ See www.listeselectorales.ma/statistiques_S_FR.html.

distributed voter education flyers and televised some public service announcements to inform voters about the voting procedures in the days before the elections. Youth and women's organizations also carried out some targeted voter information activities. Political parties' mobilization efforts increased in response to calls for a boycott during the weekly February 20 Movement protests in the last days of the campaign. However, virtually all of these efforts focused simply on getting voters to the polls to ensure higher rates of participation, rather than in-depth voter education, discussion of campaign platforms, or the situating of the elections in the broader political process. Given the complexity of the design of the ballot design, limited voter education efforts may have contributed to the high incidence of invalid ballots.

Campaign. Even on the eve of the elections, streets were relatively quiet and largely devoid of campaign activities. By and large, the campaign was slow to start and remained relatively quiet throughout the short 13-day campaign period. In the final days leading up to the elections, observers witnessed a small number of rallies, caravans, and other campaign events. They noted that campaign activities were generally more visible in rural areas, where political parties focused on direct voter outreach, such as distributing fliers door-to-door. In both rural and urban areas, activities were generally conducted by young people who had been hired to distribute flyers rather than actual party supporters or members. In many cases, campaign workers scattered campaign flyers in public places such as *souks* without making direct voter contact. In many instances, campaign activities centered more around the head of the local electoral list than a particular message or party platform.

Observation. The legal guarantee for election observation is an important positive development in Morocco's recent reforms. Serving as the Secretariat of the Special Commission on the Accreditation of Observers, the CNDH demonstrated seriousness and professionalism. However, the one-time, 10-day submission deadline for applications by international and domestic observers proved to be a significant challenge for citizen election monitoring groups. While the Special Commission and the CNDH sought solutions in the last days before the elections, some of the country's largest observation groups struggled (and in some cases failed) to gain accreditation for one-third of their anticipated observers. Moreover, the sheer number of polling stations, at approximately 40,000, makes extensive observation a challenge for all parties and monitoring groups.

Women's Participation. Constitutional provisions aimed at promoting gender parity are an important development in Morocco's legal framework. However, almost all parties and civic groups agree that the new system—allocating 60 of 90 seats on the national list to women—falls short of this goal. At the end of the candidate registration period, women headed less than three percent of local electoral lists. With an electoral system in which no party is likely to win more than one seat per electoral district, it is plausible that women's participation may not exceed the guaranteed 15 percent of seats. Observers noted that candidates on the national list typically campaigned with the head of the local district list. Only in rare circumstance did they observe women participating in campaign activities. Similarly, in the few trainings of polling officials that NDI was able to observe, women accounted for less than 3 percent of the participants.

Election Day

Election day unfolded calmly throughout the country, with polling and counting procedures implemented in a largely uniform, transparent fashion. While observers noted that officials generally seemed knowledgeable about the process and impartial in their duties, they expressed concern with

the low number of women serving as polling station staff.

The new voter registration system resulted in confusion among voters across regions. While the Ministry of Interior employed a variety of means to assist voters in locating their polling places—including personalized postal notifications, a text messaging hotline, and computer databases placed in polling stations—many citizens had difficulty in finding their assigned station. Some citizens were confused about the link between voter identification and registration, with a small portion incorrectly believing that possession of a national identification card would allow them to vote even if they had not actively registered.

Observers in most locations noted that voter turnout increased gradually throughout the day. Some rural areas observed by delegation members recorded high turnout levels, even leading to overcrowding in some stations. Many delegates noted that limited access for disabled persons in a number of polling stations and tabulation stations may have prevented some voters from participating in or observing the process. By the end of election day, the government was reporting 45 percent turnout nationally.

While active protests of the elections were not directly observed on election day, NDI delegates in multiple locations reported ballot invalidation rates of over 20 percent. Many of these ballots were either blank or defaced. These presumed “protest” votes were predicted by a number of Moroccan experts, and explained to NDI as a continuing sign of apathy and lack of confidence in the political process among a significant segment of the population. If borne out by official numbers, this unusually high level of invalid ballots is deeply troubling—particularly given the high percentage of invalid ballots for the 2007 parliamentary elections (estimated at 19 percent for local lists and 28 percent for national lists).

Despite recent changes to the Moroccan legal framework encouraging nonpartisan observation of the process, some local observer groups met challenges in the accreditation process, possibly resulting in their notably reduced presence on election day. NDI delegates encountered party agents deployed in most polling stations, though the degree to which they were trained for their role in the process varied greatly.

V. RECOMMENDATIONS

In the spirit of international cooperation, the delegation respectfully offers the following general recommendations:

- Though voter turnout was marginally higher than in 2007, continuing dissatisfaction expressed through nationwide efforts, including those of the February 20 Movement and several political parties, to encourage an election day boycott, as well as the high number of invalid and protest ballots, reinforces the message sent by many Moroccans during elections in 2007: the need for further and more meaningful political reform to meet the aspirations of the people. The delegation does not presume to propose the specific nature of the political reforms that should be undertaken. Rather, the delegation suggests that specific reforms be the subject of a deliberative and open process among Moroccans, including representatives of the Palace, government, public, political parties, press, academia and civil society—with special efforts to bring politically engaged Moroccan youth into any such process. Given the heightened

expectations of the Moroccan public during this turbulent period of change across the region, the delegation suggests that such a dialogue be undertaken in a timely fashion.

- Given voter confusion related to the vagueness of many aspects of the law and the complexity of Morocco's electoral system, a close review of election procedures should be undertaken with the goal of improving rules and procedures to minimize any confusion in future elections—an important example being simplification of the ballot. More robust voter education programs should be developed and implemented to reduce voter confusion and facilitate the ability of voters to make accurate and informed choices at the ballot box. To further increase transparency, the government should release detailed election results by polling station as promptly as possible after the elections—a recommendation made by international observers in 2007.
- The reservation of an expanded number of parliamentary seats for women through the national list is an important step in guaranteeing women's representation at 15 percent (a 6 percent increase from the previous parliamentary elections). However, given the aspirations of the new constitution to pursue gender parity, these measures fall short. As other political reforms are pursued, consideration needs to be given to the best means to strengthen and further enhance women's representation in Morocco's political life, whether as candidates, elected officials, in political party leadership, and as election officials.

Additional specific recommendations on election procedures will be provided in the delegation's final report.

VI. THE DELEGATION AND INTERNATIONAL OBSERVATION

An accurate and complete assessment of any election must take into account all aspects of the process, and no election can be viewed in isolation from the political context in which it takes place. Among the factors that must be considered are: the legal framework for the election, including electoral and related laws; the ability of citizens to seek and receive sufficient and accurate information upon which to make political choices; the ability of political competitors to organize and reach out to citizens in order to win their support; the conduct of the mass media in providing coverage of parties, candidates and issues; the freedom that citizens and political competitors have to engage in the political and electoral process without fear of intimidation, violence or retribution for their choices; the conduct of the voter registration process and integrity of the final voters register; the right to stand for election; the conduct of the voting, counting, results tabulation, transmission and announcement of results; the handling of election complaints; and the installation to office of those duly elected. It should also be noted that no electoral framework is perfect, and all electoral and political processes experience challenges.

International election observation has become widely accepted by countries around the world and it now plays an important role in informing citizens and the international community about the nature of each country's electoral process. International election observation, when done in accordance with accepted principles for impartial assessments, seeks to enhance the integrity of election processes by encouraging best electoral practices and deterring misconduct, as well as by identifying problems and irregularities, which can lead to effective redress.

International election observers are welcomed by countries in all stages of democratic development. The mission builds on NDI's 25 years of experience observing more than 200 elections around the world including delegations in Tunisia, Jordan, Lebanon, the West Bank and Gaza, and Yemen. NDI conducts its election observation in accordance with the Declaration of Principles for International Election Observation, which is endorsed by 39 intergovernmental and non-governmental organizations, including the United Nations Secretariat.

The delegation is grateful for the welcome and cooperation it received from voters, election officials, candidates, political party leaders, domestic election observers, civic activists and government officials. NDI was officially accredited to conduct an international election observation mission by the CNDH and appreciates the Council's support and assistance. The delegation offers this election statement in the spirit of supporting and strengthening democratic institutions in Morocco.

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II. Summary of Election Results by District

Region	Electoral District	No. of Seats in District	No. of Registered Voters	Registered Voters per Seat	Percentage Turnout	Percentage Spoiled or Blank Ballots	Total Valid Votes Less Those Below 6% Threshold*	Electoral Average**
Chaouia - Ouardigha	Benslimane	3	100,733	33,578	57%	26%	35,899	11,966
	Berrechid	4	146,383	36,596	56%	28%	40,433	10,108
	Khouribga	6	254,837	42,473	36%	37%	49,109	8,185
	Settat	6	255,997	42,666	44%	38%	47,839	7,973
Doukkala - Abda	El Jadida	6	278,810	46,468	43%	26%	74,485	12,414
	Safi	6	289,040	48,173	34%	32%	46,993	7,832
	Sidi Bennour - Ouled Frej	4	193,439	48,360	43%	27%	50,068	12,517
	Yousseoufia	2	100,725	50,363	45%	24%	32,254	16,127
Fès - Boulemane	Boulmane	3	87,064	29,021	59%	29%	25,276	8,425
	Fès Achamalia	4	174,048	43,512	46%	36%	42,373	10,593
	Fès Al Janoubia	4	191,734	47,934	47%	26%	55,779	13,945
	Moulay Yacoub	2	64,984	32,492	63%	27%	23,232	11,616
	Sefrou	3	126,375	42,125	51%	25%	40,216	13,405
Gharb - Beni Hssen	El Gharb	3	128,578	42,859	53%	16%	47,315	15,772
	Kénitra	4	281,110	70,278	45%	20%	88,756	22,189
	Sidi Kacem-M.Bel Ksiri - Dar Gueddari	5	203,387	40,677	54%	21%	73,909	14,782
	Sidi Slimane	3	140,437	46,812	48%	27%	31,227	10,409
Grand Casablanca	Ain Chok	3	127,771	42,590	42%	31%	29,307	9,769
	Ain Sebaâ - Hay Mohammadi	4	220,111	55,028	35%	35%	39,520	9,880
	Al Fida-Mers Sultan	3	172,190	57,397	33%	39%	26,246	8,749
	Ben M'sick	3	124,369	41,456	39%	31%	30,825	10,275
	Casablanca - Anfa	4	239,310	59,828	39%	40%	44,045	11,011
	Hay Hassani	3	147,444	49,148	37%	41%	26,509	8,836
	Médiouna	2	53,673	26,837	61%	35%	19,252	9,626
	Mohammedia	3	171,231	57,077	42%	34%	39,011	13,004
	Moulay Rachid	3	191,521	63,840	34%	44%	28,322	9,441
	Nouaceur	3	87,128	29,043	54%	31%	26,654	8,885
Sidi Bernoussi	3	206,290	68,763	36%	45%	31,177	10,392	
Guelmim - Essmara	Assa-Zag	2	16,516	8,258	77%	10%	9,223	4,611
	Essmara	2	25,149	12,575	59%	26%	9,930	4,965
	Guelmim	2	96,242	48,121	54%	16%	39,455	19,728
	Tan Tan	2	42,523	21,262	59%	14%	19,725	9,862
	Tata	2	63,634	31,817	66%	19%	28,262	14,131

Region	Electoral District	No. of Seats in District	No. of Registered Voters	Registered Voters per Seat	Percentage Turnout	Percentage Spoiled or Blank Ballots	Total Valid Votes Less Those Below 6% Threshold*	Electoral Average**
Laâyoune - Boujdour	Boujdour	2	23,594	11,797	72%	12%	14,244	7,122
	Laâyoune	3	102,729	34,243	49%	22%	34,723	11,574
	Tarfaya	2	9,549	4,775	78%	8%	6,697	3,349
Marrakech - Tansift	Al Haouz	4	214,678	53,670	56%	21%	86,447	21,612
	Chichaoua	4	148,012	37,003	51%	2%	50,212	12,553
	El Kela Sraghna	4	203,829	50,957	45%	50%	27,884	6,971
	El Médina Sidi Youssef Ben Ali	3	150,438	50,146	45%	36%	35,619	11,873
	Essaouira	4	194,130	48,533	49%	30%	50,976	12,744
	Gueliz Annakhil	3	151,142	50,381	49%	25%	46,529	15,510
	Ménara	3	166,435	55,478	52%	28%	47,730	15,910
Meknès - Tafilalet	Rehamna	4	117,386	29,347	45%	26%	35,475	8,869
	El Hajeb	2	99,537	49,769	53%	55%	16,466	8,233
	Errachidia	5	186,874	37,375	53%	28%	54,582	10,916
	Ifrane	2	77,680	38,840	57%	61%	8,588	4,294
	Khénifra	3	167,439	55,813	48%	27%	48,773	16,258
	Meknès	6	317,938	52,990	42%	32%	66,530	11,088
Oujda - Angad	Midelt-Lkbab	3	130,013	43,338	51%	31%	27,949	9,316
	Berkane	3	128,383	42,794	45%	24%	27,637	9,212
	Driouch	3	106,151	35,384	41%	17%	31,505	10,502
	Figuig	3	68,522	22,841	52%	29%	24,131	8,044
	Jerada	2	58,240	29,120	52%	17%	22,183	11,091
	Nador	4	225,156	56,289	34%	42%	39,626	9,906
	Oujda-Angad	4	242,870	60,718	36%	32%	43,958	10,990
Oued Eddahab - Lagouira	Taourirt	2	99,896	49,948	38%	20%	28,012	14,006
	Aousserd	2	7,648	3,824	73%	20%	4,039	2,020
Rabat - Salé - Zemmour - Zaer	Oued Eddahab	2	33,027	16,514	59%	23%	13,232	6,616
	Khémisset-Oulmès	3	125,958	41,986	43%	35%	20,646	6,882
	Rabat-Chellah	3	127,724	42,575	50%	28%	39,525	13,175
	Rabat-Océan	4	172,034	43,009	47%	34%	47,169	11,792
	Salé-Al Jadida	3	137,488	45,829	43%	25%	37,908	12,636
	Salé-Médina	4	201,647	50,412	38%	24%	53,342	13,335
	Skhirate-Témara	4	201,134	50,284	51%	42%	43,671	10,918
Tiflet-Rommani	3	119,723	39,908	51%	21%	40,570	13,523	
Souss - Massa - Darâa	Agadir Ida Outanane	4	227,820	56,955	38%	28%	45,019	11,255
	Chtouka Ait Baha	3	152,368	50,789	43%	26%	45,809	15,270
	Inzegane-Ait Melloul	3	197,679	65,893	36%	23%	48,902	16,301

Region	Electoral District	No. of Seats in District	No. of Registered Voters	Registered Voters per Seat	Percentage Turnout	Percentage Spoiled or Blank Ballots	Total Valid Votes Less Those Below 6% Threshold*	Electoral Average**
Souss - Massa - Darâa (continued)	Ouarzazate	2	120,138	60,069	55%	24%	43,957	21,979
	Sidi Ifni	2	69,501	34,751	61%	16%	32,585	16,293
	Taroudant-Al Janoubia	4	203,499	50,875	47%	18%	72,401	18,100
	Taroudant-Chamalia	3	156,359	52,120	56%	21%	56,414	18,805
	Tinghir	3	132,150	44,050	53%	30%	37,542	12,514
	Tiznit	2	111,532	55,766	48%	18%	41,624	20,812
	Zagora	3	108,994	36,331	51%	19%	41,681	13,894
Tadla - Azizal	Azizal-Demnate	3	95,345	31,782	51%	33%	25,767	8,589
	Beni Mellal	6	238,541	39,757	41%	35%	47,217	7,870
	Bzou Ououizeght	3	119,655	39,885	54%	36%	28,111	9,370
	Fqih Ben Saleh	4	141,792	35,448	70%	41%	43,006	10,752
Tanger - Tétouan	Chefchaouen	4	157,461	39,365	51%	46%	30,615	7,654
	Fahs Anjra	2	34,317	17,159	62%	18%	14,386	7,193
	Larache	4	185,222	46,306	46%	32%	54,411	13,603
	M'diq-Fnideq	2	77,441	38,721	44%	36%	19,883	9,941
	Ouazzane-Had Kourt-Jorf El Melha	3	116,828	38,943	53%	22%	40,671	13,557
	Tanger-Assilah	5	299,327	59,865	42%	35%	66,865	13,373
	Tétouan	5	211,220	42,244	38%	29%	44,179	8,836
Taza - Al Hoceima - Taounate	Al Hoceima	4	176,191	44,048	37%	14%	51,068	12,767
	Guercif	2	82,893	41,447	36%	21%	17,844	8,922
	Karia Ghafsai	3	110,279	36,760	51%	15%	45,908	15,303
	Taounate-Tissa	3	127,326	42,442	39%	23%	34,330	11,443
	Taza	5	246,966	49,393	39%	41%	48,542	9,708

Data based on unofficial figures provided by the Rabat School of Governance and Economy through its actionpublique.ma website. The government of Morocco has not yet released official results data.

* Calculation based on the following equation: [(“Number of Registered Voters” * “Percentage Turnout”) * (1 – “Percentage Spoiled or Blank Ballots”)] – “Valid Ballots Below 6% Threshold”.

** Calculation based on the following equation: (“Total Valid Votes Less Those Below 6% Threshold” / “Number of Seats in District”).

III. Summary of Election Results by Party and for Women's Representation

Party	Local List: % of Vote*	Local List: % of Seats	Local List Seats Obtained		National List: % of Seats	National List Seats Obtained			Total % of Seats	Total Seats	Change from Previous Parliament (2007 elections)
			Total	Women		Total	Women	Youth			
Justice and Development Party (PJD)	22.78%	27.21%	83	2	26.67%	24	16	8	27.09%	107	↑ +12.89%
Istiqlal Party (PI)	12.00%	15.41%	47	1	14.44%	13	9	4	15.19%	60	↓ -1.41%
National Rally of Independents (RNI)	11.33%	13.11%	40	1	13.33%	12	8	4	13.16%	52	↓ -0.46
Party for Authenticity and Modernity (PAM)	11.05%	11.48%	35	3	13.33%	12	8	4	11.90%	47	↓ - .00%**
Socialist Union of Popular Forces (USFP)	8.60%	9.84%	30	0	10.00%	9	6	3	9.87%	39	↓ -2.43%
Popular Movement (MP)	5.80%	7.87%	24	0	8.89%	8	5	3	8.10%	32	↓ -1.7%
Constitutional Union (UC)	5.80%	5.57%	17	0	6.67%	6	4	2	5.82%	23	↓ -1.58%
Party of Progress and Socialism (PPS)	5.68%	3.93%	12	0	6.67%	6	4	2	4.56%	18	↓ -0.67%
Workers' Party (PT)	2.26%	1.31%	4	0	0.00%	0	0	0	1.01%	4	↑ +0.09%
Renewal and Equity Party (PRE)	(unavailable)	0.67%	2	0	0.00%	0	0	0	0.51%	2	↑ +0.21%
Democratic and Social Movement (MDS)	1.71%	0.67%	2	0	0.00%	0	0	0	0.51%	2	↓ -2.19%
Environment and Sustainable Development Party (PEDD)	2.30%	0.67%	2	0	0.00%	0	0	0	0.51%	2	(new to parliament)
Al Ahd Ad Dimocrati Party (AHD)	1.73%	0.67%	2	0	0.00%	0	0	0	0.51%	2	(new to parliament)
Front of Democratic Forces (FFD)	2.84%	0.33%	1	0	0.00%	0	0	0	0.25%	1	↓ -2.45%
Action Party (PA)	1.73%	0.33%	1	0	0.00%	0	0	0	0.25%	1	↑ +0.30%
Unity and Democracy Party (PUD)	(unavailable)	0.33%	1	0	0.00%	0	0	0	0.25%	1	(new to parliament)
Liberty and Social Justice Party (PLJS)	(unavailable)	0.33%	1	0	0.00%	0	0	0	0.25%	1	(new to parliament)
Leftist Green Party (PGV)	0.71%	0.33%	1	0	0.00%	0	0	0	0.25%	1	(new to parliament)

Bold indicates parties which are members of the 2011 governing coalition.

* Data based on unofficial figures provided by the Rabat School of Governance and Economy through its actionpublique.ma website, and may not be complete. The government of Morocco has not released official detailed results. According to EGE data, the estimated rate of invalid ballots is 28 percent. "Local List % of Vote" data was not available for three parties.

** PAM did not exist until after the 2007 elections. When it formed in 2008, it absorbed a number of elected members from other parties to become the largest parliamentary group.

Summary of Results for Women's Representation in 2011	
Number of local electoral district seats won by women	7
Percentage of local district seats won by women (out of a total of 305)	2.3%
Number of national list seats won by women (out of a total of 90, with 60 reserved for women and 30 reserved for men under 40 years of age)	60
Total seats won by women	67
Total percentage of women's representation (out of 395 total seats in the Lower Chamber of Parliament)	17.0%
Percentage change since 2007 in women's representation	↑ +6.5%

In order to determine the distribution of seats, an “electoral average” or “electoral quotient” is calculated for each electoral district based on the number of valid ballots cast divided by the number of open seats in the district:

$$\text{Electoral quotient} = \text{valid ballots cast} / \text{seats.}$$

For example, if 3,000 valid votes are cast in a two-seat electoral district, the electoral quotient is $(3,000 / 2) = 1,500$. In theory, the winning party must gain this number of votes to win a seat.

In districts with a large number of open seats, it is not difficult to attain the electoral quotient. However, in districts with a small number of seats, the electoral quotient is high, and thus difficult to achieve, especially given the large number of parties that contest elections.

Local Electoral District: Distribution of Seats

In order to participate in the distribution of seats, parties have to achieve a minimum threshold of votes. For the local electoral district, the threshold is six percent.³³ The threshold is calculated for each district, depending on the number of valid ballots cast on election day.

If no party attains the electoral quotient, the party with the plurality of votes receives the first seat and the party with the second highest number of votes receives the next seat. This process continues until all the seats are filled.

If the electoral quotient is reached, the process of allocating seats becomes slightly more complicated. Morocco uses **PR system with *the method of largest remainder and Hare quota*** to allocate seats. Under this system, seats are effectively distributed in two rounds:

- 1) Seats are awarded to parties who have achieved the electoral quotient. Any party that reaches the electoral quotient automatically wins a seat. The quotient is then subtracted from those parties' vote totals.
- 2) All parties with votes above the legal threshold are awarded seats according to who has the greatest number of votes—or “largest remainder”—until all seats are allocated. If a party already achieved the electoral quotient and won a seat in the first round of distributions, it will only win a second seat if its remainder is higher than the original number of votes of the other parties.

For an example of this rather complicated process, see the illustrative calculations for imaginary *district X* below.

Given the district boundaries and the large number of political parties, it is clear in the example of *district X*, that it is almost impossible for a single party to win more than one seat in one electoral

³³ The local district threshold was five percent in 2002 and was increased to six percent in 2007, which has been maintained in the 2011 electoral reforms. The national list threshold was also six percent in 2007, but it was decreased to three percent with the 2011 electoral reforms.

district. For this to happen, the party's remainder must be higher than the original count for the other parties contesting. The system is also unlikely to result in a distribution of seats that is closely proportional to the distribution of votes. In *district X*, for example, Party A took in 1,800 votes, while Party D received only 700. Although Party A received 30 percent of the vote and Party D received just 12 percent, both received the same representation in parliament—one seat—despite an almost 20 percent difference in voter support.

Because this system makes it very difficult for a single party to gain more than one seat in a district, it increases the likelihood that parliament will be composed of a large number of parties, each with a small number of representatives. The PR system with the method of the largest remainder has been deliberately adopted in countries where a parliament inclusive of many political forces was considered a priority, including Sierra Leone in the immediate post-conflict period.³⁴ The system is also used in Costa Rica, where larger magnitude districts (approximately eight seats per district) and a consolidated political party system produce a legislature composition more representative of the popular vote. In the Moroccan system, parties have a strong incentive to put their strongest candidate in the first slot on the list and voters are essentially choosing between the individuals who head the party lists, rather than a party platform or ideology. Given the political and social context, it also means that women candidates are likely to be in second, third, fourth or fifth positions on the party lists and therefore unlikely to win a parliamentary seat through the local district.

Example: District X

*District X is a 4-seat local electoral district. On election day, **5,640 valid ballots** are counted among the **6,000 total votes cast**.*

***1,410 is calculated as the electoral quotient** [$\text{valid ballots} / \text{seats} = 5,640 / 4 = 1,410$].*

***338 is determined as the electoral threshold** [$\text{valid ballots cast} * 6\% = 5,640 \times 6\% = 338$].*

The election results by party are in the table below:

Election Results in District X	
Party	Number of Votes
Party A	1,800
Party B	1,600
Party C	1,100
Party D	700
Party E	450
Party F	320

³⁴ Sierra Leone has since abandoned the PR/largest remainder system in favor of single-member majoritarian districts.

Step 1: Application of threshold

Party F did not achieve 338 votes, the minimum required threshold. Party F cannot win any seats in District X and is eliminated from the distribution process.

Step 2: Allocation of seats to parties who achieve the electoral quotient

Party A and Party B both met and exceeded the electoral quotient. They each receive one seat. The electoral quotient (1,410) is then subtracted from the votes won by Party A and B to determine their remainders.

Party	Number of Votes	Seats Won	Remainder
Party A	1,800	1	1,800-1,410 = 390
Party B	1,600	1	1,600-1,410 = 190
Party C	1,100		1,100
Party D	700		700
Party E	450		450
Party F	320		

Step 3: Allocation of remaining seats by largest remainder

There are 2 remaining seats for allocation. Party C has the largest remainder with 1,100 votes and wins one seat. Party D has the next largest remainder and wins the other seat. The final distribution of seats is below:

Party	Number of votes	Seats Won
Party A	1,800	1
Party B	1,600	1
Party C	1,100	1
Party D	700	1
Party E	450	
Party F	320	

Distribution of Seats: National Electoral District

The election for the national district works similarly to the elections for the local electoral district. Parties must present a single closed-list comprising women and male youth candidates and the PR with the largest remainder system is applied for 60 women-reserved seats and 30 youth-reserved seats.

Similar to the local electoral district, parties must win a minimum threshold of votes to participate in the distribution of seats for the national list. The threshold has been decreased from six percent to three percent. In theory, this means that more parties should be able to participate in the distribution of seats.

In the example based on the 2007 results:

$$\begin{aligned} \text{Threshold} &= \text{valid ballots} \times 3\% = \\ &4,634,070 \times 3\% = 139,022 \end{aligned}$$

Parties above the threshold are then allocated seats based on an electoral quotient for reserved women seats and reserved youth seats. The quotients for each reserve are calculated using the same method as the local district elections, but include all valid ballots cast in Morocco. For example, in 2007, 4,634,070 valid ballots were cast across the country.

$$\begin{aligned} \text{Electoral quotient for Reserved Women's Seats} &= \text{valid ballots cast} / \text{seats} = \\ &4,634,070 / 60 = 77,234.5 \end{aligned}$$

$$\begin{aligned} \text{Electoral quotient for Reserved Youth Seats} &= \text{valid ballots cast} / \text{seats} = \\ &4,634,070 / 30 = 154,469 \end{aligned}$$

If the electoral quotient is reached, seats are awarded to parties who have achieved the electoral quotient. Any party that reaches the electoral quotient automatically wins a seat. The quotient is then subtracted from those parties' vote totals.

Next, all parties with votes above the legal threshold are awarded seats according to who has the greatest number of votes—or “largest remainder”—until all seats are allocated. Because there are many seats, this distribution may take several rounds. Each time a party wins a seat, the electoral quotient is subtracted from its number of votes and the remainders of all parties are compared. If a party already achieved the electoral quotient and won a seat in a first round of distributions, it will only win a second seat if its remainder is higher than the original number of votes of the other parties.

In establishing their national lists, parties must follow specific requirements. In 2002, the political parties reached an informal agreement that the national list would be reserved for women candidates. With the 2011 electoral reforms, the guarantee for women candidates on the national list is provided by law. The total number of seats allocated through the national district also increased from 30 in 2002 to 90 in 2011. The new Law on the Chamber of Representatives also requires that male youth be included on the list.

Each national slate includes 90 names and is required to follow the same structure as illustrated in the example to the right. Lists comprise successive names of two female candidates followed by the name of a male youth candidate 40 years of age or under. All slates must be led by a woman candidate. While the national party lists contain both women and youth candidates, seats are allocated in two distinct calculations (first for 60 seats for women, then for 30 seats for men). The joint slate thus functions as two separate lists.

Party Y National Electoral List

1. Woman
2. Woman
3. Youth (male 40 years or under)
4. Woman
5. Woman
6. Youth (male 40 years or under)
7. Woman
8. Woman
9. Youth (male 40 years or under)
- ...
88. Woman
89. Woman
90. Youth (male 40 years or under)

V. Comparison of Key Electoral Framework Provisions, 2007 and 2011

	2007 Electoral Framework	2011 Electoral Framework
Electoral system	Proportional representation with largest remainder	Proportional representation with largest remainder
Seats in Chamber of Representatives	325	395
Local Electoral District Seats	295	305
Local electoral districts	95	92
Seats per local district	Between 2 and 5	Between 2 and 6
National List Seats	30	90
Seats guaranteed for women	30 by informal party agreement	60 by law
Districting process	<ul style="list-style-type: none"> • No criteria defined in the law (see article 2). • No systematic districting based on population data. • Wide variance in population represented by seat. 	<ul style="list-style-type: none"> • Principles defined by law (see article 2): demographic balance; homogeneity and continuity; districts congruent with or nested in provinces. • No systematic redistricting based on population data. • Wide variance in population represented by seat.
Use of phones and cameras	<ul style="list-style-type: none"> • Law silent. • Permitted in polling stations. 	<ul style="list-style-type: none"> • Cell phones, computer devices of other device used to take photos or for audio-visual communication prohibited in polling stations, counting and tabulation centers (article 50).
Campaign period	<ul style="list-style-type: none"> • 15 days 	<ul style="list-style-type: none"> • 13 days
Public Opinion Polling	<ul style="list-style-type: none"> • Law silent. 	<ul style="list-style-type: none"> • Not allowed beginning 15 days before campaign through end of voting. • Media cannot conduct exit polls.
Observation	<ul style="list-style-type: none"> • No legal framework on rights, responsibilities or guarantees of observers. • Observers accredited in practice. 	<ul style="list-style-type: none"> • Observer rights guaranteed in the 2011 constitution (see article 11). • Law on Electoral Observation defines rights, roles and responsibilities. • Establishment of Special Commission for the Accreditation of Electoral Observers.
Independent election commission	<ul style="list-style-type: none"> • No commission. • Election administered by Ministry of Interior. 	<ul style="list-style-type: none"> • No commission. • Election administered by Ministry of Interior.
Ballot burning	Valid and undisputed ballots burned immediately following vote counting (see article 73).	Valid and undisputed ballots burned immediately following vote counting (see article 79).
Ballot design	One ballot.	No change, testing or consultative review.



**Statement of the
International Pre-Election Assessment Delegation to
Morocco's 2011 Legislative Elections**

Rabat, 26 October 2011

Within the framework of a new observation law and following discussion with relevant Moroccan government authorities, the National Democratic Institute (NDI) organized a pre-election assessment mission from October 20 to 25 as part of the Institute's overall international election observation mission for legislative elections scheduled in Morocco on November 25, 2011. The purposes of the delegation were to demonstrate the interest of the international community in the continued strengthening of democratic political processes and democratic governance in Morocco; provide an impartial and accurate assessment of the political environment and electoral preparations; and identify areas in which improvements are needed and offer recommendations to improve the integrity and transparency of these and future elections.

The delegation included: Pedro Sánchez Pérez-Castejón (Spain), political expert, who has served as an elected member in parliament and municipal government; Francesca Binda (Canada), political party expert, currently NDI resident senior director in the West Bank and Gaza; Tova Andrea Wang (USA), electoral reform expert, currently senior democracy fellow at *Demos*; and Jeffrey England (USA), NDI resident director in Morocco.

During their stay, the delegates met in Rabat with representatives of political parties; officials of the Ministry of Interior; officials of the National Human Rights Council (CNDH), charged with coordinating observer accreditation; other government officials; civic leaders; citizen observers; media and representatives of the international community. Delegation members also traveled to Fez and Casablanca to meet with local government representatives, observers, candidates, political party leaders and other activists.

The pre-election assessment is part of NDI's overall international election observation mission. In late October, NDI intends to field a team of 10 long-term observers who will continue to observe the pre-electoral period (including voter list review, candidate registration and the campaign period), polling day and the immediate post-election period across the country. In addition, an international delegation of approximately 30 people will visit Morocco for the week surrounding election day. That delegation will deploy around the country to observe the final days of the campaign period, the polling process, counting, tabulation and the announcement of results.

The delegation neither seeks to interfere in the election process, nor to render a final assessment of the election process. All aspects of the assessment were conducted in accordance with Moroccan law and international standards for election observation set forth in the *Declaration of Principles for International Election Observation*. All recommendations are offered in the hope of supporting and

strengthening the democratic reform process that Moroccans have undertaken themselves.

NDI and the pre-election delegation appreciate the hospitality, openness and frankness all those who participated in the assessment. In particular, the delegation wishes to express gratitude to the CNDH for their invitation to observe this important process.

Executive Summary

Legislative elections now scheduled in Morocco for November 25, 2011 come nearly one year earlier than regularly planned. This year, Morocco has witnessed popular protests demanding an increase in power-sharing among government institutions and an end to widely perceived corruption and nepotism within the ruling class. In response, a referendum was organized in July, introducing a revised constitution for the country. A large package of laws governing the campaign and elections processes was also quickly enacted, though some of those laws have yet to be finalized. Many Moroccans view the electoral process as a first test of the new constitution, the spirit with which it will be interpreted and how it will be implemented.

Despite the shortened timeframe, the current electoral environment is marked by a number of positive factors. Perhaps most notable is the enactment of a legal framework for observation by domestic and international organizations, which codifies a right provided in the new constitution. Most actors indicated that the election administration at the national level appears technically sound and professional. In addition, changes to voter identification requirements (instead of needing to present a special voter card, voters can now simply show the national identity card) are perceived as a positive development to ease the voting process. Despite some inherent limitations, political parties recognize that citizens, and particularly youth, are looking to parties for change, and party leaders acknowledge the need to address citizens' aspirations and concerns in their campaigns and platforms.

These positive elements, however, exist in the context of a continuing crisis in confidence in Moroccan political institutions and systems of governance. This crisis manifested itself as early as 2007, when turnout in the last legislative elections reached a historic low of 37 percent, and has continued in the form of ongoing public demonstrations. Leaders universally recognize the risk of low voter turnout, acknowledging the sense that the public is not satisfied with developments to date and that low turnout could jeopardize the legitimacy of the new parliament and the reform process itself. Many activists, and even party leaders themselves, say that citizens still do not perceive the political parties as vehicles for change, exacerbating apprehension that the election will be met with apathy. Broad concerns remain over the neutrality of election administration at the local level. Without any significant changes to a complex electoral system and disproportionate districting, it is likely that a splintered legislature will again be voted in and some major parties will, as in previous elections, win fewer seats than their total share of the popular vote.

Instilling confidence among voters and the broader citizenry in the integrity of the process and institutions will be the most important challenge during this electoral process. The task will fall to election authorities to impartially and vigorously apply relevant regulatory laws, political parties to demonstrate responsiveness to the people's aspirations in their campaign programs and candidate choices, and civil society to provide oversight and help connect citizens to the electoral process. Given the shorter-than-expected preparatory timeframes, Moroccan authorities need to demonstrate flexibility in developing regulations and ensure clarity and broad efforts to communicate the rules

and procedures. As the Moroccan people look toward a new legislature and government to implement provisions of the revised constitution and address issues of critical importance to them, they need to be assured of the will of political leaders to be responsive and responsible.

The Electoral Context

A complete assessment of any election must consider all aspects of the electoral process: the legal framework regulating elections, election observation, political parties and the media; the political environment before and during the campaign; voting and counting procedures; tabulation and announcement of results; mechanisms for complaints and their resolution; and implementation of the election results. Analysis must draw on information from the pre-election period, election day and the immediate post-election period.

In the context of the Morocco's recent constitutional and electoral reforms, an assessment of the election must also take into account the political environment in which reforms were initiated and the degree to which the election process will be able to respond to—and will be perceived to respond to—Moroccans' expectations and aspirations. Indeed, the electoral process may be seen as a first test of Morocco's new constitution and the spirit with which it will be interpreted and implemented.

Leading into the 2007 parliamentary elections—the first observed by an independent international delegation—Morocco had undergone a decade of significant change as the country explored greater political and social openness within the framework of a centralized monarchy. In general, NDI's international observation report in 2007 noted that voting day on September 7 for the chamber of representatives was conducted in an orderly and transparent manner. However, low voter turnout (37 percent) and a high rate of blank, spoiled or protest ballots (19 percent) indicated that the Moroccan political system had not yet overcome the challenge of inspiring voters and voter confidence in legislative institutions, elected officials, candidates and parties. In the 2009 municipal elections, stronger turnout rates (52 percent) and further professionalization of the election administration signaled a step forward. At the same time, a high rate of complaints (the equivalent of eight for every 100 voters) and invalid votes signaled that underlying issues had not been addressed. The October 2009 indirect elections for one third of the chamber of councilors revealed further discontent among and within political parties, including allegations of fraud and partiality on the part of the administration.

As neighboring Tunisians, Egyptians and Libyans took to the streets during the Arab Spring, young Moroccan organizers rallied crowds across the country in unprecedented, simultaneous street protests demanding an increase in power-sharing and an end to corruption and nepotism within the ruling class. In response to the February 20 Movement—which took its name from the first day of protests—and their continued demonstrations, on March 9 King Mohamed VI announced the formation of a committee tasked with proposing amendments to the Moroccan constitution. On July 1, less than four months later, 73 percent of Moroccans reportedly turned out for the referendum and more than 98 percent of those voted in favor of the new constitution.

Despite the overwhelming result in favor of the new constitution, the vote was also marked by continuing debates between political interests over whether the constitutional amendments were sufficient to bring about real change. Many groups pointed to significant improvements, including the guarantee to name the Prime Minister from the party which holds the most parliamentary seats,

the Prime Minister's expanded power to name senior civil servants, the pursuit of "parity" between men and women, and the recognition of *Amazigh*, the language of the country's indigenous Berber, as an official language. However, some Moroccans also expressed concern that the referendum campaign period was yet another example of what they perceive as an unfair playing field, as supporters of the constitution had access to state resources and assistance from religious authority to lock in the overwhelming approval.

In mid-July, the Ministry of Interior initiated discussions about the date for early elections as a necessary next step following constitutional reform. Following a series of consultations with political parties, November 25, 2011 was announced as the polling date. Meanwhile, political parties, civic groups and other interested parties turned their attention to reviewing and seeking to make their voices heard on the package of revised electoral laws, including the laws on the chamber of representatives, political parties, observation, electoral districting and the electoral list, all of which were presented to party leaders in draft form by the Ministry of Interior. While broad agreement was reached on the need for elections earlier than the regularly scheduled October 2012 date, the November 25 date left little time for meaningful discussion, review, consultation and input into the various pieces of legislation.

This process of review of the electoral legislation was critical; it was the first test of whether the parliament and parties could and would reach their potential to play a more meaningful role as provided in the new constitution. The electoral framework content was equally important; decisions about the electoral system, districting, political party regulation and observation will determine whether the forthcoming elections will result in a parliament that will look and be able to act differently. At this stage, however, not all legislation, decrees or related regulations have been clarified, finalized or publicized.

Some of the specific aspects of the electoral context for the 2011 parliamentary elections are discussed below.

Electoral Framework: Following the constitutional referendum, the Ministry of Interior presented political party leaders with hard copies of the initial package of draft revised laws in mid-July, including the laws on the chamber of representatives, political parties and observation. After the Ministry shared the draft laws, a series of discussions between the administration and political parties took place. Political parties were able to offer input and suggestions on the legal framework during this period, though there was a relatively short amount of time to review the drafts and provide input given the volume and scope of the legislation. For civil society, party members and other actors, the reform of the framework seemed to take place through closed-door discussions with no opportunity for outside input. Little debate took place in either of the chambers of parliament; in fact, less than one quarter of the elected members in the lower house attended sessions when voting on the legislation took place. While the resulting laws do provide for some changes to the electoral framework, the legislative process raised concern and reinforced public perceptions that the way in which decisions were made was business as usual.

The 2011 revisions maintain the same proportional representation, largest remainder system both for multi-member districts and a national list as existed in 2007.³⁵ The minimum threshold to take

³⁵ Under the *method of largest remainder*, seats are effectively distributed in two rounds: first, seats are awarded to parties

seats in the parliament for the district lists was maintained at six percent while the threshold for the national list was decreased to three percent at the request of smaller parties. While NDI heard differing views on the threshold, no one with whom NDI met expressed strong feelings about the thresholds on either lists. This system inherently creates splintered legislatures given the number of parties because it is virtually impossible to win more than one seat in a district. The complexity of the allocation of votes and the fact that it produces outcomes other than those expected also seems to lead to misunderstandings and suspicions among citizens and party officials.

Candidate Lists: Recognition of parity among men and women in the new constitution is a strong step for ensuring women's participation, in political processes and more broadly across Moroccan society. While the national list had been reserved exclusively for women since its introduction in 2002 on the basis of an informal agreement among political parties, the new electoral law codifies the reservation for women. Though the law reserves 60 seats exclusively for women on a separate national list, many women activists expressed disappointment at this outcome; with the increase in the number of seats overall, the law only increases women's representation from 9 percent to approximately 15 percent of the legislature—not the parity some women's organizations were originally seeking or even the one third or one quarter quotas that were subsequently suggested. Moreover, many women would have preferred that the full 90 seats of the national list be reserved for women. However, the new electoral law also provides for the inclusion of 30 male youth seats on the national list.³⁶ Although encouraging the participation of youth in politics is a positive step to address many of the concerns raised during the February 20 protests, women's groups have questioned whether limiting the youth seats only to men respects the letter and spirit of pursuing gender parity guaranteed by the constitution.

The electoral system also seems to significantly impact the internal party nomination process for district-level lists. Knowing that most parties will only win one seat per district, parties can only afford to put their most popular candidate—often someone with financial means and/or a high public profile—as the first person on the list. This presents a dilemma for parties that wish to respond to the almost universal demand among the politically active and civil society for change and “new faces” in politics, but that understand that often the incumbents under the given system are better poised to take the only seat the party will be able to secure. While most voters choose according to the party symbol, it is widely known they are essentially voting for the candidate in the first spot. This seems to continue to create a barrier for women and youth participation on district lists, as well as for allowing for new, non-incumbent candidates.

Districting: A redistricting process has been taking place as part of the electoral reform package. Little information is available about how this process was undertaken and whether a set of clear criteria, which had been proposed by some political parties, was applied. In fact, NDI heard from officials at the Ministry of Interior, responsible for administering the elections, that there was no systematic

who have achieved the electoral quota, which is defined according to the Hare method as total votes divided by total seats. The quota is then subtracted from those parties' vote totals. Next, all parties with votes above the legal threshold are awarded seats according to who has the greatest number of votes—or “largest remainder”—until all seats are allocated. The Moroccan system is a closed-list system, meaning each party fixes the order in which the candidates are listed. See Appendix D of NDI's *Final Report on the Moroccan Legislative Elections, September 7, 2007*.

³⁶ “The slates shall comprise the successive names of two female candidates followed by the name of a male candidate. Leadership of the slate shall be assigned to a female candidature while the age of the male candidates on the list shall not exceed forty years at the time of the election.” (Article 23, Bill Number 27-11 on the Lower Chamber of Parliament)

process for determining the delineation of districts relative to population. Moreover, a number of seats and districts appear to have been added without any systematic correlation to changes in population size or demographic breakdown. What is known is that there remains significant variation in the size of the districts throughout the country.

NDI noted a mixed opinion among the political actors with whom the delegation met concerning the districting issue. While some, particularly in smaller parties, pointed to the advantage given in larger districts to candidates and/or parties with more resources (to the point, it was claimed, that only the wealthy could afford to run in such districts), others noted the potential over-representation of rural votes in many districts, which could skew the election outcomes. Similarly, while smaller parties suggested that large districts would dilute geographically concentrated support, others pointed to the fact that larger districts dissuade corruption and vote buying, as well as strengthen the role of parties over individual candidates.

Nonetheless, based on the information currently available, the significant discrepancies in the number of voters represented by an elected member has not been addressed and disparities of such magnitude effectively value some citizens' votes over others'. In 2007, for example, a seat in the Tiznit province represented 45,373 voters while one in Zagora, within the same geographic area, represented 66,977, a variation of 32 percent.

The importance of consistent district size has been recognized by the Venice Commission's 2002 *Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report*. The Code, along with other international norms, recommends a discrepancy in district population size no greater than 15 percent: "The permissible departure...should not be more than 10 percent, and should certainly not exceed 15 percent except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)." The Code emphasizes the importance of basing district delineation and seat distribution on demographic considerations, such as overall population or number of registered voters.³⁷ Although Morocco's districting process is yet to be fully publicized, the discrepancies among some districts far exceed these margins.

The maintenance of the proportional representation, largest remainder system and the districting will likely result, once again, in no party winning a substantial plurality, much less a majority, in the chamber of representatives. In contrast to popular will and the spirit of proportional representation, some major parties are likely, once again, to win fewer seats than their total share of the votes.

Political Parties: With the shortened timeframe to prepare for the elections, parties and some newly emerged coalitions of parties are still in the process of developing their strategies, campaign messages and platforms. In the interim, many parties are attempting to mobilize citizens for voter registration, given the concern they acknowledge over voter participation rates. These are positive indicators. Based on conversations with party representatives from across the political spectrum, parties recognize that citizens are looking to parties for change. Though it is not always clear how campaigns will specifically respond to this demand, party officials acknowledge the need to address citizens' aspirations and concerns in their campaigns and platforms. Related to the public calls for change, most parties acknowledge that youth are an important demographic that needs to be engaged in the political process and in party action.

³⁷ The full text is available here: [http://www.venice.coe.int/docs/2002/CDL-AD\(2002\)023rev-e.pdf](http://www.venice.coe.int/docs/2002/CDL-AD(2002)023rev-e.pdf)

More generally, however, despite adjustments within the revised political party law and some efforts that parties shared with the delegation, there is still the perception among the public that the behavior or approach of most parties has not fundamentally changed. The public points to closed internal mechanisms for choosing candidates, failure to enunciate clear positions or platforms, and failure to engage directly with the citizenry. On an optimistic note, most parties acknowledge this state of perception and the possible impact it could have on voter turnout on election day and express a desire to respond. Given the truncated timeline for these elections, the delegation acknowledges that parties have little opportunity to engage in meaningful and extensive internal party consultations for candidate selection.

Political Party Funding: The delegation was encouraged by reforms to the political party and chamber of representative laws and related decrees that provide increased and clearer regulation of party financing and candidate spending. These include broadening and clarification of state financing for party operations and campaigning, spending limits for candidates and proposals to encourage women's candidacies. They do not, however, expressly limit spending by national-level political parties in campaigns. Ensuring the enforcement of these regulations with seriousness and equity will be critical to building confidence in the legal framework and the neutrality of the state. Further refinement of the framework for financing of campaigns will be important for future elections.

Media Access: The delegation appreciated the opportunity to meet with the Higher Authority for Audiovisual Communication (HACA) and notes the uniqueness of such a regulatory agency in the Middle East and North Africa (MENA) region, as well as the professionalism it seems to display. While it is commendable that there is oversight of the media by a semi-independent agency and that equitable access to public media is regulated by law, some parties with whom the delegation met believe that the formulas for allocation of air time are to the detriment of parties with limited or no representation in parliament.

The NDI delegation notes that there are no clear criteria or formulae on the allotment of the timing of coverage provided to political parties. Since the HACA acknowledges that they are only mandated to regulate overall access, there are no mechanisms to ensure that parties receive equitable coverage during “prime time” viewing hours or that differences are made among different types of programming related to the elections. The shortcoming on the timing of allocation is compounded by a further weakness, in that the allocation of equitable time is applied to the whole campaign period, rather than on a daily or weekly basis. It is conceivable, therefore, that smaller parties could be allocated all of their—already limited—time at once, at the end of the campaign, during a time of day when viewership is low.

Moreover, since analysis of the level of coverage of the parties is not concluded until after the election, there is no enforcement of the rules that would impact the course of campaigns.

Voter Participation: Overall, the primary concern among virtually all of the actors with whom the delegation met related to the level of voter turnout for the elections. Several times, breaking the 50 percent turnout level was mentioned as a satisfactory (and still challenging) rate. These concerns seem to stem from the experience of the historically low 37 percent rate experienced in 2007, and are reinforced by the sense expressed by many that the public is not encouraged by developments to date. Although widely expressed, the concern over the potential impact of low voter turnout had various interpretations. Some said turnout would determine the legitimacy of the overall reform process, others that it would establish the credibility of the new parliament and the likelihood of

continued discontent, which could, in fact, be further inflamed. Although the information is anecdotal, there is a widespread perception that election campaigns are fraught with corruption; negative perceptions about the integrity of the system can also lead to cynicism toward the efficacy of the political system as a whole and, hence, to voter apathy.

Election Administration: Under the revised electoral framework, the Ministry of Interior remains the body responsible for administering the elections. Almost all actors indicated that the election administration at the national level is technically sound and professional. It is noteworthy that the reform of the voter list administrative committees, in which judges are now placed in charge of collection and review of voter lists, was seen as a positive sign by virtually all parties and actors. The elimination of presenting a special voter card in favor of using the national identity card is perceived as a positive development, as there was some confusion over the distribution of voting cards in the past. Similarly, the outreach efforts to encourage eligible citizens to register to vote are taken as encouraging signs.

While distinctions were made between the operation of election authorities at the national and local levels, many people with whom NDI met remain skeptical that the Ministry would remain neutral. For their part, Ministry officials with whom the delegation met seem to see themselves as implementers of the law with no flexibility to create supporting regulations or to interpret the legal framework where there are ambiguities. Decisions and interpretations inevitably need to be made in election processes.

Having an independent election commission empowered to interpret and regulate the election legal framework solves this. The establishment of independent electoral bodies has become a common trait of elections around the world. In some countries, commissions play a role in advising the Ministry of Interior on election administration or even taking over management responsibility. Based on their ability to act as unbiased administrators among political parties, candidates and observers on behalf of citizens, independent electoral commissions can help to increase public confidence in the integrity and transparency of the process.

Voters' List: The voters' list for the 2011 elections is based on a 1992 voters' register that has been updated and revised periodically. The Ministry of Interior opened a voter registration process in late September that will last through October 27, and has expressed a commitment to removing names of people who have died or are no longer eligible to vote before the November 25 election. As noted, the outreach effort by parties and the Moroccan authorities to encourage voter registration is a positive sign.

The new voter registry law charges the Ministry with eliminating duplicate names on the list. Clarifications should be made to ensure that criteria beyond a voter's name are being used to determine if a voter is registered twice. It would also appear under the language of the law that voters who were already registered to vote and whose national identity card was not listed on their registration now need to re-register to vote.³⁸ This should be clarified or addressed.

Information about a process to check the list or appeal any mistakes or rejections is similarly unclear,

³⁸ Per provisions 12.2 in Chapter III and 5.4 in Chapter II of the Bill Number 36-11 on Renewing and Computer Processing of the Definitive General Voters' Lists in View of Their Updating.

as is the specific timeline for each phase of this process, including complaints and appeals. This is particularly problematic given the shortened timeline of these particular elections and a number of national and religious holidays that could affect administrative processes. Even if elucidated in the law, these elements remain unclear to the public and political parties, which will limit their ability to review and register complaints regarding errors. It is anticipated that the final voters' list will be published only days before the election, leading to potential confusion on election day and possibly even some undue disenfranchisement of legitimate voters. Civic groups and political parties have noted that this is particularly concerning given the requirement for both candidates and domestic observers to be on the voters' list to participate in the elections appropriately.

Transparency of Vote Counting: During its 2007 observation, NDI noted a number of issues related to the vote count, including the provision to burn all valid ballots immediately following the vote count, the handling of unused ballots, simplification of the ballot design for quicker counting and the release of results down to the polling station level. No apparent effort has been made to address these concerns.

Election Observation: A hallmark of the revised constitution in Morocco now is the enshrinement of conformity with international standards for the observation of electoral processes, which was codified, as recommended by international observers in 2007, as the first electoral text legislated.³⁹ The new law outlines the provisions for independent and impartial observation by Moroccan national institutions, civil society associations and foreign non-governmental organizations. This is an important development in Morocco's electoral framework and provides a foundational guarantee for citizen and international observers.

While the Election Observers Accreditation Committee was established in early October under the coordination of the National Council for Human Rights (CNDH), and the CNDH has demonstrated seriousness and professionalism with its election responsibilities, the specific regulations and procedures to accredit observers were released with only a one-time, ten-day submission deadline for applications. Based on discussions with officials and domestic observer groups, the criteria for acceptance remains unclear and perhaps subjective. While it is understandable that the Committee requires time to review the applications and process accreditation, ten days is a short timeline for registration. Furthermore, no information is available about the process for appeals should applications for organizations or specific observers be denied or whether the calendar allows for a timely appeals process. In addition, no provisions are apparent to allow for replacement of observers who might be sick or otherwise unable to observe on election day, which will be almost one month after the application deadline. The CNDH indicated in meetings with the delegation that it will strictly adhere to the rule that no changes to the list of individual observers can be made after October 28, presenting a tremendous practical challenge to both domestic and international observation groups.⁴⁰ Given the short electoral calendar and the challenge of implementing brand new regulations, information needs to be clear, timely and widely disseminated.

³⁹ Bill Number 30-11 to Determine the Requirements and Modalities for Independent and Impartial Election Observation. See also Article 11 of Constitution of the Kingdom of Morocco.

⁴⁰ Based on information available and depending on the accreditation results, it is expected that the *Collectif Associatif pour l'Observation des Elections*, a national coalition of civil society organizations that have observed elections since 2002, would field 3,000 domestic observers, the CNDH would field 240 of its own observers, and various other domestic groups might field upwards of 400 observers. International groups might include NDI, the European Union, the Arab League and others.

Unusually, the delegation heard concerns from political parties and civic groups over the high number of polling places—approximately 40,000—and the potential for that to hinder effective election observation. At the same time, having many polling places eases access to the polls for voters. It must be determined how these polling place locations have been allocated relative to the population to make any further findings.

Voter Education: Voter education and mobilization efforts in 2007 were significant, with campaigns by the election authorities and public-private partnerships reaching across the nation to encourage voters to register and participate, as well as providing information about how to vote. At the moment, it is unclear to the delegation the level or effort of voter education that will take place before voting, particularly in light of the shortened preparatory timeframe. The delegation heard of no significant initiatives underway or in preparation. Effective voter education cannot be limited only to the process for election day. Information about the registration process seems to have been disseminated widely; information about the other regulatory and procedural aspects of the elections is equally relevant to voters, political parties and observers. Given the shortened timeline, some regulations are necessarily still being determined. However, the Moroccan authorities can build further confidence in the process by ensuring that information is released in a systematic and timely manner.

With the high spoilage rates for ballots experienced in 2007, recommendations were made by international observers to redesign the ballot and test it with voters. Despite the recommendation, election authorities indicated that the ballots will remain the same as they were in that election and discussion of any change seems to have been limited at best. However, those rates suggest that there is a real need for voters and polling officials to understand the rules and regulations of the voting procedure and, more specifically, the ballot.

Recommendations

In the spirit of international cooperation and of the democratic values we share, the delegation respectfully offers the following recommendations:

1. Authorities responsible for coordinating observation and accrediting organizations and individual observers should clarify criteria, timelines and other vague elements in regulations. This information should be disseminated widely and in a timely manner, and polling officials should be well educated on the rights and responsibilities of observers. Further, the authorities should demonstrate flexibility as domestic and international observers tackle practical challenges in deploying within such a short timeframe.
2. The Moroccan authorities should enforce, in an even-handed and impartial manner, all the rules regarding campaigns, including the prohibition on vote buying, the prohibition on the use of public resources or religious institutions for campaigning, and campaign finance regulations. Authorities should strive to ensure that the entire election process takes place in a peaceful environment free of violence or intimidation.
3. Efforts should be made by the authorities to clarify elements of the legal framework on voter lists, as well as ensure that voters, political parties and civil society are able to check the information and file complaints that will be adjudicated in a timely and efficient manner before

election day.

4. Final vote tallies should be made available publicly immediately upon their tabulation, including both aggregated totals and disaggregated tallies by polling station.
5. The practice of burning valid ballots immediately after vote counting should be discontinued in light of international norms and best practices for dispute resolution. Similarly, election authorities should continue to make all efforts to ensure the security of unused ballots.
6. Moroccan civil society itself should be sure to monitor the electoral process more broadly than just election day, covering the campaign period and endeavoring to cover areas outside of urban regions.
7. Parties should strive to earn the trust of voters through responsive platforms and voter outreach efforts, and give consideration on how to maximize the involvement of new participants, youth and women within campaigns and as candidates.
8. Over the longer term, and perhaps with an eye to early municipal elections in spring 2012, Moroccan authorities should consider revisions to the electoral system, as well as to districting, to aim for greater equality of districts based on internationally recognized criteria. Further, media regulations, campaign finance rules and other regulatory laws should be reviewed, clarified and strengthened.
9. Importantly, future reform initiatives should provide time and opportunity for more inclusive and public consultation with political parties, civil society and citizens themselves.

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