



## **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 towards "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 tool<sup>1</sup> 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 elections<sup>2</sup> but a decrease from the 2007 level of approximately 15.5 million. While the 30-day extraordinary revision of the voter 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 online<sup>3</sup>. 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 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.

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<sup>1</sup> See [www.elections2011.gov.ma](http://www.elections2011.gov.ma)

<sup>2</sup> The Ministry of Interior reported 13,360,219 registered voters for the 2009 local elections ([www.elections2009.gov.ma](http://www.elections2009.gov.ma))

<sup>3</sup> [www.listeselectorales.ma/statistiques\\_S\\_FR.html](http://www.listeselectorales.ma/statistiques_S_FR.html)

**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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