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# **Elections in Morocco**

## *2016 Parliamentary Elections*

### Frequently Asked Questions

Middle East and North Africa

International Foundation for Electoral Systems

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October 4, 2016

## Frequently Asked Questions

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### *Disclosure:*

*These FAQs reflect decisions made by the Moroccan elections authorities as of October 4, 2016, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## **When is Election Day?**

Parliamentary elections will be held on October 7, 2016. They will be the second set of legislative elections after the constitutional reform initiated by King Mohamed VI and passed through a referendum in 2011.

## **Who are citizens voting for on Election Day?**

Morocco has a bicameral parliament composed of a lower chamber, the House of Representatives (HoR), and an upper chamber, the House of Councilors.

On Election Day, citizens will vote for 395 members of the HoR. According to the 2011 constitution, the Prime Minister, who replaced the King as head of government in 2011, will subsequently be appointed by the King from the party that wins the majority of votes.

## **What is the election management body that will manage the election process?**

The Ministry of Interior (Moi) manages administration of elections in Morocco. The Moi administers issues related to funding for political parties, electoral law, party lists, quotas, voting procedures, and transparency, among others.

## **What electoral system will be used to elect the Parliament?**

The House of Representatives (HoR) has 395 seats, and members are directly elected for a five-year mandate through a closed list proportional representation system. Of these 395 parliamentary seats, 305 are elected from 92 multi-member constituencies. The additional 90 seats are elected through a singular nationwide constituency. The electoral threshold under Organic Law No. 20-16 was decreased from 6 percent to 3 percent, meaning that parties or alliances with at least 3 percent of the overall vote can hold seats in Parliament, providing smaller parties the opportunity to represent their constituencies.

The 120 House of Councilors (HoC) members are indirectly elected by two electoral colleges for a six-year term. They are proportionally elected by local councils (three-fifths) and both professional employer and employee syndicates (one-fifth for each). The HoC elections were held around the same time as 2015 municipal and regional elections. This year's election will only elect members of the HoR.

## **Who can vote?**

According to the Articles 7 and 8 of Law No. 57-11, all Moroccan citizens above the age of 18 are eligible to vote except for the following:

1. Members of the armed forces, police, and any other public or civil servants who bears arms;
2. Individuals with a prison sentence, those with a suspended prison sentence of more than three months, or those with a criminal offense for theft, breach of trust, bankruptcy, false testimony, falsifying documents, counterfeit, issuance of bad checks, corruption, bribery, misappropriation of public funds, blackmail, public intoxication, indecent assault, and other offenses related to mores;
3. Those with a prison sentence of more than six months for unlawful price increases, engaging in the black market, fraud in the sale of food and other similar offenses;
4. Those with a prison sentence of more than three months without suspension or a suspended prison sentence of more than six months for other offenses;
5. Individuals in contempt of court;
6. Individuals banned from courts; or
7. Citizens who have been naturalized less than five years ago.

Individuals under bullet points 2,3 and 4 will be eligible for registration five years from when their sentences are completed.

An estimated five million Moroccans live abroad. Article 30 of the constitution stipulates that Moroccans residing abroad “enjoy the same fundamental liberties recognized to Moroccan citizens.” However, the Ministry of the Interior (Moi) has noted that it would be impossible for the diaspora community to vote directly in this election and, therefore, would need to vote by proxy, which raises the question of the ballot secrecy. This is because the country is unable to establish a voting office in each country where expatriates reside. Article 72 of Organic Law No. 27-11 states that out of country residents can vote through proxy. Nonetheless, since the laws associated with electoral processes forbid the creation of a constituency specifically for Moroccans living abroad, the Moi would have to count their votes in their previous districts in Morocco. Therefore, voters residing abroad need to prove they either have properties or have a parent or a spouse registered or residing in the selected municipality or district.

## **How can citizens register to vote?**

According to Law No. 57-11, voter registration is mandatory. In order to register, residents must present to the administrative commission in charge of voter registration, in person, a signed registration form indicating their first and last name, place of birth, profession, as well as their address and their national identification card, *or carte d'identification national (CIN)*. Citizens must have a CIN to register. Citizens can apply for a CIN from the age of 12 at police departments across Morocco and it is mandatory for citizens who are 18 years and older.

To be registered in a particular municipality or district, a person must prove that s/he has lived at the stated address for a continuous period of at least three months. Should a resident not have a CIN they must present other official identification documents that contains a picture. In the absence of these documents, their identity can be established through the testimony of two voters who do have means of identifying themselves officially. All requests to be added to the voter registry must be signed or have a digital fingerprint. In the case where testimony is required to determine identity, the request will also be

signed by those identifying the voter. New voters can also register online. The registration period is also provided to persons who wish to transfer their registration to another municipality or district based on a change of their residence.

## **When did voter registration take place?**

Voter registration closed on August 8, 2016 for both new voters and those who wished to transfer their registrations to new constituencies. Voter registration takes place over a 30-day period, the dates of which must be announced 15 days prior in the Government's Official Journal. Registration is decentralized and conducted at the municipal level with the local administrative authorities or online ([www.listeselectorales.ma](http://www.listeselectorales.ma)).

## **How many registered voters are there?**

Despite it being mandatory, not all eligible voters of Morocco's population of nearly 34 million people are registered. As of August 28, 2016, there were 15,702,592 registered voters. Of those registered:

- 55 percent are men and 45 percent are women;
- 55 percent live in urban areas and 45 percent live in rural areas; and
- Nine percent are aged 18-24, 21 percent are 25-34, 23 percent are 35-44, 20 percent are 45-54, 8 percent are 55-59, and 19 percent are 60 and over.

## **What are measures to encourage women's participation? What is the gender balance within the candidates lists?**

Under the 2011 constitution, women are guaranteed equal rights to vote and to be elected. Article 30 notes, "The law shall make provisions to facilitate equal access of women to elected office." Sixty of the 90 seats elected by the nationwide constituency must be women. The other 30 must be for young people under 40. There was an amendment under Organic Law No. 20-16 which stated that the candidates can be of either genders under the 30 reserved national lists for youth and not only for young males under the age of 40, as previously stated in Organic Law No. 27-11. Beyond the women-only national list, women can still run in the multi-member constituencies. However, during the 2011 parliamentary elections, no woman was elected outside the women-only national list.

## **Who is competing in these elections?**

Since the 2011 election, the Islamist Justice and Development party (PJD) has led the government under Prime Minister Abdelilah Benkirane. As a multi-party system, 27 parties and alliances of parties are running for seats in this election. The PJD and Party of Authenticity and Modernity (PAM), who both fared well during the 2015 municipal and regional elections, are generally anticipated to receive the

largest share of seats. Only three parties (PJD, PAM, and the Istiqlal Party) are competing in all 92 multi-member constituencies. The Moroccan Liberal party is boycotting the election.<sup>1</sup>

The period of candidate nomination started on September 14 and continued until September 23 at midnight. Each list must have a number of candidates that is equal to the number of seats available in the constituency. The nomination application can be submitted via the head of the list to the delegation and provincial headquarters for the multi-member constituency elections. For the national constituency list, the nomination application must be submitted to the National Statistics Committee within the Ministry of Interior.

At the closing of the candidate nomination period, 1,410 lists and 6,992 candidates registered in the multi-member constituency and national lists. In the multi-member constituencies, 1,385 lists were registered with 4,742 candidates running.

## **What are the rules on campaigning?**

Official campaigning began on September 24, 2016 at midnight and will last until October 6 at midnight when a period of electoral silence will be observed starting on the eve of Election Day and lasting through Election Day.

Article 118 of Law No. 57-11 highlights a series of forbidden campaigning including undermining national constants reflected in the constitution,<sup>2</sup> affecting the public order, undermining human dignity, undermining data and information protected by law, asking for funding outside the campaign finance framework, use of national emblems, and incitement of hatred and racism. The High Authority of Audiovisual Communication monitors and oversees campaigning.

According to Article 32 of Organic Law No. 27-11, the local administrative authority reserves spaces in specific locations to place electoral posters in each municipality or district. In each of these areas, equal areas will be reserved for lists and candidates. There is a maximum number of posters that can be hung based on the number of voters in the area.

The law further prohibits the distribution of election materials in public places as well as through government agents. Election materials of any kind should not be distributed by anyone on Election Day.

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<sup>1</sup> The parties competing in these elections are the Party of Justice and Development (PJD); the Party of Authenticity and Modernity (PAM); Istiqlal Party (PI); Constitutional Union (UC); National Independent Rally (RNI); Party of Union and Democracy (PUD); Party of Environment and Sustainable Development (PEDD); Democratic and National Party (PDN); Party of Progress and Socialism (PPS); Party of Social Center (PCS); Party of Reform and Development (PRD); Party of the Moroccan Left Green (PGVM); Democratic Party for Independence (PDI); Action Party (PA); Party of Freedom and Social Justice (PLJS); Party Al Amal; Alliance of Democratic Left Federal Parties; Democratic Society Party (PSD); Party of Neo-Democrats; Social Democratic Movement (MDS); Party of Renaissance and Virtue (PRV); Front of Democratic Forces (FFD); Party Annahda; Alliance of Pact and Renewal (AAR); and Moroccan Union for Democracy (UMD).

<sup>2</sup> Article 1 of the Constitution lists national constants such as moderate Muslim religion, territorial unity, constitutional monarchy, and the democratic choice.

All non-official displays that have an electoral character and candidate's programs should not include red and green (the colors of the Moroccan flag).

All materials belonging to the state, with the exception of public places of assembly, which are equally available to all candidates, are prohibited from use for the benefit of any candidate. Additionally, it is forbidden to conduct an electoral campaign in places of worship, academic institutions, offices or public administrations.

## **What are the rules for campaign finance?**

As a party to the United Nations Convention Against Corruption, Morocco is bound to Article 7.3, which stipulates that "each state party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties." The 2011 constitution contained provisions that uphold this obligation. Article 7 notes that the law determines "regulations on the activities of political parties, criteria for state financial support, and the modalities of controlling their funding." Such provisions include:

- Organic Law No. 59-11 prohibits civil servants from distributing materials during the electoral campaign or offering contributions with the intent to influence voters' choices;
- Decree No. 2.15.450 determines the state's contribution to each political party based on the number of votes received and the number of seats received. Political parties must send financial statements to the President of the Court of Account no later than three months after spending the state contribution;
- Decree No. 2.15.451 details allowable campaign expenditures, which are defined as expenses incurred 60 days prior to and 30 days after Election Day; and
- Organic Law No. 29.11 regulates political party funding and establishes a financial disclosure requirement, including limits on the amount of private donations that can be received.

## **What is a polling center? What is a polling station?**

A polling station is the place where voting and counting will occur on Election Day. A polling center is a group of polling stations intended to coordinate logistical operations and facilitate the work of polling stations. Moroccan polling centers are located at schools across the country and polling stations are in classrooms.

## **How many polling stations are set up on Election Day?**

Over 40,000 polling stations will be set up across Morocco's 12 regions on Election Day. According to Chapter 7 of Organic Law No. 57-11, the choices of the polling stations and central offices are decided by

the Governor of each province or prefecture.<sup>3</sup> Polling stations should be placed in public areas close to voters. Citizens are notified of these places at least 10 days before Election Day through posters, media outlets, in addition to SMS and smartphone application services. Local administrative authorities should provide voter lists to municipalities or districts at least two days prior to Election Day. Governors appoint Presidents of polling stations no later than two days before Election Day.

Voters can locate their polling stations through various means:

- By a written notice from the local administrative authority;
- By sending their national identification number via SMS to 2727;
- By visiting [www.listeselectorales.ma](http://www.listeselectorales.ma); or
- By uploading the smartphone application “MonBV.”

## **What will the ballots look like and how should they be marked?**

Each paper ballot will include the parties running in the constituency. Each party has been assigned a symbol. The same symbols were used by parties in previous elections. The voter will indicate their vote by marking the reserved space next to the party name and symbol for the local list; the voter will also vote for the national list. Braille ballots are not available. Article 79 of Organic Law No. 27-11 lists invalid ballots, which include:

- Ballots with exterior or interior signs that could jeopardize the secrecy of the ballot;
- Ballots with no voting marks or multiple marks; or
- Ballots with one or more scratched marks on lists or candidates.

## **How many polling staff are there and what are their duties?**

Each polling station has a President. Presidents can be local government officials, employees of a public administration, or literate non-candidate voters known for their neutrality.

The polling station President is assisted by three staff: a polling station secretary, in charge of receiving and returning the national identification card to the voter upon their entry into the station and before exit; one poll worker in charge of the voter registry and ensuring the name of the voter is marked accordingly upon the completion of the vote; and a poll worker in charge of stamping the ballot and providing it to the voter before proceeding to the vote.

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<sup>3</sup> A Governor is a high ranking official representing the central authority at the province and prefecture levels and reporting to the Ministry of Interior.



## **What are the polling procedures on Election Day?**

Section 3 of Law No. 57-11 addresses voting preparations and operations. As per Article 60 of the law, polling stations are to open at 8 a.m. and close at 7 p.m. on Election Day, however the closure of the vote can be pushed back until 8 p.m. by the Governor.

When a polling station opens in the morning, the President of that polling station demonstrates to all voters present that the ballot box has nothing inside before closing it, locking it with two locks, and then holding on to one key while giving the other to the oldest polling station staff.

Voters should cast their votes in a polling booth, placing their vote in an opaque envelope that is then stamped by the local administrative authority. The vote is secret and discussions or debates of all kinds are strictly prohibited.

Upon entrance into the polling station, the voter presents their *carte d'identification nationale* (CIN) to the polling station secretary, and their name will be announced in an audible voice, at which point in time the voter may take a ballot from a polling station staff and proceed to the voting booth. Once the voter has completed the ballot, the voter will fold the ballot and deposit it in the ballot box, the polling station President will mark the voter's finger with indelible ink, and the station's secretary will return the voter's CIN.

## **How will voters with disabilities cast their ballots?**

Morocco is party to the United Nations Convention on the Rights of Persons with Disabilities (CRPD). Under the CRPD, Article 29 stipulates that the state protect "the right of persons with disabilities to vote by secret ballot in elections and public referendums" and requires that "voting procedures, facilities and materials are appropriate, accessible and easy to understand and use."

Organic Law No. 27-11 states that any voter with a visible disability that prevents them to mark the ballot paper or place it in the ballot box can be assisted by a voter with a *carte d'identification nationale* and such an instance needs to be mentioned in the polling station statements. However, a person cannot assist more than one voter with disability. Polling staff are not allowed to assist a voter with disability.

## **How will illiterate voters cast their ballots?**

Illiteracy remains a significant problem in Morocco with as many as 10 million Moroccans unable to read or write. However, the electoral law does not have any special provisions for inclusion of these voters.

## **Where are voting, counting, and tabulation held?**

Voting is conducted in schools across the kingdom. Each list or candidate can have a representative inside the polling station capable to permanently observe the voting counting process. Tabulation is conducted by the polling station assisted by counting officials who will be chosen by the President of the polling station. Counting officials must be able to read and write and are chosen from non-candidate present voters. Candidates may designate counting officials who are then divided up, in the most equal way possible, among the tables designated for counting. Candidates must submit the names of all counting officials to the President of the polling station at least one hour before the vote closes. For polling stations with less than 200 registered voters on their lists, tabulation can be conducted by members of the polling station. If some ballots are declared by some polling or counting officials as invalid without having unanimous support, they are marked as “contested” in the polling station statement and are placed in separate envelope that will be sealed and signed by the President. Three copies of polling station statements are made and once signed will be sent to a central office that will be in charge of immediately tallying up the vote and announcing the results. The Presidents of polling stations will be present during the tally.

Following the tallying process, a copy of the central office statement and polling station statements are archived in the municipality or district. The Pacha or Caïd<sup>4</sup> receive all sealed envelopes and transfer them to the prefecture or province headquarters and deliver them to the President of the Tallying Commission (*Commission de Recensement* [TC]). This commission is comprised of the President of the Trial Court or his delegate, two literate voters appointed by the Governor and the Governor’s representative. Two TCs can be created. One for tallying the results of the multi-member constituency list and another for tallying the results of the national list votes. Three copies of the statements from TCs will be then transferred to the Governor of the province or prefecture, Trial Court, and Constitutional Court (for multi-member constituency lists) and National Tallying Commission for the national list.

## **When will official results be announced?**

On the polling station level, as soon as the tabulation and vote count is completed, the result of a particular polling station is made public by its President. As per the electoral code, specifically Article 65, the vote will be announced by the polling station President as soon as the counting has been completed.

## **Who will be observing during Election Day? How do they receive accreditation?**

Article 11 of the constitution states, “the law defines the conditions and the modalities of independent observations and neutrality of the elections in accordance with the recognized international norms.” As such, Law No. 30-11 creates the legal framework for “receiving, reviewing and ruling on applications for

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<sup>4</sup> Pachas or Caïds are high ranking administrative officials at the district or municipal level.

accreditation.” The Special Commission for Accreditation of Election Observers, created by the National Council for Human Rights in 2011, has so far granted accreditation to 4,000 observers to observe the 2016 election, of which 92 are international observers representing five organizations. During the 2011 legislative elections, 121 international observers were accredited.

## **What are the procedures related to media coverage during elections?**

Article 11 of the Moroccan Constitution notes, “the law defines the rules guaranteeing equitable access to the public media and the full exercise of the freedoms and of the fundamental rights linked to the electoral campaigns and to the operations of the vote. The authorities in charge of the organization of the elections see to the application of these rules.”

As such, the High Authority for Audio Visual Communication (HACA) creates an institutional framework for media regulations. Its decision-making arm, the High Council for Audiovisual Communication is composed of nine members; five members are appointed by the King, two members are appointed by the Prime Minister, and each house of Parliament appoints one. HACA established an election period for media coverage that runs from August 25 through October 6, 2016. During this period, public and private broadcasting will present programs related to the election. Official campaign programs began on September 24 with air time devoted to political actors based on their level of representation in both Houses.

## **Can election results be contested?**

The electoral law states that results can be contested. Voters and candidates can dispute decisions made by polling stations, central offices, Tallying Commissions in prefectures and provinces and the National Tallying Commission (NTC). The same function to dispute results is open to Governors and the NTC secretary. However, all elected officials maintain their functions until the Constitutional Court cancels their election. Partial or full cancellation of such an election can only be implemented should it be determined that the election did not conform to the law; the vote was not free or manipulated by “fraudulent maneuvers”; or the elected official is deemed legally incapacitated. All disputes to the election of a HoR member must be submitted in writing to the Constitutional Court, within 30 days after the results were announced. Requests must be sent in writing to the Secretary-General of the Constitutional Court, the region’s Wali, the prefecture or province’s Governor, or the tribunal of First Instance. The receiver will in turn transmit the request to the Constitutional Court. The Court provides a copy of the request to the HoR members and the member for which the disputed request was filed has 15 days to provide his/her written comments. Statements from polling stations can be communicated to the Court and an investigation can be ordered, including calling for witnesses under oath. According to Article 33 of Organic Law No. 066-13 on the Constitutional Court, the court must rule within a year from when an appeal is placed. However, the Court may exceed that period when the number of nature of appeals requires.

## Resources

- [Law No. 57-11 Relative to General Electoral Lists, Referenda Operations and the Use of Public Audiovisual Means during Electoral and Referenda Campaigns](#) (French)
- [Organic Laws No. 20-16 and 21-16 Amending Organic Law No. 27-11 and Organic Law No. 29-11](#) (Arabic)
- [Organic Law No. 27-11 Relative to the House of Representatives](#) (French)
- [Organic Law No. 29-11 Relative to Political Parties](#) (French)
- [Organic Law 066-12 Relative to the Constitutional Court](#) (French)