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Information Report on municipal and regional elections in the Kingdom of Morocco (8 September 2021)

Remote meetings on 2 and 3 September 2021

Monitoring Committee

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Summary

Following an invitation from the authorities of the Kingdom of Morocco, the Congress carried out an election observation mission to observe the municipal and regional elections held on 8 September 2021. In line with Resolution 455 (2020), preparatory meetings were held online on 2-3 September 2021 followed by a country visit on the Election Day. This report outlines the main findings of this mission, which combined both online preliminary meetings and on-site election observation in several regions of the country on 8 September. This was the first election observation mission of the Congress of Local and Regional Authorities in the Kingdom of Morocco, which obtained the Partner for Local Democracy status in 2019.

The Election Day unfolded in a calm and transparent manner, in a competitive political climate. The Congress welcomes the organisational efforts made by the authorities of the Kingdom of Morocco to hold these elections while respecting health measures in the context of the Covid-19 pandemic. However, the adoption of amendments to the Electoral Code a few months ahead of the elections and their implementation within a very limited timeframe, may have contributed to some confusion for the election administration, the candidates and the voters. In addition, there is room for improvement with regard to the overly short election campaign and the fact that a large portion of the Moroccan population remains unregistered to vote.

1 L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC/G/PD: Group of Socialists, Greens and Progressive Democrats
ILDG: Independent Liberal and Democratic Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

Full composition of the delegation: please refer to appendix 1.

1. INTRODUCTION[2]

1. In response to an invitation received on 20 August 2021 from the President of the National Human Rights Council (CNDH) of the Kingdom of Morocco, Ms. Amina BOUAYACH, the Congress Bureau decided to deploy a mission to observe the regional and municipal elections of 8 September 2021, and to organise preliminary online meetings on 2 and 3 September 2021. The Kingdom of Morocco holds the status of "Partner for Local Democracy" of the Congress since April 2019.

2. The Congress delegation was made up of Mr Bernd VÖHRINGER, Germany (L, EPP/CCE), President of the Chamber of Local Authorities and three members of the Council for Democratic Elections of the Venice Commission: Ms Gunn-Marit HELGESEN, Norway (R, EPP/CCE, full member), Ms Randi MONDORF, Denmark (R, ILDG, deputy), Mr Vladimir PREBILIC, Slovenia (L, SOC/G/PD, deputy). Ms Tania GROPPI, professor and member of the Group of Independent Experts on the European Charter of Local Self-Government, supported the delegation.

3. Due to the consequences of the Covid-19 pandemic, the mission was carried out through a mixed observation procedure based on Congress resolution 455 (2020). This resolution allows the adaptation of the election observation procedure according to local sanitary conditions and their evolution. In addition to a limited observation mission on the spot on 8 September 2021, several remote meetings with institutional and civil society interlocutors were organised on 2 and 3 September 2021. On the Election Day, the delegation succeeded to form four teams of observers, who followed the electoral process in chosen at random polling stations in several regions, mainly Casablanca and Rabat.

4. A detailed programme of this mission is appended to this report.

5. This report focuses mainly on the findings of the online exchanges with various interlocutors as well as on the observations on the Election Day. The Congress wishes to thank all the interlocutors met during the mission for their readiness to assist the delegation and for the information which they kindly provided. The Congress also thanks the Moroccan institutions for their support in preparing the mission.

2. POLITICAL CONTEXT

6. The Kingdom of Morocco is a constitutional monarchy and King Mohamed VI is the Head of State. The country has three levels of local autonomy: municipalities, provinces or prefectures (respectively predominantly rural or urban) and regions. Elected municipal and regional representatives are elected by direct universal suffrage, while the elected provincial and prefectural representatives are elected indirectly by members of the municipal councils. Legislative power is exercised by the House of Representatives (lower house) and the House of Councillors (upper house)[3]

7. On 8 September 2021, for the first time in the history of the Kingdom of Morocco and due to a concordance of local and national electoral calendars, regional and municipal elections were held on the same day as legislative elections[4]. These three elections represented an important challenge for candidates, voters and the election administration, adding to the many issues raised by the Covid-19 pandemic[5].

2 Prepared with the contribution of Congress GIE expert, Ms. Tania GROPPI, Professor of Public Law, University of Siena, Italy.
3 In the previous legislative elections, held in 2016, the Justice and Development Party (PJD) won 125 seats, followed by the Authenticity and Modernity Party (PAM) with 102 seats. Mr. Saad Dine El OTMANI, of the PJD, was appointed Head of Government. Following the 8 September 2021 Legislative Elections, Mr. Aziz AKHANNOUCH, president of the National Rally of Independents (RNI), the winning party, was appointed Head of Government.
4 The Parliamentary Assembly of the Council of Europe also deployed an election observation mission in the context of the 2021 Legislative Elections : https://pace.coe.int/en/news/8418/les-marocains-votent-lors-d-un-triple-scrutin-au-milieu-d-une-pandemie-et-relevent-des-defis-importants
5 On the COVID-19 pandemic in Morocco, see (in French) https://www.hcp.ma/Coronavirus-Pandemie-Covid-19_r22.html. On these challenges, see https://pace.coe.int/en/news/8418/les-marocains-votent-lors-d-un-triple-scrutin-au-milieu-d-une-pandemie-et-relevent-des-defis-importants

8. These elections renewed regional and municipal councils for a six-year term. In total, 678 regional councillors and 32,513 municipal councillors were elected in the 1,503 municipalities of the Kingdom of Morocco.

9. In the previous election, held on 4 September 2015, regional councillors were elected for the first time by direct suffrage. The participation rate amounted to approximately 53% of registered voters. National and international observers deployed in the Kingdom of Morocco for this election underlined the good conduct of the elections while issuing some recommendations[6].

10. The Justice and Development Party (PJD) won 174 seats (25.6%), followed by the Authenticity and Modernity Party (PAM) with 132 seats (19.4%) and the Istiqlal Party with 119 seats (17.5%)[7]. Following the election of the regional presidents by regional councils on 14 September 2015, the PJD won the presidency of only two regions due to the introduction of several regional coalitions.

11. In the previous municipal election, also held on 4 September 2015, the PAM prevailed with 21% of the seats, followed by the Istiqlal Party (16.2%) and the PJD (15.9%). The PJD however won the presidency of almost all of the country's major cities (Rabat, Salé, Tangier, Kénitra, Meknes, Marrakech, Agadir and Fez), consolidating its status as a party privileged by urban voters.

12. The 2021 municipal and regional elections took place in a different context, favourable to a change in political leadership. Indeed, after nearly 10 years in power, the PJD faced an erosion of power linked to internal dysfunctions and some rather unpopular decisions, as well as significant social and economic difficulties partly linked to the pandemic. At the regional level, the 2021 elections are only the second opportunity for Moroccan voters to elect their regional councillors, while municipal councillors have long been elected.

3. ADMINISTRATIVE STRUCTURE AT TERRITORIAL LEVEL

13. The Kingdom of Morocco defines itself as a state with a "decentralised territorial organisation", "based on advanced regionalisation" (art. 1, paragraph 3, of the 2011 Constitution). It is constituted of 12 regions, 75 prefectures and provinces and 1,503 municipalities. Each of these levels of local government is administered by democratically directly or indirectly elected councils. In parallel, the Kingdom is also administered by a deconcentrated administration, headed by the wali (at regional level), the governor (at provincial or prefectural level) and staffed with caïds, pashas and agents of the deconcentrated state (at local level). Several interlocutors of the delegation noted that many challenges persist regarding the distribution of tasks and resources between levels of the decentralised administration and the central state.

14. Although the decentralisation process was initiated in the early 2000s, it was not until 2011 and a wave of popular protest that several major reforms were adopted. In the speech of King Mohamed VI of 9 March 2011 laying the new Constitution's foundations, advanced regionalisation appeared reinforced. Thus, Title IX of the 2011 Constitution, adopted by referendum, dedicates 12 articles to regions and other local authorities (arts. 135 to 146). According to art. 135, "Local authorities [...] democratically manage their matters". The principles of free administration, cooperation, solidarity (art. 136) and citizen participation (arts. 136 and 139) are also enshrined in the Constitution.

15. The 2011 Constitution provides that "the councils of regions and municipalities [shall] be elected by direct universal suffrage" (art. 135) and that the presidents of regional councils and of other territorial collectivities implement councils' deliberations and decisions (art. 138).

16. In 2002, the adoption of a Communal Charter, subsequently revised in 2009, enabled the consolidation of the decentralisation process and established its founding principles at the local level. Following the adoption of the 2011 Constitution, the 2015 Organic Law No. 113-14

6 (in French) https://www.cndh.org.ma/fr/rapports-thematiques/rapport-preliminaire-relatif-lobservation-des-elections-communales-et
https://www.ndi.org/sites/default/files/Morocco%20Focus%20Group%20Report%202015.pdf
7 (in French) http://www.lemonde.fr/international/article/2015/09/06/au-maroc-les-bons-resultats-du-parti-islamiste-aux-elections-locales_4747146_3210.html

established the responsibilities, financial resources and democratic management methods of the municipalities.

17. From 2010 to 2011, an advisory commission was tasked by the King with preparing "a national model of advanced regionalisation". This reflection led to the adoption of Organic Law No. 59-11, as well as to the adoption of amendments introduced in 2015 and 2021, which determined interalia the number of regions, their names, their capitals, as well as those of the prefectures and provinces that constitute them, established the rules on mandate incompatibility and accumulation and finally, imposed quotas to ensure the participation of women in elected councils.

4. LEGISLATIVE FRAMEWORK AND ELECTORAL SYSTEM

18. Regional and municipal elections are regulated by Organic Law No. 59-11 relating to the election of members of local government councils, as amended by Organic Law No. 06-21, ratified on 21 April 2021. The Election Code of the Kingdom of Morocco is not a single text, but a combination of several laws and amendments regulating elections, political parties and public broadcasting.

19. Members of regional and communal councils are elected for a six-year term. The voting system for the election of municipal councillors depends on the population size (art. 130). A relative-majority "first-pass-the-post" system is applied in municipalities with populations lower than or equal to 50,000 inhabitants. In this case, a municipality is divided into 11 to 25 constituencies, each electing one municipal councillor. In municipalities with over 50,000 inhabitants, a proportional party-list system, without cross-voting or preferential vote, is applied[8]. The distribution of seats between the lists is carried out by establishing an electoral quotient which is obtained by dividing the number of voters in one constituency by the number of seats to be filled. The remaining seats are distributed based on the rule of the largest remainder, by attributing them to the lists having obtained the results closest to the electoral quotient. An electoral threshold of 6% of the votes to obtain a seat was abolished by the adoption of Organic Law No. 06-21.

20. For municipal councils, Organic Law No. 34-15, amended by Organic Law No. 06-21, specifies that a fixed number of seats is reserved for women (art. 128-bis), ranging from five seats in the case of a majority election, eight to ten seats for a proportional election depending on the size of the municipality and four seats for elections by arrondissement in larger cities. These quotas, at the municipal level, although having been slightly enhanced ahead of the 2021 elections, only contribute to a limited representation of women in municipal councils, which reaches only 27% after the 2021 municipal elections.

21. Regional councillors are elected by list system with proportional representation according to the rule of the largest remainder without cross-voting or preferential vote (article 78). The distribution of seats is carried out in a manner similar to that defined in paragraph 19.

22. The representation of women in regional councils has been enhanced by Article 76 of Organic Law No.34-15, which established a separate electoral constituency allocating 30% of the total seats to women, without women being prohibited to stand for the seats in the 70% constituency. These quotas, confirmed by Organic Law No.06-21 and already implemented in the previous 2015 regional elections, contribute significantly to an important representation of women in regional government (38% in 2015). The first woman on this separate list becomes vice-head of the party or alliance list and obtains the same roles and rights as those of the head of the mixed list (which may be a man or a woman).

5. ELECTORAL ADMINISTRATION

23. The Ministry of the Interior is responsible for the administration and organisation of elections in the Kingdom of Morocco. It supervises all matters related to, interalia, financing of political parties, electoral law, party lists, respect of the quotas, voting procedures or transparency. There is no permanent central election commission. A temporary three-level system is established before each election: central commission, provincial or regional commission and polling stations. The Ministry

8 Before Organic Law No. 06-21, this system applied in municipalities with a population lower than 35,000 inhabitants, which represents 90% of the total of Moroccan municipalities.

of the Interior is also responsible for the training of appointed members at all levels of the electoral administration.

24. The Ministry of the Interior, supported by the Ministry of Justice, establishes a few months prior to the elections a Central Governmental Commission, constituted of the Minister of the Interior and the President of the Public Prosecutor's Office (i.e. Attorney General). The main responsibility of the Central Commission is to ovresee all elections and establish provincial and regional commissions. It ensures, in collaboration with provincial and regional commissions, the smooth running of the polls and the detection of offenses.

25. For the 8 September 2021 elections, the Central Commission was appointed by the Ministry of the Interior on 15 June 2021. At the same time, provincial commissions were established in each province, prefecture or district. Regional commissions were established for regional and parliamentary elections. These provincial and regional commissions are constitued of the General Prosecutor and the wali (regional governor) or provincial governor. They ensure the smooth running of the election.

26. At least 48 hours before the vote, the wali or the governor (provincial level) appoints a president, three assistants and substitutes for each polling station. Members can be civil servants employed by a public administration or non-candidate voters who can read and write and are known for their neutrality.

27. Walis (or provincial governors) are tasked with drafting and printing the ballot papers and sending those to the polling stations under their jurisdiction. Article 11 of Organic Law No. 34-15 provides for a single ballot for both votes, if regional and municipal elections are held the same day. The two elections must remain clearly distinguishable on the ballot paper. Lists or candidates, in case of a majority election, are presented in the order of registration.

28. The voting age population stands at nearly 25,226,000 citizens, of which just over half are women (12,801,000, 50.7%). According to the electoral registers as of 31 July 2021, 17,509,000 voters are registered on these lists, amounting to a registration rate of 69.4%. This rate varies according to gender, with 76.1% of men registered against 62.9% of women, and according to age (33.6% for 18-24 year old citizens against 94.4% for 60 year olds and above).

29. The vote is usually held in schools, but any other public building may be used if required. Voters are informed ten days before Election Day of their designated polling station. Recently, a notification system by text message was introduced to inform voters of the location of their polling station. The wali or the governor also decides on the location and the composition of the central results office in each municipality. Electoral lists are provided to the polling stations 48 hours in advance.

6. VOTER REGISTRATION

30. The voter registration system in the Kingdom of Morocco is active, i.e., voters must submit a registration request to qualify as voters. Voter registration is voluntary and permanent, once completed.

31. Under Articles 7 and 8 of Organic Law No.57-11, members of the armed forces, the police and any other public officer carrying arms, as well as citizens naturalised for less than five years and most of those sentenced to imprisonment or in pre-trial detention, are not entitled to register on voters lists.

32. To register, citizens must present to the local administrative commission responsible for the registration of voters a signed registration form indicating their surname and first name, place of birth, profession, as well as their address and national identity card number (CIN). Under Organic Law No. 57-11, a person must prove his/her main residence for an uninterrupted three months or more period to be allowed to register in a municipality or a district.

33. New voters may also register online (www.listeselectorales.ma). This website, set up by the Ministry of the Interior, enables anyone with a CIN number to check their registration status by consulting the lists available online and to check whether their registration has been approved.

34. A national identity card (CIN) number is required to register as a voter. From the age of 12 onwards, citizens may apply for a CIN from the police services and it becomes compulsory for citizens aged 18 or more to have one. However, due to illiteracy, difficulties with birth registers and remoteness of some communities, it may be difficult to obtain a CIN. An observation report of the 2015 local elections of the National Council of Human Rights (CNDH) noted the effort to simplify the procedure made by the Moroccan State but warned that many people did not have a CIN[9]. In August 2020, the Moroccan Government launched a scheme to provide biometric CINs and digitise the registration process. A representative of the Ministry of the Interior told the Congress delegation that, for voters who would not yet have received their CIN, a provisional receipt as well as another piece of photo identification would allow access to the polling station.

35. A national update to voters lists is carried out every year and before every general election. Voter registration takes place over a 30-day period, the dates of which must be announced 15 days in advance in the Official Journal of the Government.

36. For the 8 September 2021 elections, registration took place from 1 June to 1 July 2021. The Congress delegation was informed that a major campaign to encourage new registrations had been launched in the summer of 2021 which facilitated 1,700,000 new registrations.

37. In order to be able to vote by proxy, voters residing abroad must prove to the competent local administration that they own property or that a parent or spouse is registered or resides in the relevant municipality or region. Their proxy elector must be registered in the same municipality. In practice, few or no Moroccans living abroad vote in elections, including legislative elections, due to an overly restrictive administrative procedure.

38. Several interlocutors met by the Congress delegation stressed that the registration mechanism remains an obstacle to the right to vote for some citizens. Furthermore, the Covid-19 pandemic had an impact on the registration process, which was completely dematerialised, thus limiting the possibility of registration in areas isolated from new technologies. As a result, the already marked inequalities in registration may have persisted.

7. CANDIDATE REGISTRATION

39. Articles 5 and 6 of Organic Law No. 59-11 introduced detailed rules with regard to the conditions of eligibility and the submission of candidatures. Grounds for inegibility refer to citizens excluded from voting, judges and most representatives of the decentralised state at the local level (eg. wali, governor, cadi, tax collection officer, etc.).

40. Candidates must submit three copies of their application to the relevant local authority. For the regional elections, candidates must register at the headquarters of the prefecture/province/district, while candidates for the municipal council must register at the headquarters of the relevant devolved local authority. Lists must be submitted at least 14 days before the vote. Each list must fill all the available seats and establish an order of priority, without the possibility of preferential voting. Officially, candidates have four weeks to register but for the 2021 elections the registration period was set from 16 to 25 August 2021.

41. Signatures of 20 voters are also required for the submission of a candidacy, for a list or for a single candidate for regional councils. Ten signatures are required in the case of municipal councils.

42. Under Article 8 of Organic Law No.59-11, electoral alliances were not allowed because “candidate lists containing the names of persons belonging to more than one political party” were rejected. Organic Law No. 34-15 lifted this ban by establishing the possibility of presenting a list of candidates from several parties if this list is based on a political alliance.

9 (In French) http://www.observation-elections2015.ma/fr/rapport-preliminaire-du-cndh-sur-lobservation-des-elections-communales-et-regionales-2015/

8. ELECTION CAMPAIGN

43. According to the law, the election campaign officially lasts two weeks. In 2021, it lasted from 26 August to 7 September. This duration may seem short to campaign, especially in the case of a multiple election, such as that of 8 September 2021.

44. Candidates are prohibited from mentioning Islam or using religious buildings to campaign. On 15 August 2021, the Ministry of Islamic Affairs issued a statement calling on all the country's imams and preachers to remain neutral in the 8 September elections, adding that any religious rector intending to run for office would be relieved of its administrative duties in accordance with the legal requirements governing their work.

45. In August 2021, the Ministry of the Interior published a note concerning the sanitary measures to be applied in the context of the campaign and the 8 September elections. These included, interalia, the ban on public or private gatherings of more than 25 people, including open-air meetings, campaign tents, kiosks, events and caravans of more than 5 cars or more than 10 party members, the ban on distributing leaflets in public places or at voters' homes, compliance with the curfew in force from 9 p.m. to 5 a.m. (which applied throughout the campaign), the ban on travel between regions and, for unvaccinated citizens only, to travel to Marrakesh, Casablanca and Agadir and the wearing of a compulsory mask outside and inside buildings open to the public.

46. According to some interlocutors met by the Congress delegation, the new measures introduced due to the Covid-19 pandemic have contributed to a hardly discernable campaign. The pandemic posed many challenges to the candidates, who normally resort to posters, distribution of leaflets, meetings and strolls.

47. Consequently, this campaign environment facilitated the massive use of new information and communication technologies, including social networks. Some interlocutors noted that parties and candidates were not properly equipped for an online campaign. Other interlocutors noted the lack of controls and restrictions on the overuse of paid advertising on social media, by the RNI in particular.

48. Finally, a very busy electoral calendar contributed to the nationalisation of the political debate, with the legislative elections also held on 8 September. As a result, the regional and municipal campaign was often overshadowed by the national campaign. The main themes of the election campaign at the national level were health security, the post-Covid economic recovery and the assessment of ten years of government led by the PJD. The King's determination of the main governmental orientations, as well as his participation to the meetings of the Council of Ministers and his still strong executive power, only partially enabled political parties to put forward different and competitive programmes. The campaign thus positioned itself on the grounds of the exhaustion of power and the emergence of new political figures from parties close to the King. At municipal and regional levels, the campaign also focused on the top personalities embodying political change as well as the balance sheets of outgoing municipal and regional councils. Several themes such as waste management, reduction of social inequalities and investments in infrastructure may have been locally important. Some rumors of clientelism were also noted during the campaign.

9. CAMPAIGN FINANCING

49. Organic Law No. 29-11 provides for public funding of political parties, for which a fixed advance amount is allocated before the elections. Candidates and list representatives must open a specific bank account and, at the end of the campaign, submit detailed financial reports to the Court of Auditors. Political parties and alliances received an advance of up to 750,000 dirhams (approximately 71,000 euros) before the elections and a proportional share representing 30% of the State contribution. They have the obligation to reimburse this amount if not spent during the campaign or if their candidate / list has failed to meet a minimum threshold established by the Ministry of the Interior. The Ministry of the Interior also set campaign expenditure limits per candidate at 150,000 dirhams (36,000 euros) for regional councils and 60,000 dirhams (14,400 euros) for municipal councils. If the financial report is accepted, a second payment is made, based

on the percentage of votes obtained. Some political parties active at the national level also receive an annual lump sum. Failure to submit the financial report or insufficient justification of the sources of funding may result in the dismissal of the list in question and its ineligibility for two successive terms.

50. Donations to a political party, whether monetary or in kind, are limited to 600,000 dirhams (approximately 57,000 euros) per person per year.

51. Use of public funds and equipment (local authorities, administration, etc.) for campaigning is prohibited unless a public gathering space is made available free of charge for all candidates.

52. For the 8 September 2021 regional elections, the overall budget for public funding amounted to 80 million dirhams (approximately 7.6 million euros) and 100 million dirhams for the municipal elections (approximately 9.5 millions of euros).

10. MEDIA LANDSCAPE

53. Freedom of expression and freedom of the press in the Kingdom of Morocco are respected by constitutional texts. However, the media landscape is dominated by state-owned, or owned by personalities close to the King, newspapers and television channels.

54. In 2021, Reporters Without Borders ranked the Kingdom of Morocco 136th out of 180 countries in the World Press Freedom Index. This rank, which has remained fairly stable over the past decade, may be explained in part by lawsuits against journalists and some serious limitations of freedom of expression. Indeed, it is forbidden to insult the King and the monarchy or to question the territorial integrity of the country (in particular on the question of Western Sahara).

55. The High Authority for Audiovisual Communication (HACA), an independent constitutional body, is responsible for overseeing broadcasting times and fair representation of candidates and lists in the media[10]. Five of its nine members are appointed by the King, while the Head of Government appoints two members and the House of Councillors and the House of Representatives appoint one each.

56. For the 2021 regional and municipal elections, the monitored period extended from 1 August to 7 September and was divided into two periods: the pre-campaign up to 25 August and the official campaign, from 26 August to 7 September[11]. During this period, public and private broadcasting aired programs related to national and local elections. Airtime given to each of the political actors is calculated according to their level of representation, i.e., 50% of the airtime is reserved for political parties having their own group in the Chamber of representatives or Councillors, 30% is allocated to parties represented in one of the two Chambers but not having enough members to constitute a group and the remaining 20% is shared between candidates / alliances not represented in one of the two Chambers.

57. The HACA strongly advised the private media to adopt a local and regional perspective and to distinguish fact from opinion in their programmes and debates. Public broadcasters must follow the HACA recommendations or otherwise face penalties.

11. COMPLAINTS AND APPEALS

58. The legal framework for appeals provides for the possibility of applying to an Administrative Court at all stages of the electoral procedure.

59. Electoral law provides that candidates may dispute rejections of their application to register by referring their case free of charge to the Administrative Court of the constituency concerned. If the Court subsequently approves the application, the candidate must be added to the list of

10 (In French) https://www.haca.ma/sites/default/files/upload/Brochure_%C3%A9lections_2021_FR.pdf
11 (In French) https://observationelections.cndh.ma/fr/decision-du-conseil-superieur-de-la-communication-audiovisuelle-n37-21-dans-les-services-de-communication-audiovisuelle-pendant-les-elections-legislatives-regionales-et-communales-generales-de/

candidates. Voters may proceed in the same way, in the event of refusal of their entry in the register of voters.

60. Voters and candidates may lodge a complaint with the relevant administrative court against the final results and decisions taken by polling stations and centralising offices in prefectures and provinces. Candidates may consult the protocols of electoral operations up to 8 days after the vote.

61. Walis, governors, pashas, caïds and all the parties involved may also contest the results of the elections by filing a written appeal against the results to the Administrative Court. Judges give a decision 15 days after the hearing.

62. Appeals can be contested before the administrative court of appeal and possibly before the Court of Cassation.

12. ELECTION OBSERVATION

63. Neutral and independent election observation is provided for in Law No. 30-11. Accreditation must be issued by a Special Accreditation Commission, chaired by the National Human Rights Council (CNDH) and constituted of representatives of the Ministries of Justice, Interior, Foreign affairs and Communication, as well as a representative of the Interministerial Delegation for human rights and the Anti-corruption body and five representatives of the civil society.

64. Law No.30-11 allows three types of observers to receive this accreditation: national observers accredited by the National Human Rights Council, national observers appointed by civil society organisations as well as international observers nominated by international organisations, parliaments or embassies.

65. It is also possible for parties or electoral alliances to nominate representatives to observe the conduct of the elections.

66. The Special Accreditation Commission of the CNDH accredited for the 8 September 2021 elections a total of more than 4,600 observers, including 44 Moroccan NGOs and 19 international NGOs, representing close to 100 observers. During the mission, the Congress delegation met and interacted freely with many party representatives and some observers from accredited domestic organisations.

13. ELECTION DAY

67. Voting traditionally takes place on a weekday, most often on a Friday. The 2021 regional and municipal elections were held on a Wednesday. Interlocutors of the Congress delegation noted that since Friday is also a day of prayer, it was not ideal to organise the vote on that day and also that regardless of the polling day, employers must give the possibility to their employees to take time off to vote.

68. Election Day unfolded peacefully. The observed polling stations opened on time (8 a.m.). In the polling stations visited by the Congress, it was noted that few women were polling station officials and more particularly president of polling stations. In most cases, polling station presidents already had experience in the electoral process and had received additional training from the Ministry of Interior in August 2021. In some polling stations, the absence or the low recourse to written administrative instructions on the conduct of the various phases of the Election Day was observed.

69. Preventive measures against Covid-19 were overall properly applied in most polling stations. Voters were strongly encouraged to use hand sanitiser. Requirement to wear a mask outside and inside polling stations was complied with uniformly across all of the stations observed. Polling stations received the necessary equipment upstream, such as hydro-alcoholic gel and transparent visors for the staff members. The Congress delegation observed that the limit of two voters present at the same time in the polling station was generally respected, with voters having to wait while respecting social distancing outside the door.
70. Each voter must be marked with an indelible ink mark on their finger when voting. This procedure, although observed in the vast majority of visited polling stations, has sometimes been overlooked.

71. No difficulty in identifying voters was noted by Congress observers except in the case of a woman living in illegal accommodation who was unable to obtain a CIN. The National Identity Card is the one and only document accepted for the vote. The normal procedure was applied by the members of the polling stations observed, including when presenting receipts of CIN requests. A large majority of voters also presented a paper slip received by post informing them of their assigned polling station or presented the result of the search on the dedicated website of the Ministry of the Interior (www.listeselectorales.ma). In the case of several polling stations installed in the same building, the Congress delegation observed the presence of information desks allowing voters to check their assigned polling station by consulting their data on site, by telephone or internet, considerably facilitating voter orientation work.

72. Having three elections simultaneously posed significant challenges for the election administration and voters, increasing the risk of misunderstandings and errors. Two ballots were distributed per voter: one for legislative elections and one for municipal and regional elections. These ballots were stamped in different colors and polling station presidents had to ensure that they were placed in separate ballot boxes. A large number of spoiled or blank ballots was noted by the Congress delegation in polling stations observed during counting, which represented nearly a quarter of the votes cast.

73. Access challenges for people with disabilities were noted in a few polling stations not equipped with an access ramp and / or located on the upper floors.

74. The single ballot for municipal and provincial elections may have contributed to a lack of readability, given the high number of lists in some municipalities. In order to enable voters with reading disabilities to vote, the candidates and lists were also represented by symbols.

75. The counting began at the close of the polling stations, i.e. at 7 p.m., in the polling stations observed. It took place behind closed doors, attended only by members of the staff, representatives of political parties and alliances and accredited observers. To facilitate counting, the Ministry of the Interior distributed an informative brochure illustrating the possible cases of nullity. Some discussions on the invalidity of a ballot were observed by the Congress delegation. Moments of confusion were also observed, on the procedure to follow or the complexity of the names of the lists but also on the mismatch between the results given by polling station officials and those calculated by party proxies. In one polling station observed, the female president was replaced during the counting by an external person. The confusion in the counting does not seem to have been the result of a coordinated strategy, but rather of misunderstandings of the procedure and disagreements in the interpretation of the rules. Given the three simultaneous elections, the counting was completed late in the evening and priority was given to the legislative elections. The Congress delegation did not observe any complaints or requests being lodged by the observers present.

14. ELECTION RESULTS

76. Preliminary election results were declared during the night from 8 to 9 September 2021 and the definitive results on 9 September.[12]

77. 8,789,676 registered voters took part in the elections, i.e. a participation rate of 50.35%[13]. Many observers praised a higher rate of participation in the legislative elections than in 2016, while it represented in fact a slightly lower rate for the municipal and regional elections which amounted to 53.67% in 2015. In addition, this rate only reflects the participation of voters registered on the electoral rolls, a non-negligible part of the population remaining not registered.

78. Following the trend observed at the national level with legislative elections, the elections redesigned the municipal and regional levels of government, with the victory of traditional parties close to the King such as the National Rally of Independents (RNI), the PAM and Istiqlal. The PJD recorded a defeat at the municipal, regional and legislative level, which resulted in the resignation

12https://www.medias24.com/2021/09/29/elections-communales-2021-les-resultats-complets-des-partis-et-candidats-circonscription-par-circonscription/ (in French) See also, in Arabic, http://www.elections.ma/index.aspx
13 (in French) https://medi1news.com/fr/article/229217

of the Head of Government, Mr. EL OTMANI from the General secretariat of the PJD, which lost control of the big cities of the Kingdom such as Rabat, Marrakesh, Fez, Casablanca and Tangier. The defeat of the PJD signals the beginning of a political alternation at all levels of government. All parties and alliances accepted without reservations the result of the 8 September 2021 elections.

79. According to the final results of the municipal elections of 8 September 2021[14], the RNI obtained 10,159 seats, the PAM 6,361 seats, the Istiqlal 5,698 seats, the Socialist Union of Popular Forces (USFP) 2,457 seats, the Popular Movement (MP) 2,284 seats, the Constitutional Union (UC) 1,641 seats, the Party for Progress and Socialism (PPS) 1,544 seats, the PJD 788 seats and other political and independent parties nearly 1,600 seats.

80. According to the final results of the regional elections[15], the RNI obtained 197 seats, the PAM 145 seats, the Istiqlal 144 seats, the USFP 47 seats, the MP 45 seats, the UC 30 seats, the PPS 29 seats, the PJD 18 seats (against 174 in 2015) and other political parties 23 seats. These results confirm that the vast majority of voters voted for the same party or the same alliance at the national level and at the municipal and regional level.

81. The percentage of women elected reached 26.64% in municipal elections (against 21.2% in 2015)[16] and 38.5% in regional elections (38% in 2015, 24.3% in the House of Representatives)[17].

82. In large cities, the municipal councils of Rabat, Casablanca and Marrakesh later elected female mayors. Some more rural communal councils also elected women as presidents[18]. Only one woman was elected Regional President, Ms. Mbarka BOUAIDA, who was the outgoing RNI President of the Guelmim-Oued Noun Region. Two women were Presidents of regional councils before the elections, following resignations.

15. CONCLUSIONS AND PROPOSITIONS

83. In the context of the Covid-19 pandemic and three simultaneous elections, the municipal and regional elections held in the Kingdom of Morocco in 2021 were a major challenge in the decentralisation process initiated in the wake of the 2011 Constitution, both for the voters and the Moroccan authorities. The adoption of amendments a few months before the election is not in line with the Venice Commission Code of Good Practice in Electoral Matters..

84. Due to the technical competence of the Moroccan electoral administration, the Congress delegation observed elections organised with calm, transparency and professionalism in the majority of the forty polling stations visited, from opening until the end of counting, and in compliance with the sanitary measures in force. The electoral administration succeeded in satisfactorily training polling stations staff members. However, some procedural inconsistencies, in particular at the time of counting, were observed. The Congress delegation recommends stepping up the efforts made in terms of training officers and developing new campaigns or tools allowing for a more systematic application of procedures during Election Day across the country. The establishment of a permanent central election commission independent of the Ministries of Interior and Justice could be considered.

85. The election campaign, quite low-profile and mainly online, focused on national issues and the possibility of political change, without violence or excessive polarisation. The pandemic forcing political actors to turn to social networks, they more or less invested the networks to present their programmes. A long enough municipal and regional election campaign focused on local issues, in a context of enhanced freedom of expression and of the press, remains a democratic necessity to enable voters to make an informed choice. The extension of the duration of the campaign could allow voters to become more familiar with programmes of a wide range of political actors. The Congress delegation also underlines the importance of strenghtening campaign expenditure control and transparency measures, including at the level of online campaigns.

14 http://www.elections.ma/elections/communales/resultats.aspx?Id=UshdiNun64qlGNgh/73atw==&IE=1#
15 http://www.elections.ma/elections/regionales/resultats.aspx?Id=hmKWe+B0dzpPDInQV/no5w==&IE=1#
16 http://www.elections.ma/elections/communales/resultats.aspx?Id=UshdiNun64qlGNgh/73atw==&IE=1#
17 http://www.elections.ma/elections/regionales/resultats.aspx?Id=hmKWe+B0dzpPDInQV/no5w==&IE=1#
18 https://www.lefigaro.fr/flash-actu/maroc-des-femmes-a-la-tete-de-trois-grandes-villes-une-premiere-20210924

86. The Congress delegation welcomes a generally well-organised election which was accepted by all those involved in the electoral process. It regrets a turnout slightly lower than that of the previous 2015 municipal and regional elections and a political campaign dominated by national issues, due to the organisation of legislative elections on the same day. It also regrets the still limited representation of women at the municipal level, with a rate of 27% of elected women in municipal councils, which still constitutes a slight increase. Measures to strengthen the participation of women in politics at the municipal level, in particular through the application of a higher quota or by following the example of the quota imposed in the framework of regional elections, could be considered. The Congress delegation also recommends pursuing the efforts to facilitate the exercise of the right to vote, whether by facilitating the registrations of persons still excluded from the electoral register, by prefering a passive system of voters registration or by improving the accessibility of polling stations and the legibility of ballots.

APPENDIX 1

FINAL PROGRAMME

Thursday 2 September 2021

10:00 – 10:15 Welcome of the delegation, Ms Renate ZIKMUND, Head of the Department of Statutory Activities, External Relations and Cooperation, Congress (English)

10:15 – 11:00 Briefing with Mr Michael INGLEDOW, Head of the Council of Europe Office in Rabat (English)

11:10 – 12:30 Meeting with representatives of the international community in Rabat (representatives of Denmark, France, Germany and the European Union – in English)

12:30 – 14:00 Lunch break

14:00 – 14:45 Meeting with representatives of the National Commission for Election administration Moroccan Ministry of Interior; Postponed to 7 September in Rabat.

14:55 – 15:30 Meeting with Ms Khadija ERRABAH, member of the Democratic Association of Women in Morocco (ADFM) and Ms Badia BENNANI, President of the Agdal Hay Riyad-Rabat district council and representative of the REFELA, Network of Elected African Women/Morocco (KUDO interpretation – in French)

15:40 – 16:40 Meeting with Mr Youssef AJNAH (Programme Officer), National Democratic Institute (in English)

16:45 – 17:15 De-briefing for the delegation

Friday 3 September 2021

10:00 – 10:45 Meeting with Mr Mostafa M'RIZEK, Vice-President of the Association of Regions of Morocco (ARM); (KUDO interpretation)

10:55 – 11:45 Meeting with Mr Mohamed BOUDRA, President of the Association of Presidents of Communal Councils of Morocco (AMPCC); (KUDO interpretation)

12:00 – 12:30 Meeting with Ms Amina BOUAYACH. President of the National Human Rights Council (Independent national institution in charge of Human Rights monitoring) (KUDO interpretation)

12:30 – 14:00 Lunch break

14:00 – 15:00 Meeting with Romain FERRALI, Scientific director of TAFRA (Domestic NGO focusing on elections and political life), (KUDO interpretation)

15:00 – 16 :30 Meeting with Mr Saâd BEN MBAREK, candidate and President of the Local Council of Rabat and President of the Maroccan Association of Presidents of Provincial and Prefectural Councils (AMPCPP) and Mr Abdelfatah SKIR, Executive director of the AMPCPP

16:45 – 17:15 De-briefing for the delegation

DELEGATION

Members of Congress/Representatives of the Congress on the Council for Democratic Elections/Venice Commission

Mr Bernd VÖHRINGER, Germany (L, EPP/CCE), President of the Chamber of Local Authorities
Ms Gunn Marit HELGESEN, Norway (R, EPP/CCE)
Ms Randi MONDORF, Denmark (R, ILDG)
Mr Vladimir PREBILIC, Slovenia (L, SOC/G/PD)

Member of the Group of Independent Experts of the Congress (GIE)

Ms Tania GROPPI, Professor, Italy

Election Observation Unit of the Congress of Local and Regional Authorities

Ms Renate ZIKMUND, Head of the Department of Statutory Activities, External Relations and Cooperation, SAERC
Mr Adam DRNOVSKY, Election Observation Officer
Ms Mathilde GIRARDI, Election Observation Officer
Ms Martine ROUDOLF, Election Observation Assistant

APPENDIX 2

DEPLOYMENT PLAN

Team 1	Casablanca city and environs	Berndt VOHRINGER Tania GROPPI, Expert Renate ZIKMUND *Interpreter: ARAB-EN* *Ayoub AIT ALI* *Driver: Khalid*
Team 2	Rabat city and environs	Randi MONDORF Vladimir PREBILIC *Interpreter: ARAB-EN* *Jaouad EL ALAOUI* *Driver: Mohammed*
Team 3	Casablanca region	Gunn Marit HELGESEN Adam DRNOVSKY *Interpreter: ARAB-EN* *Mohamed JIHAD* *Driver: Karim*
Team 4	Rabat region	Martine ROUDOLFF Mathilde GIRARDI *Interpreter: ARAB-EN* *Achraf el BAHI* *Driver: Houssine*

APPENDIX 3

PRESS RELEASE

Congress concludes electoral observation mission in Morocco

Today, a 9-member delegation from the Congress of Local and Regional Authorities of the Council of Europe concluded a mission in Morocco to observe the regional and municipal elections which were held on 8 September, concurrently with the elections for the House of Representatives. The on-site mission was preceded by preparatory meetings organised remotely on 2 and 3 September.

Against the backdrop of the ongoing Covid pandemic and a low-profile electoral campaign, four Congress teams were able to observe an Election Day in two Moroccan regions which was calm, orderly and transparent overall except some procedural inconsistencies, in particular during the closing of the polling stations and the counting. It was the first time that elections at the national and territorial level were organised on the same day which posed challenges to both voters and the election administration, mainly due to the lack of clear guidelines regarding the electoral procedures.

The increased representation of women in elected bodies, both at regional and municipal level and at all tiers of government was welcomed by the Congress delegation. At the same time, it regrets a slightly lower turnout compared to the last local elections in 2015.

The delegation was composed of members presenting the Congress on the Council for Democratic Elections of the Venice Commission, including Ms Gunn Marit HELGESEN, Norway (R, EPP/CCE), Ms Randi MONDORF, Denmark (R, ILDG), and Mr Vladimir PREBILIC, Slovenia (L, SOC/G/PD), accompanied by the President of the Chamber of Local Authorities, Mr Bernd VÖHRINGER, Germany (L, EPP/CCE). The team was supported by Professor Tania GROPPI, member of the Group of Independent Experts on the European Charter of Local Self-Government.

The Congress mission to Morocco was organised in the context of increased cooperation at the regional and municipal level and the status of "Partner for Local Democracy" which was granted to the country in 2019. A report containing practical recommendations will be presented to one of the next plenary sessions of the Congress.