**Act No: 11/2008**

# ELECTIONS (GENERAL) ACT

Introduction and title

1. (a) This is an Act that provides the general policies and matters in accordance with which, the Elections Commission has to make arrangements for and conduct the elections specified under the law and the Constitution of the Maldives.

(b) This Act shall be cited as *''Elections (General) Act''*.

Objects

2. The object of this Act is to establish a regulatory framework based on democratic norms to ensure that elections conducted in the Maldives are carried out fairly, transparently and are participatory in nature and in general carried out in accordance with democratic norms.

General principles and matters

3. General principles governing elections are to be found in this Act, and shall apply to all elections unless a specific law on a particular election states otherwise. Moreover, unless such a specific law says otherwise, all the general matters in relation to such elections shall be carried out in accordance with this Act.

Supervision and conduct of elections

4. All elections shall be held, and all matters in relation to elections shall be conducted and supervised by the Elections Commission.

## RIGHT TO VOTE

Right to vote

5. (a) To all elections to which this Act applies, excluding the individuals specified in *subsection (b)*, all Maldivian citizens above 18 years have the right to vote in such elections.

(b) An individual who has been convicted of a criminal offence and sentenced to imprisonment for a period of more than 5 years and who is serving that sentence shall be exempted from the right to vote in elections.

Not to vote more than once in the same election

6. An individual who has voted once in an election must not vote again in the same round of the election.

Secret ballot

7. Voting in an election shall be by secret ballot.

## REGISTER OF ELECTORS

Register of Electors

8 (a) The Elections Commission shall prepare and maintain a register of electors.

(b) The Register specified in *Subsection (a)* shall be cited as the ‘‘Register of Electors’.

(c) The Register of electors shall have the following particulars pertaining to electors:

1. Full name
2. Date of birth
3. Gender
4. Permanent Address (including island and Atoll)
5. National Identification Card Number

(d) Where the particulars specified in *subsection (c)* cannot be obtained, the Elections Commission has the discretion to deal with such particulars in accordance with the regulations made under this Act.

(e) In addition to the particulars specified in *subsection (c)* The Elections Commission has the discretion to include such further particulars as are specified in the regulations made under this Act in the Register of Electors.

(f) The Elections Commission has all such powers and discretions as are necessary to seek and include in the Register of Electors the particulars specified in *subsection (c)* and the Regulations made under this Act. Furthermore, it is obligatory on any individual who is called upon to give such information by the Elections Commission, to give such information.

Making public the Register of Electors

9. (a) Not less than 45 (Forty Five) days before an election, the Elections Commission shall publish the Register of Electors, including updated information pertaining to electors name, gender and permanent address, in the Government Gazette. The information so published shall also be included in the Elections Commission Website.

(b) On the same day the Register of Electors is published in the Government Gazette, a Register of the Electorate of the island shall be displayed in a public place in all the inhabited islands.

Furthermore, the Election Commission shall make arrangements in all inhabited islands to make available for inspection on request, the Register of Electors, to any individual wishing to do so.

(c) The places where the Register of Electors is kept pursuant to *subsection (b)* shall be publicly announced by the Elections Commission.

Complaints regarding information in the Register of Electors and rectification of the Register

10. (a) All Maldivian citizens above the age of 18 years and political parties have the discretion to, raise complaints regarding information in the register of electors or lack thereof, or amendments needed to ensure accuracy of the Register, or removal or inclusion of information in the Register of Electors published pursuant to *Section 9*.

(b) If a complaint needs to be raised pursuant to *subsection (a)*, such should be raised in writing within ten (10) days of publication of the Register Electors in the Government Gazette pursuant to *Section 9 (a)*.

(c) Within five (5) days starting from the last day of the 10th day specified in *subsection (b)*, the Elections Commission shall investigate complaints received pursuant to *subsection (b)* and give its decision regarding the complaints. The Commission must notify the complainant in writing of the reasons for the decision of the Commission within this period.

(d) Where a person is dissatisfied with a decision of the Commission pursuant to *subsection (c)*, and within five (5) days of receipt of the decision of the Elections Commission, the individual is entitled to make an application to the High Court of the Maldives for a determination on the matter. The High Court of the Maldives shall give a decision regarding a matter raised pursuant to this *subsection* within not more than fifteen (15) days of the application.

(e) Where any changes or rectification are brought to the Register of Electors pursuant to the manner specified in this Act or regulations made hereunder, after incorporating such changes it shall be published in the Government Gazette. Additionally, the copies of the Register of Electors made available in public places pursuant to *Section 9 (b)* shall be rectified accordingly. Political parties and Maldivian citizens over the age of 18 years have the right to raise complaints, in accordance with the manner specified in *subsections (b), (c) and (d)*, regarding amendments or

rectifications made to the Register of Electors.

Using information in the Register of electors, issuing copies of the Register of electors

11. (a) If candidates contesting in the elections, or official agents of such a candidates or political parties request to obtain a copy of the Register of Electors prepared for the purposes of a particular election pursuant to *section 9 (a)*, such shall be issued to them in accordance with the manner specified in regulations made hereunder.

(b) The Register of Electors published pursuant to *Section 9 (a)* or information from the Registers received pursuant to *subsection (a)* shall only be used for purposes permitted under this Act and regulations made hereunder. It is prohibited to use such information for any other purpose. Especially, using such information for business purposes or for financial gain is prohibited.

Individuals who are non-residents informing the Elections Commission where they would be on the date of election

12. (a) An elector who will not be in the island of which has been entered as his permanent address in the Register of Electors, and who wishes to vote in the election, should inform to the Election Commission in accordance with the Regulations made hereunder, where he will be on the date of the election.

(b) For the purposes of *subsection (a)*, the enforcement Agency who has authority over detainees shall inform the Election Commission of details of detainees who are serving a sentence other than those individuals who are exempted from voting pursuant *Section 5* of this Act.

## NOTICE OF ELECTIONS

Notice of elections

13. (a) Where an election is to be held, the Elections Commission shall make a public announcement pertaining to that in accordance with the manner specified in the specific law governing that election.

(b) An announcement made pursuant to subsection (a) shall contain the following information.

1. The type of election to be held and any further information pertaining to that election.
2. Deadline given to stand for elections.
3. Qualification of individuals standing for elections.
4. Details of information and things to be furnished individuals standing for election.
5. Time and place where information and things have to be

submitted by individuals standing for election.

6. Date and time of voting, and as a general principle the time when voting would be closed, and when vote counting shall commence.
7. Date and time for announcement of the official results.
8. Any specific information as may be needed to be included in the announcement pursuant to the specific law governing the election in question and any other information as may be required to be included pursuant to Regulations made hereunder.

Notice of candidates

14. (a) Within fourteen (14) days of the date of closure of date for applying to stand for elections, the following information shall be announced by the Elections Commission to inform the public as to who are standing for election. The said announcement shall be displayed at the office of the Election Commission and also shall be included on the website of the Commission. Announcements pertaining to Candidates standing for an electoral constituency shall be displayed in a place easily accessible to the public in all the inhabited islands forming the electoral constituency.

1. Names of the candidates. In this regard, in accordance with the information required to be submitted pertaining to the candidates, the following information shall also be submitted with the name of a candidate.

    a. Full name and permanent address.
    b. If the candidate is nominee of a political party, name of the political party that the candidate represents.
    c. State whether the candidate is an individual candidate.
    d. If the Candidate is using a special emblem in the election, a sample of that.
    e. The official elections agent's name and address.
    f. Official address of the Candidate to which communications can be sent.

2. Islands where voting will be conducted and addresses of the locations of the ballot boxes.

(b) The ordering of names of candidates to include in the announcements made pursuant *subsection (a) (1)* should be decided through draw of lots among the candidates eligible to stand for election. The lots to be drawn in this manner should be carried out in accordance with regulations made by the Elections

Commission and in the presence of the candidates or their appointed representatives. Where a candidate or a representative of the candidate is absent for the draw of lots, the Elections Commission has the discretion to appoint a representative in whose presence the lots could be drawn.

## CANDIDATES

Qualification criteria for individuals standing for elections

15. (a) Where the Constitution of the Maldives or an Act specifies the criteria to be satisfied by an individual to stand for a specific election, such criteria has to be satisfied by individuals standing for that election.

(b) When the Elections Commission opens the period to apply to stand for an election and where an individual who is under state detention and who satisfies the qualification criteria set for standing for a specific election wishes to do so, the state institution under whose charge the individual is, shall facilitate his application.

Submission of application to stand for elections

16. (a) When the Elections Commission pursuant to *Section 13* of the Act announces the period to apply to stand for elections, individuals wishing to stand for that election shall submit their applications to the Elections Commission in accordance with the manner specified in the announcement.

(b) Individuals applying to stand for elections pursuant to *subsection (a)* shall submit the following information with the application.

1. Full name
2. Date of birth
3. National Identification Card Number
4. Permanent Address (including island and Atoll)
5. Present Address (including atoll and island and address)
6. Within the last 5 years if the individual has served in any post in the country (state), names of the places of service and position(s) held.
7. Official address of communication where the documents that have to be sent by the Elections Commission to the applicants can be sent (including contact number)
8. If the individual is standing for elections as a nominee of a political party, name of the political party that the individual represents.
9. The official elections agent’s name and address.
10. Any other information as may be required to be included pursuant to the specific law governing the election or

regulations made thereunder. The announcement made pursuant to *section 13 (b)* shall specify in detail such further information that needs to be furnished.

Things to be submitted with the application

17. An individual submitting an application to stand for the election pursuant to *section 16* shall submit the following additional information with his application.

1. The deposit fee as specified in the specific law governing that election.
2. National identification card number of the applicant.
3. If the individual is a nominee of a political party, a resolution of the political party attesting that fact.
4. If the candidate is an individual candidate, a declaration by the candidate attesting that.
5. A declaration by the official election's agent accepting his appointment.
6. If the individual standing for election intends to use a special emblem in the election, a sample of that.
7. Any other information as may be required to be submitted by the specific law governing the election or regulations made thereunder. The announcement made pursuant to *section 13 (b)* shall specify in detail such further information that needs to be furnished.

Declaration on truthfulness and accuracy of information

18. An individual standing for election shall submit a declaration attesting his intention to stand for elections and also the accuracy of information furnished pursuant to *section 16* and *section 17* of this Act. The declaration has to be submitted to the Elections Commission with the information specified in *section 16 (a)*.

Deposit

19. (a) Where an individual standing for an election deposits with the Elections Commission the deposit specified in *section 17 (1)* of this Act, the Elections Commission shall furnish a receipt acknowledging receipt of the deposit.

(b) If the Elections Commission pursuant to *section 21* rejects the name of an individual who is standing for an election, within not more than five (5) days of the rejection of the name, the Commission shall return the deposit made pursuant to *subsection (a)* to the individual.

(c) If a candidate receives more than ten percent (10%) of votes from a constituency identified for the elections, within thirty (30) days of announcement of the official results of the votes, the deposit specified in *subsection (a)* shall be returned to the candidate by

the Elections Commission.

(d) If a candidate receives less than ten (10%) of votes from a constituency identified for the elections, the deposit specified in subsection (a) shall be forfeited.

Approval of emblems to be used to win support

20. (a) If a candidate wishes to use an emblem in his campaigning that has to be submitted to the commission for approval.

(b) Prior to the announcement of the names of the candidates pursuant to *section 13 (a)* of this Act, the Elections Commission shall complete the approval of emblems submitted to the Election Commission pursuant to *Section 17 (6)*.

Decision made on applications for candidacy

21. (a) Within 48 (forty eight) hours of receipt of an application from an individual pursuant to *section 16* of this Act, the Elections Commission shall inform the individual in writing whether the application was accepted or rejected by the Election Commission.

(b) Prior to informing an individual as to whether the Elections Commission has accepted or rejected an application pursuant to *subsection (a)*, the Election Commission shall ensure that the information and things that have to be submitted pursuant to *section 16 and section 17* are complete.

(c) The Elections Commission shall only decide to reject an application by an individual for candidacy only provided that the individual does not satisfy the criteria specified for candidates for that election or that the information and things to be submitted by the applicant pursuant to *sections 16 and 17* are incomplete or the Elections Commission is of the belief that a thing submitted with the application is in accurate.

(d) If the Elections Commission decides to reject an application pursuant to *subsection (a)* the Elections Commission shall furnish the applicant in writing the reasons for rejecting the application with the decision.

(e) Where an applicant is dissatisfied with the reasons provided by the Elections Commission pursuant to *subsection (d)*, and the reasons go to whether the individual satisfies the criteria specified for candidacy for that election, the applicant has the right to file a petition at the Supreme court or where the refusal is for any other reason(s), the applicant has the right to file a petition at the High Court.

(f) A candidate wishing to petition the Supreme Court or the High Court pursuant to *subsection (e)* should do so within not more than five (5) days after the completion of the forty eight (48) hours specified in *subsection (a)*. The court shall make a decision on the matter within seven (7) days of the petition.

Re-application

22. Where pursuant to *section 21 (a)* the Commission informs an individual that his application was rejected, and it was decided that the rejection was due to the fact that the information and things submitted were incomplete, the applicant has the right to complete the information and re-submit the application, provided the application deadline has not expired. Or provided the application deadline has not expired, the applicant is also entitled to complete the information specified in *Sections 16 and 17* and submit a fresh application to the Commission.

Withdrawal of name

23. An individual who has submitted an application for candidacy for the election, has the right at anytime prior to the announcement of the names of the candidates pursuant to *section 14 (a)*, to withdraw his name.

Death of candidate

24. (a) If a candidate who has applied to stand for the election dies, the Elections Commission should decide that the candidate's name should not be included among the individuals who are standing for the election, and should make a public announcement to that effect. The announcement shall be publicly displayed in the office of the Elections Commission and in all the inhabited islands forming the electoral constituency.

(b) If a candidate dies after the ballot papers have been printed, an announcement informing the electorate of the death of the candidate shall be publicly displayed in the voting stations located in the electoral constituency for which the candidate was standing for election. Under all circumstances votes that are cast in favour of that candidate would be declared invalid.

Official Election's Agent

25. (a) Every candidate standing for elections shall prior to standing for the election appoint an Official Election Agent.

(b) An individual appointed as the official agent specified in *subsection (a)* should satisfy the following criteria.

1. Should not be an individual who is a candidate in that election.
2. Should not be an individual who has been given the responsibility of elections duties by the Elections

Commission.

3. Should not be an individual who has a decreed debt which remains unpaid as provided in the judgement.
4. Should not be an individual who does not have the right to vote in that election.

Death, resignation or removal of the Official Election Agent

26. Where an individual designated as an official election agent dies or resigns from the position or is removed from the position, the candidate has to appoint without delay another individual as an official election agent. In relation to the individual appointed pursuant to this *subsection*, the candidate has to submit the information specified in *sections 16 and 17* of this Act to the Elections Commission within seven (7) days. The Elections Commission shall make a public announcement informing of this change.

One Official Election Agent

27. At anytime during an Election each candidate can have only one official election agent.

## ELECTION CAMPAIGNING

Right to Campaign

28. (a) Every candidate standing for election has the right to campaign to get support from the electorate of the electoral constituency for which he is standing for election.

(b) Pursuant to the right candidates have under *subsection (a)* candidates can do the following during election campaigning.

1. Meet and speak with the electorate of the electoral constituency
2. Have peaceful assemblies
3. Use the media
4. Send letters to the electorate of the electoral constituency or distribute photos, stickers or writings or display such items.
5. Use emblems, or carry or use items with emblems on them.
6. Advertisements.

(c) Candidates can exercise the rights granted to them pursuant to *subsection (a)* through their supporters. The supporters of the candidate who are campaigning for the candidate shall also abide by the ethical code found in *section 29* of this Act.

Code of ethics

29. (a) The regulations promulgated pursuant to this Act should identify the ethical rules which have to be abided by candidates during

campaigning. The ethical rules in the regulations made under this Act have to be abided by all individuals who are campaigning for candidates in elections.

(b) During a campaign to get support for a particular candidate, no one should do anything to encroach on the election rights of any other candidates. Nor should any one use untruthful information regarding another candidate.

(c) Where someone commits an act that encroaches on the election rights of a candidate contravening *subsection (b),* the aggrieved candidate has the right to submit a complaint to the Elections Commission requesting the Commission to prohibit that activity. The Elections Commission shall investigate and take action on the matter without delay.

(d) The Regulations promulgated pursuant to *section 62* of this Act should state the manner in which the Commission shall facilitate reporting of complaints and taking expeditious action on complaints received pursuant to *subsection (c).*

Broadcasting

30. (a) From the time the Elections Commission officially announce the names of the candidates standing for election, till 6:00 pm of the day before the date designated for voting on the election, in accordance with the Regulations promulgated under this Act, all the broadcasters in the Maldives should provide broadcasting time to political parties and individual candidates who are standing for election to campaign through advertising or other programs.

(b) The broadcasters shall announce the allotment of time pursuant to *subsection (a)* and if a charge is to be levied for the service, such charges. The broadcasters shall give broadcasting time or sell thereof to candidates on an equitable basis.

(c) From the time allotted to candidates pursuant to *subsection (a)* no broadcasters shall under any circumstance give or sell more than 10% of the time allotted to one candidate, to one individual candidate or a political party or a candidate representing a political party.

Prohibition on campaigning through use of broadcasters outside the Maldives

31. In campaigning to get support, use of broadcasting stations operating outside the Maldives is prohibited.

## PREPARING FOR VOTING

Individuals stationed at voting stations

31. (a) Only employees of the Elections Commission or individuals appointed by the Elections Commission for the purpose shall be stationed at voting stations to manage and oversee the voting for the election. From among the election officials stationed at each voting station, an individual who shall be the official in charge with the overall responsibility of the station shall be appointed by the Elections Commission.

(b) The election officials assigned to manage the voting stations pursuant to *subsection (a)* shall not be individuals who are involved at a senior level in the administration of the administrative divisions that is represented by the voting station. The election officials shall additionally be capable of discharging the functions assigned to them and shall also be individuals who can carry out their responsibilities without bias.

(c) The main responsibilities of election officials are, to look after the ballot boxes, carry out all activities related to voting and counting ballots, declare the provisional results of the votes cast, overseeing the electors within the voting area designated for the voting station, make arrangements pertaining to electors within the designated voting area, overseeing the observers and monitors, and stopping any unlawful activity that takes place in the area designated for the voting station.

(d) Election officials managing the voting station shall not enter the voting booth while an elector is voting in the voting booth.

(e) Election officials shall, at all times during which they are discharging their functions, wear a badge designated by the Elections Commission on their cloths in a visible place.

(f) The safety of the voting stations, before voting commences and until the time all the activities relating to voting has ended, shall be the responsibility of the national security services of the state.

Roll of individuals stationed at voting stations

33. Not less than three (3) days before the day of voting, the Elections Commission shall send each candidate a list giving details of individual who will be stationed at the voting station designated to the electoral constituency for which the candidate is standing for election and display the list in the office of the Elections Commission. If a candidate raises a complaint regarding an individual on the roll, the Elections Commission shall investigate the matter.

Giving information and guidance

34. The Elections Commission shall give adequate training, information and guidance to election officials so as to enable them to discharge the functions and responsibilities assigned to them.

Ballot box

35. (a) The ballot box shall be a transparent box in a size and shape determined by the Elections Commission. The Elections Commission shall publicly announce detailed information regarding the ballot boxes that would be used in the election not less than five (5) days before the designated election date.

(b) For the purpose of voting, voting stations shall only use, ballot boxes prepared in accordance with *subsection (a)* and sent by the Elections Commission to the voting stations.

Ballots

36. (a) In elections, voting shall be by the use of ballots, prepared by the Elections Commission in accordance with the manner specified below.

1. Ballot papers must be published in separate books constituting a reasonable number of ballot papers.
2. A ballot paper must be published in such a manner that it can be divided for use into a ballot and a counterfoil and stapled on the counterfoil.
3. The ballots and counterfoils must be in the same book, and the ballots should be detachable from the book while the counterfoil remains in the book once a ballot is detached from the book as a record of the ballots used.
4. The counterfoils shall have a serial number on it and the cover of the ballot book shall note the serial number of the first and last counterfoil in the ballot book.
5. The ballots shall be prepared so as to have different colors for each election and shall be published in a color and size determined by the Elections Commission.
6. The ballots shall indicate the specific election for which it shall be used.

(b) Not more than five (5) days before the election, the total ballots printed and the place from where they were printed shall be publicly announced.

Things to be sent to election officials stationed in voting stations

37. (a) For the use of the election officials who are stationed at the voting stations for the election, the official in charge identified pursuant to *section 32 (a)* shall be sent the following items by the Elections Commission.

1. A number of ballots which does not exceed by more than one percent (1%) of the total number of individuals registered to vote in the voting station.
2. The Number of ballot boxes announced by the Elections Commission.
3. An official document listing out the number of ballot boxes and ballots sent to the station including the serial numbers printed on the covers of the ballot books.
4. Directions given in relation to the manner in which voting should be overseen.
5. Accessories to be used for purposes of voting, and any other item that has to be sent in accordance with the regulations made under this Act or any other specific law governing the election.

(b) The official in charge of the voting station shall be responsible for the items sent to the voting station pursuant to *subsection (a)* and shall look after them to ensure that they are not misused in contravention of the law.

Area where ballot box is located and locating the ballot box

38. (a) Inside the voting stations, ballot box area shall be identified as the area 100 feet from ballot box, including parks, empty spaces and football grounds but excluding streets, roads and residential places inside the area.

(b) Ballot boxes should be located inside the ballot box area, in places which are easily visible to the electors who come to vote and to the election officials and also providing easy entry and exit, to electors.

(c) The voting booth should be placed in such a manner that the voters may mark their ballots screened from observation by others.

Publicly display names of candidates

39. The names of the candidates in the order announced by the Elections Commission in the announcement should be displayed in all the areas where the voting booths are located on the voting day.

Election observers

40. (a) Only, individuals identified by political parties, candidates, non-government organizations registered in the Maldives, individuals who are identified by international organizations and individuals who request to act as election observers and who have been accredited or approved in accordance with the policies and regulations made under this Act, can be election observers.

(b) Where elections observers who are approved under *subsections (a)* are carrying out their duties as observers, they shall wear a tag issued by the Elections Commission in a visible place on their cloths.

(c) Observers who are authorized pursuant to *subsections (a)* shall be able to carry out their duties in the voting areas and ballot counting areas as permitted under this Act and regulations made hereunder and in the manner specified below.

1. If an observer wishes to clarify a matter pursuant to the arrangements for voting, communicate with the individual designated by the Elections Commission as the official in charge of the area or the island pertaining to the election.
2. Communicate with the electors in the area without impeding.
3. An observer shall not do anything that would disturb the work of any individual with the responsibility of managing the conduct of voting or counting of ballots in an island or area.
4. An observer shall not do anything prohibited to be done on the day of voting pursuant to *section 44*.
5. An observer shall not use any communication device within the voting area.
6. An observer shall not take pictures using a mobile phone or any other device nor record videos or sound.

Monitoring

41. (a) Only reporters, who are approved by the Elections Commission under the Act, can monitor voting areas in the capacity of reporters.

(b) Ten (10) days before the date of voting, from among those registered news papers, news media institution who has applied for permission to act as monitors in islands or voting areas, permission shall be given by the Elections Commission to such organizations so that not more than one individual representing such an organization can be present at the voting areas and ballot counting areas.

(c) Individuals who are given permission pursuant to *subsection (b)* when they are performing their duties as election monitors shall wear a tag issued by the Elections Commission in a visible place on their cloths.

(d) Individuals who are approved pursuant to *subsection (b)* shall be able to carry out their duties in the voting areas and vote counting

areas as permitted under this Act and regulations made under this Act and in the manner specified below.

1. Be able to observe voting areas and ballot counting areas without any obstacles.
2. If the individual wishes to clarify a matter pursuant to the arrangements for voting, communicate with the individual designated by the Elections Commission as the official in charge of the area or the island pertaining to the election.
3. Not do anything that would disturb the work of any individual with the responsibility of managing the voting or counting of ballots in an island or administrative division.
4. Not seek interviews from electors in the area.
5. Not do anything prohibited to be done on the day of voting pursuant to *section 44*.

(e) Individuals who are authorized pursuant to *subsection (b)* to monitor the election can take photographs or record audio or videos in the voting area or the vote counting area in accordance with the following manner.

1. In the voting area, not closer than 10 (ten) feet from the voting booth.
2. In the ballot counting area without disturbing the individuals counting the ballots.

Representatives of the Candidates

42. (a) When the ballot counting is taking place, in addition to the candidates and their official election agent, those designated representatives of candidates who have been given permission pursuant to the policy specified in regulations made under this Act, can exercise the rights given to representatives of candidates or do the things they are entitled to do pursuant to this Act.

(b) When candidates, official election agents of the candidates and representatives of the candidates carry out their activities in the voting areas or the ballot counting areas in accordance with this Act, they have to wear a tag issued by the Elections Commission in a visible place on their cloths.

## VOTING

Day and time designated for voting

43. The date and time identified for voting in a specific election and the time at which voting shall as a general principle be closed, and the time designated to start counting ballots shall be designated and announced by the Elections Commission

Things prohibited to be done on the day of voting

44. (a) Between 6 pm of the day before an election is to be held and 6 am after the day of the election, no one should do any of the following.

1. Any act specified in *section 28 (b)* of this Act.
2. Display elections posters, stickers or a writing or any other thing that identifies a specific candidate on vehicles and driving them.
3. Use a loudspeaker or any other apparatus and campaign to get support.

(b) Between 6pm before the day of the voting and close of voting, no one should do the following in a voting area.

1. Other than the material used by the election officials, use any writings related to elections, picture of a candidate, a poster, sticker, emblem.
2. An elector, waiting in the voting area after casting the ballot.
3. A candidate, entering the voting area or waiting in the voting area, other than to cast a ballot.
4. Take the ballot which has been issued to him out of the voting area.

Voting procedure

45. (a) The elector should mark the ballot on his own. Other than an individual who assists a physically challenged person to mark his ballot in accordance with *subsection (b)*, no person shall in any way participate in marking a ballot of another.

(b) It is permissible for another individual to assist a physically challenged person who is unable to mark his ballot. However, an individual can only assist in marking a ballot of only one physically challenged person.

Counting ballot papers prior to commencement of voting

46. Individuals designated by the official in charge, from among the election officials managing the voting, shall open the ballot packets sent by the Elections Commission to be cast in that ballot box and count the ballot papers 15 (fifteen) minutes before the designated time for commencement of voting. Where counting commences for this purpose, and if there are observes or representatives of the candidates, near the ballot box, the ballot papers should be counted in their presence.

Checking ballot boxes and sealing them prior to voting

47. (a) Ballot boxes shall be opened in accordance with this section by an individual designated for that purpose by the Elections

Commission, and in the presence of the first two (2) electors who arrive to vote. In addition to this, if there are observes or representatives of the candidates, near the ballot box, the ballot box should be opened in their presence as well.

(b) Before a ballot box is used for ballots, the ballot boxes should be opened in the presence of the first electors who arrive there to vote and the inside of the ballot box should be shown to them.

(c) After guaranteeing to the people that the ballot box was empty pursuant to the manner specified in *subsection (b)*, prior to commencement of voting, the ballot box should be covered with the lid and the four sides of the ballot box should be sealed including the lid with pull tight seal, and the designated place through which ballots are to be deposited in the box, should be opened.

(d) Name, address and national identification card number of two (2) individuals who had arrived for voting and in whose presence *subsections (a), (b) and (c)* were complied with should be included in the report specified in *Section 58* of this Act.

Commencement of voting

48. (a) Without delay, after sealing the four sides of the ballot box including the lid with pull tight seal pursuant to *section 47 (c)* and after opening the designated place through which ballots should be deposited, work should be started to ensure that the people who had arrived to vote could start voting.

(b) Once voting starts, until the time to end voting pursuant to this Act occurs, voting should commence non-stop.

Make arrangements to facilitate voting

49. The election officials responsible for managing the voting shall facilitate voting for individuals who arrive to vote. They should also make arrangements to ensure that individuals who come to vote and who need special assistance can as easily as possible vote. The election officials shall also make arrangements to ensure that electors who are waiting to vote at the voting station will not face any hardship while they are waiting to vote.

Issuing ballots

50. (a) Before the ballot is issued to an elector he shall present personal identification documents to prove his identity to the election officials managing voting.

(b) Where pursuant to *subsection (a)* an individual shows proof of his identity, to the election officials managing voting, the officials should shall tally his name with the electoral roll for that

ballot box to ascertain whether the name and address of that individual tallies with the information in roll at the time of issue of ballot.

(c) The election officials managing voting shall mark the electoral roll for that ballot box with a tick besides the individual to whom ballots had been issued from that roll.

(d) To ensure that only one ballot is issued per person, and that an individual can vote only once in that round of the election and also as a guarantee that a single ballot had been issued to the individual, a mark as determined by the Elections Commission should be applied on the finger of the elector.

(e) After ensuring compliance with *subsections (a), (b), (c)* and *(d)* the ballot, sent by the Elections Commission to be used for the ballot box, shall be handed, directly to the elector.

(f) After handing the Ballot to the elector, as a guarantee that the ballot had been handed to him, a second mark should be applied besides the name of the elector, on the electoral roll for that ballot box.

Voting

51. (a) In an election, an elector should vote for a candidate who he chooses from among the candidates contesting in that election. Voting will be complete once the elector marks a tick opposite the name of the candidate for whom the individual wishes to vote pursuant to this section, on the ballot issued to him, and deposits the ballot in the ballot box.

(b) An elector should mark a tick on the ballot issued to him inside the voting booth located in the voting area.

(c) Once an individual receives a ballot, the individual should without delay, vote in accordance with this section. Once he has finished voting he should leave the voting area as soon as possible.

(d) Under all circumstances, it is prohibited for voters to photograph, record audios or videos using a mobile phone or any other device in any manner within the voting area.

End of voting

52. (a) At the time announced by the Elections Commission as the time when voting would end, except in the circumstances specified under *subsection (b)*, voting should be ended and ballot boxes should be sealed.

(b) At the time announced by the Elections Commission as the time set for voting to end, and if there are individuals waiting in line (queue) in order to vote, those individuals are entitled to vote and the ballot box should be kept open until they deposit their ballots. Once everyone in the queue finishes depositing their ballots, the ballot box should be sealed.

(c) Prior to the time announced by the Elections Commission as the time set for voting to end, provided all the voters in the island or the voting area have deposited their ballots, and provided there are no individual(s) within the voting area who wishes to cast their vote, then under those circumstances ending voting and sealing the ballot boxes are allowed. However even under this circumstance, vote counting should commence only at the appointed time, which has been announced by the Elections Commission.

(d) The ballot boxes can be sealed pursuant to *subsections (a) ,(b) and (c)* and voting should only be stopped after displaying a sign near the ballot box which states, ‘‘voting closed’’. Once a sign is put up in this manner, further voting is prohibited.

Sealing of ballot boxes

53. (a) Once voting has ended the ballot box should be sealed, by sealing the opening on the lid of the ballot box through which ballots were deposited, and covering the area with plastic pull tight seal.

(b) After sealing the ballot boxes at the end of voting, the materials used for voting, the unused ballots, counterfoils should all be packaged in the security envelope especially designated for that purpose and sealed. If at the time of packaging, representatives of the candidates or observers are near that ballot box, the packaging and sealing should be carried out in the presence of such individuals.

## COUNTING BALLOTS AND ANNOUNCING RESULTS

Start of ballot Counting

54. (a) Once voting has ended pursuant to the manner specified in *section 52* of this Act and the ballot boxes have been sealed pursuant to *section 53* of this Act, on the time appointed by the Elections Commission for counting of votes, the ballot boxes shall be opened and in every voting centre ballot counting shall commence.

(b) At the time designated for vote counting, if voting has not ended in the voting areas, vote count shall commence only once voting has ended pursuant to the manner specified in *section 52(b)*. At the end

of voting, the ballot boxes shall be sealed in the manner specified in *section 53* and the ballot box shall be opened for ballot counting as soon as possible.

Opening the ballot box, counting and consideration of ballots and arriving at results

55. (a) The opening of the ballot box for ballot counting, consideration of ballots and totaling votes and arriving at the results should all be carried out by those individuals from among the election officials working in the voting centre who were assigned the task by the official in charge of the centre, appointed by the Elections Commission.

(b) After counting and totaling the votes as specified in *subsection (a)*, and prior to the announcement of the results from the voting centre, the official in charge of the centre appointed by the Elections Commission, and among the individuals who had participated in counting ballots in that centre, not less than two (2) individuals shall sign on the result sheet.

(c) The agents of candidates, official elections agents of the candidates, observers, and election monitors approved by the Elections Commission shall be given the opportunity to observe the proceedings of ballot counting, opening of the box for ballot count, consideration of ballots, totaling votes to arrive at a result, and announcement of the results from the voting centre.

(d) Where pursuant to *subsection (a)*, ballot boxes are opened to count ballots and agents of candidates, official elections agents of the candidates, observers, or election monitors approved by the Elections Commission are not present, the opening of the box for ballot counting, consideration of ballots and totaling votes and arriving at the results shall all be carried out in the presence of at least three (3) eligible voters. Pursuant to this, the official in charge of the voting centre appointed by the Elections Commission shall invite three (3) electors who are eligible to vote in that centre to be present at the voting Centre at the time designated for the proceedings specified.

(e) The individuals specified in *subsections (c) and (d)* shall not in any way or do any thing to hinder the people counting the votes.

Invalid votes

56. (a) In counting ballots, a ballot that has one of the following characteristic would be deemed invalid.

1. A ballot that differs from the ballots officially prepared by the Elections Commission pursuant to *section 36* of this Act.

2. A ballot that does not bear a mark.
3. A ballot that is discernable as having been cast in contravention of the law.
4. In addition, a vote deemed invalid by the specific law pertaining to that election.

(b) In determining the total electors who had voted in the elections, invalid votes should not be calculated to arrive at total.

(c) The candidates or representatives of the candidates who are present during the ballot count has the right to raise complaints regarding the decision of the officials who participated in the ballot count and their determination of a ballot as invalid vote pursuant to *subsection (a)*.

(d) Where on a determination of a ballot as an invalid pursuant to *subsection (a)* a dispute arises, the decision as to whether it is valid or not shall be taken by the official in charge of the voting centre appointed by the Elections Commission. In this regard, the individual who raised the complaint regarding the matter and the manner in which the matter was settled should be included in the report prepared pursuant to *section 58* of this Act.

(e) Ballots determined invalid pursuant to *subsection (a)* and *(c)* should be shown to the observers or individuals who are present in the voting centre pursuant to *subsections (c)* and *(d)* of *section 55* of this Act.

Announcement of preliminary results from the voting centre

57. (a) Pursuant to *section 55 (b)* once the result sheet from the particular voting center is signed, the preliminary results from that Center shall be announced and publicly displayed in the voting center.

(b) Once the preliminary results are publicly announced by the voting center pursuant to *subsection (a)* without delay, the results should be sent to the main voting center based in Male' in accordance with the manner specified by the Elections Commission.

Report of the proceedings

58. Every voting centre designated for voting, shall prepare a report of the activities of the voting center including activities which took place between the time voting started and voting ended and including the information specified below. The report shall be signed by the official in charge of the center, the individual who prepared it and the individual who checked it and sent to main voting center based in Male'.

(a) Time at which voting commenced and voting ended.

(b) Name, address, identification card number, designated positions and signatures of individuals who were appointed to manage matters relating to voting.

(c) The number of individuals who voted (gender disaggregated)

(d) Number of individuals who voted in accordance with *section 45 (b)* of this Act, their condition, and number and details of individuals who assisted them.

(e) Number of ballots used and the number of unused ballots (and if for any reason a ballot had been damaged, the number of ballots that were damaged should be ascertainable).

(f) The number of counter foil from the used ballots.

(g) Name and full address of the place where the ballot box was located.

(h) If any unusual activity had taken place at the voting area, details thereof.

(i) Name, address, identification card number of the first two individuals who came to vote from that constituency or from the island.

(j) If there had been any observer's present, information on them.

Sending ballot papers and the remaining items in security envelopes to the main voting center

59. (a) Once the ballots in any ballot box have been counted and the results from that ballot box has been announced from that center, without delay, the ballots in the ballot box shall be packaged in the special security envelopes allotted for that purpose and sealed.

(b) Once the security envelope is sealed in accordance with the manner specified in *subsection (a)*, the following items shall be packaged in the security envelopes and should be sent to the main voting center in Male' without delay.

1. Material used for voting.
2. Unused ballots and their counter foils.
3. Counted ballots.
4. Counter foils from the used ballots.
5. Damaged ballots, if any.
6. Preliminary result sheet.

(c) The voting materials from the voting centers should be sent to the

main voting center in Male' in the custody of not less than three (3) individuals assigned by the Elections Commission.

(d) The document sent along with the voting materials shall state the name, address and number of the official document of identification and employment designations of the individuals specified in *subsection (c).*

(e) In addition to the items related to voting specified in *subsection (b)* the following items should also be sent to the main elections center in Male'.

1. Document of proof showing that the voting related materials had been handed over to the custody of the individuals assigned the task.
2. Roll of persons who voted (gender disaggregated).
3. An activity report pertaining to the matters specified in *section 58* of this Act.

Notice of provisional results of the electoral constituencies

60. Once the results of the voting are confirmed and announced by the voting centers, and the results from the voting centers have been delivered to the main voting center in Male' pursuant to *section 57 (b)* of this Act, the Elections Commission shall publicly announce the results of the voting centers and the preliminary results of the electoral constituencies arrived at based on those results.

Publishing the official results in the Gazette

61. Within seven (7) days of the day of elections, the Elections Commission shall confirm the results of the election, and publicly announce the official results of the election and publish it in the government gazette. Additionally, the individual elected from the election should also be disclosed in the announcement.

## ELECTIONS COMPLAINTS

Complaints handling mechanism

62. The Elections Commission shall in accordance with the regulation made under this Act, establish a mechanism to receive and expeditiously deal with complaints from individuals, wishing to raise complaints regarding the elections, during the duration of the election.

Persons having the right to raise complaints

63. The following persons have the right to raise elections related complaints under *section 62* of this Act:

(a) Every individual having the right to vote in the election.

(b) Every candidate contesting in the election.

(c) Political parties.

(d) Election observers and election monitors approved under this Act by the Elections Commission.

(e) Elections officials.

Filing complaints

64. (a) Where any person does an act in contravention of this Act or regulations made hereunder, or the specific law pertaining to an election or regulations made thereunder, or a person is dissatisfied with a decision of the Elections Commission pursuant to a complaint raised under *section 62* of this Act, or is dissatisfied with the results of the election, the dissatisfied person can file a petition with the High court.

(b) Every individual mentioned in *section 63* of this Act has the right to file a petition the High Court pursuant to *subsection (a)*. However, where an individual commits a criminal offence in contravention of this Act or regulations made hereunder, or the specific law pertaining to the election or regulations made thereunder, only the Elections Commission has the discretion to refer the matter for judgment to the High Court through the Prosecutor General.

(c) Where a petition is to be filed with the High Court pursuant to *subsections (a) or (b)*, the reasons for the petition, and details of the claim including evidence should be submitted to the High Court of the Maldives within not more than fourteen (14) days of the announcement of the formal results of the election.

Invalidate the election

65. (a) Where the official results of an election has been announced and in a petition filed in the High Court pursuant to *section 64* of this Act, due to any one of the reasons specified below, it has been proven to the High Court that in a voting area something irregular has happened which has a negative impact on the results of the election, and the court determines that due to that, the results of the election could change, the election from that area should be declared invalid and fresh elections should be held for that area.

1. Use of undue influence during the election.
2. Give bribes to gain an electoral right, in favour of a person or a group of persons.
3. Act in contravention of this Act or regulations made hereunder, or the specific law pertaining to the election or

regulations made thereunder.

(b) In a petition filed with the High Court pursuant to *section 64* of this Act, within not more than thirty (30) days of the announcement of official results of the election, the High Court shall deliver judgment on the matter.

Responsibilities of official election agent

66. It is the responsibility of every candidate's official election's agent appointed pursuant to this Act to look after all the financial matters pertaining to the campaign of the candidate and reporting in relation to those matters in accordance with this Act.

## FINANCES AND FINANCIAL MATTERS

Specific bank account for elections

67. (a) Every candidate should open an account in his own name in a bank operated in the Maldives in order to spend on election related expenses.

(b) Every candidate should spend on election related matters only from the bank account specified in *subsection (a)*. Furthermore, all the financial contributions received by the Candidate in relation to the election should also be deposited in the same account.

Receipt of assistance, contributions; expenditure

68. (a) Financial contributions received by the candidate in relation to the election shall only be received by the candidate in person or by his official election agent.

(b) Money to be paid out or to be spent in relation to expenses incurred by the candidate in relation to the election shall only be paid out directly or spent directly by the candidate or by his official election agent.

Election expenses limits

69. In relation to an election, a candidate should only spend an amount not more than the equivalent of a total amount of money calculated on the basis of 1500 (one thousand five hundred) rufiyaa per each eligible elector from the electoral constituency for which he is standing for elections.

Prohibition on accepting contributions

70. A candidate or even an individual on behalf of the candidate should not accept contributions given by the following persons for election expenses.

(a) Contributions given by foreigners, foreign individuals and foreign associations.

(b) Contributions given by foreign organizations and foreign

governments.

(c) Contributions given by international organizations.

(d) Contributions given anonymously.

(e) Contributions given by a government authority other than the contributions made available to political parties through the government.

(f) Contributions given by a quango or a company in which the government is a shareholder.

Use of influence to raise funds

71. (a) In order to procure contributions for election expenses, use of any form of authority or influence, or any form of intimidation on any person or individual, by the candidate or in work carried on behalf of the candidate, is prohibited.

(b) In order to procure contributions for election expenses, the candidate or in work carried on behalf of the candidate, propositions should not be made to a specific person, proposing to give that person some special immunities, or benefits.

Contributions given by individuals and legal entities

72. (a) For election expenses, a candidate can accept contributions from individuals and legal entities excluding the persons specified in *section 70* of this Act, in accordance with this Act. In this manner candidates can even procure contributions through loans from such individuals or entities.

(b) The contributions given by an individual to a candidate for election expenses should not exceed by more than zero point five (0.5%) percent of the amount specified in *section 69* of this Act. The contributions given by a legal entity to the candidate for election expenses, should not exceed by more than two (2%) percent of the amount specified in *section 69* of this Act.

(c) The official election agent shall maintain records of details of contributions received pursuant to *subsections (a) and (b)* specifying the details of the contributor, the amount and form in which it was received.

(d) The identity of a person, who gives contributions in accordance with this Act to a candidate for election expenses, should not be kept confidential or should not be misrepresented.

Submission of financial information

73. (a) A report relating to the financial matters of the election of the

pertaining to the elections to the elections commission

candidate, including the matters specified below, should be prepared and submitted to the Elections Commission within thirty (30) days from the date of the election.

1. Expenses incurred by the Candidate in relation to the election.
2. Details, separately, of the expenses incurred during the electoral campaign.
3. Details of the manner in which contributions were procured for election expenses.
4. Details of persons and amounts contributed by them for election expenses.
5. A bank account statement which shows all the transactions carried out from the elections account opened pursuant to *section 67* of this Act.

(b) As proof that the information and materials submitted pursuant to *subsection (b)* are a true account of the transactions, receipts, invoices, bills and other such documents pertaining to transactions shall be submitted along with the information submitted pursuant to *subsection (b)*.

(c) As proof of the veracity of the information and materials submitted pursuant to *subsection (b)*, a declaration signed by the candidate and the official election agent shall be submitted with the information and materials furnished pursuant to *subsection (a)*.

(d) The Elections Commission should make arrangements for the public to be able to inspect the information and materials furnished pursuant to *subsection (a)*.

## ELECTION RELATED OFFENCES AND PENALTIES

Offences and penalties

74. (a) In any election, it is an offence to do any of the following acts.

1. Give false information in order to stand for elections.
2. An Elections Commission employee or an individual designated by the Commission to act as an election official, destroying a document submitted by an individual to stand for elections or not dealing with it in a manner specified by regulations or be negligent in any manner in relation to such a document.
3. Selling ballots, or issuing ballots to a person who is not entitled pursuant to the law to receive thereof.
4. Vote more than once in the same round of an election.
5. Deposit anything other than the ballot approved pursuant to

the law in the ballot box.

6. Take a ballot out of the voting area in contravention of the law.
7. Other than in the manner specified by the law, open ballot packets or the ballot box or take out ballots from the security envelopes and inspect them, or destroy or damage any election material herein specified.
8. Without authorization of the Elections Commission, prepare ballot papers, or any other thing that could be used as ballots in the election.
9. Caste a vote in any election while not eligible to do so.
10. Announcement or advertisement indicating the form in which ballot papers to be used in election would be by any person other than the Elections Commission.
11. Taking false or incomplete information while recording information required to be maintained pursuant to the law.
12. Preventing or hindering an individual from voting.
13. Deliberately counting a valid ballot as an invalid vote, or omitting to count a valid ballot, or deliberately counting a vote cast in favour of one candidate as a vote cast in favour of another candidate.
14. An individual from among the people appointed by the Elections Commission to oversee the vote counting in a voting area, or any other individual commits an act in contravention of this Act or regulations made hereunder. Or assist in any manner in committing such an act. Or due to negligence in the performance of his duties, facilitate the commission of such an act.
15. In the election any individual voting in the name of another individual.
16. An individual responsible for sealing the ballot box pursuant to *section 53* of this Act fails to do so deliberately, or due to his negligence omits to do so. Or in between the start of voting and end of voting or before the time designated for counting of ballots, open the ballot box and inspect ballots or change ballots or increase or decrease ballots.
17. End voting in contravention of *section 52* of this Act.
18. Alter the name of a candidate on the list displayed in the voting area pursuant to *section 39* of this Act or amend the list in contravention of this Act.
19. Spend in excess of the limits specified in *section 69* in relation to the election.
20. Give contributions or accept contributions in excess of the limits specified in *section 72 (b)* of this Act.

(b) An individual who commits any act specified in *subsection (a)* is guilty of an offence punishable on conviction to imprisonment for a term between one (1) year and four (4) years or a fine of between MRf 12,000.00 (twelve thousand) and MRf 48,000.00 (forty eight thousand) to be determine based on the magnitude of the offence.

(c) Where an individual is convicted of an offence pursuant to this section, and such an individual is an official to whom the Elections Commission had assigned elections obligations, in addition to the penalty imposed pursuant to *subsection (b)* he shall be liable on conviction to an additional penalty of imprisonment for a term between six (6) months and one (1) year or a fine of between MRf 6,000.00 (six thousand) and MRf 12,000.00 (twelve thousand).

(d) An individual, who conceals any information pertaining to an offence specified in this section, is punishable on conviction to imprisonment for a term of three (3) months or a fine of MRf 3,000.00 (three thousand).

Other Offences

75. (a) In addition to the offences specified in *section 74* of this Act, an individual who commits an act prohibited by this Act or any other specific law on election, or carries out an act in a manner other than as specified in the law, or attempts to so act is guilty of an offence.

(b) An individual who is guilty of an offence under *subsection (a)*, on conviction is liable to imprisonment for a term between six (6) months and two (2) years or a fine of between MRf 6,000.00 (six thousand) and MRf 24,000.00 (twenty four thousand) to be determined based on the magnitude of the offence.

## MISCELLANEOUS

Regulations and Administration

76. (a) The regulations required for the administration of this Act shall be made by the Elections Commission. Furthermore, within six (6) months of the commencement the Act, the said regulations shall be promulgated.

(b) *Subsection (a)* does not derogate the right of the Elections Commission to bring amendments to the regulations made under the Act pursuant to *subsection (a)*, or make such additional regulations as may be determined by the Elections Commission after the duration specified therein.

(c) Notwithstanding what *subsection (a)* states, *subsection (a)* does not derogate the right of the Elections Commission constituted

pursuant to *section 276* of the *Constitution of Maldives* to make such regulations under this Act in order to carry out its mandates and its responsibilities.

Commencement

77. This Act shall come into effect upon the grant of presidential assent and on the date it is published in the Government Gazette.

Repealed Acts

78. On the commencement of this Act, Act number: *5/81 (Elections (General) Act)* has been repealed.

Definitions

79. (a) Unless otherwise stated in this Act:

‘‘Elections commission” or ‘‘Commission’’ shall mean the Elections Commission appointed pursuant to the *constitution of the Maldives*.

“Election” shall mean all the elections that have to be conducted and managed by the Elections Commission pursuant to the *Constitution of the Maldives* and under other Acts.

“Voting Centre” shall mean the places designated from where all activities relating to voting in that election are to be conducted.

“Voting area” shall mean the area located within hundred (100) feet from any ballot box placed for voting in that election, excluding home/houses, streets and roads located within the area specified, but including parks, empty land, playgrounds and similar areas.

“Voting Booth” shall mean the place designated from where voters mark their ballots.

“Election officials’ shall mean the employees of the Election Commission or people appointed by the Elections Commission who are in charge of overseeing all activities pertaining to voting and vote counting in voting centers.

“Official document on personal identification” shall mean a National identity card, Maldivian passport or a valid driver’s license issued by the Maldives, which has not expired.

“Political Party” shall mean any political party registered pursuant to the law or regulation governing political parties in the Maldives.

(b) Government holidays shall be counted in the durations specified for

the carrying out of specific acts or submission of matters specified in this Act.

(c) Unless otherwise stated in this Act, or the context requires otherwise, words denoting the singular only shall include the plural and vice versa.