

PRESIDENTIAL ELECTIONS ACT

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| Introduction and title | 1. (a) This is an Act to provide for the conduct of elections to appoint a person for the post of the President in accordance with the <i>Constitution of the Maldives</i> and to set out the specific policies and matters pertaining to such elections.

(b) This Act shall be cited as the ‘ <i>Presidential elections Act</i> ’. |
| Presidential Election | 2. The election held to elect a person for the post of President in accordance with the Constitution of the Maldives, shall be referred to as the ‘ <i>Presidential Elections</i> ’. The specific matters and policies pertaining to presidential elections as specified in this Act shall be exercised in accordance with the manner specified in this Act and Regulations made hereunder. In relation to policies or matters which are not specified herein or which are expressly stated as being otherwise, shall be exercised in accordance with the manner specified in the <i>Elections (General) Act (Act No: 11/2008)</i> . |
| Register of Electors | 3. The persons who are entitled to vote in the presidential elections are those persons specified in the <i>Elections (General) Act (Act No: 11/2008)</i> as being eligible to vote. In relation to presidential elections, the preparation and public announcement of the Register of Electors shall be in accordance with the manner specified in the <i>Elections (General) Act (Act No: 11/2008)</i> . |
| Manner of election | 4. A person for the post of president shall be elected directly by the people by secret ballot. |
| Public Announcement to invite candidature for Presidential elections | 5. (a) Within not more than ten (10) days of the commencement of the last hundred and twenty (120) days of the term of office of the serving president, the Elections Commission shall make a public announcement to inform persons wishing to stand for the presidential election of the opening of the opportunity thereof.

(b) In the event of the vacancy of both the post of president and vice president in accordance with <i>section 125</i> of the <i>Constitution of the Maldives</i> , and within not more than five |

(5) days of vacancy of both posts the Elections Commission shall publicly announce to inform persons wishing to stand for presidential election of the opening of the opportunity thereof.

(c) The announcement made pursuant to *subsections (a) or (b)* shall include the information specified in *section 13 (b)* of the *Elections (General) Act (Act No: 11/2008)*.

(d) In the announcement the Elections Commission makes pursuant to *subsections (a) or (b)*, the Elections Commission should give a period of not less than ten (10) days for the persons wishing to stand for the presidential election to submit to the Elections Commission their applications.

Voting date

6. The announcement made by the Elections Commission pursuant to *section 5 (a) or (b)* shall state the date on which the presidential election is to be held, which date shall be determined so as to ensure that not less than thirty (30) days remain between the voting date and the date of public announcement of the names of candidates pursuant to *section 10* of this Act, who are standing for election.

Qualifications of persons standing for presidential elections

7. (a) The persons standing for the presidential elections should satisfy the qualifications criteria for president as provided in *section 109* of the *constitution of Maldives*.

(b) The individual, proposed by the person standing for the presidential elections, as the person who will serve with him as his vice president should also satisfy the qualifications criteria set forth in *subsection (a)*.

Applications to stand for presidential elections

8. (a) When the Elections Commission makes the announcement specified in *section 5 (a) or (b)*, persons wishing to stand for the presidential elections, shall appear before a member or employee of the Elections Commission designated by the Elections Commission and submit the documents and information required for standing for presidential elections. Where a person so standing for elections is unable to appear in person, and where he sends a letter or a message to the Elections Commission specifying his reasons for being unable to appear in person through a person appointed by him to represent him, and through his representative presents the documents and information required by those standing for presidential elections, it is deemed that the he is standing for presidency in accordance with this section.

- (b) The applications submitted by persons wishing to stand for presidential elections shall include the information specified in *section 16(b)* of the *Elections (General) Act (Act No: 11/2008)*. Furthermore, the person wishing to stand for the post of president should also include the following information about the person who will serve with him as his vice president.

1. Full name
2. Permanent address (specifying atoll and island)
3. Date of birth
4. National identification card number
5. Present address (specifying atoll and island)
6. Within the last 5 years if the person has served in any post in the country (state), names of the places of service and position(s) held.

Things that are required to be furnished with information submitted to stand for election

9. (a) The materials specified in *section 17* of the *Elections (General) Act (Act No: 11/2008)* shall be furnished with the information submitted in accordance with *section 8* of this Act, by persons wishing to stand for presidential elections. In addition to that, the following things should also be submitted.

1. A copy of the national identification card of the individual proposed by the person standing for the presidential elections, as the person who will serve with him as his vice president, and a declaration by the individual proposed, showing his acceptance of such.
2. The name and address of the designated official elections auditor and a declaration by the individual proposed, showing his acceptance of such.

- (b) The amount to be deposited by persons standing for presidential elections is 40,000.00 (forty thousand) rufiyaa.

- (c) Persons standing for presidential elections other than as nominees of a political party should, in addition to the materials specified in *subsection (a)*, submit a statement signed by at least 1500 (one thousand five hundred) adults over 18 years of age, showing support for the person standing for elections, with the materials submitted pursuant to *subsection (a)*. The full name, national identification card

number and permanent address of all the signatories should be included in the statement.

- Announcing the names of persons standing for presidential elections 10. Within 14 days of the date specified in the public announcement made by the Elections Commission pursuant to *section 5 (a) and (b)* as the closing date for submission of application to stand for presidential elections, in addition to the information specified in *section 14 (a)* of the *Elections (General) Act (Act No: 11/2008)*, the full name and address of the individual proposed as the person who will serve with the person who is standing for presidential elections as his vice president shall be publicly announced by the Elections Commission. The public announcement so made shall also be displayed in an easily accessible place, at the office of the Elections Commission and in all the inhabited islands, by the Elections Commission.
- Protection and security for candidates 11. From the date of the public announcement of the names of the persons standing for elections by the Elections Commission pursuant to *section 10* of this Act, until the person elected for the post of the president in the election takes over the office of the president, all the candidates standing for the election and the individuals proposed by them as the persons who would serve with them as their vice presidents, will be given security and protection at the cost of the state. The necessary arrangements for this will be made by the Elections Commission through the security services of the Maldives.
- Notice of presidential election and general policies relating to candidates 12. Exempting the matters specified in *sections 5, 6, 7, 9, 10 and 11* of this Act, the announcement of elections, and actions relating to candidates during presidential elections shall be dealt with in accordance with the specific provisions pertaining to that in the *Elections (General) Act (Act No: 11/2008)*.
- Provision of free airtime to candidates by state broadcasting authorities 13. In addition to the campaigning carried out by candidates and political parties through broadcasting mediums in accordance with *section 30* of *Elections (General) Act (Act No: 11/2008)*, state broadcasting authorities shall give free airtime, in accordance with the manner determined and publicized by them, without discriminating, to all candidates contesting in the presidential elections.
- Void votes 14. In addition to the ballots referred to in *section 56 (a)* of *Elections (General) Act (Act No: 11/2008)*, a ballot which

has a tick mark opposite the name of more than one candidates shall be deemed a void vote.

- Date for publication of the official result in the gazette 15. Within seven (7) days of the voting day of the presidential elections, the official results of the voting shall be publicly announced by the Elections Commission and published in the government gazette.
- Report of the Official Elections Auditor 16. All the financial transactions carried out by the candidate in relation to the election shall be audited by the official elections auditor of the candidate and the audit report shall be submitted through the official elections agent of the candidate to the Elections Commission within not more than sixty (60) days after the date of the election. The Elections Commission shall make arrangements to maintain a system to make available for public inspection the Audit reports submitted in this manner.
- Matters to be governed by the Elections (General) Act 17. In presidential elections, excluding the matters specified in *sections 13, 14, 15 and 16* of this Act, campaigning, preparations for voting, voting, counting ballots and declaration of results, election complaints, finances and financial matters, elections offences and penalties shall be governed by the provisions pertaining to that in the *Elections (General) Act (Act No: 11/2008)*.
- Manner of electing the president 18. (a) In the presidential elections, it would be deemed that a candidate has obtained a majority in that election, where from among the votes cast in the election, over fifty (50) percent of the valid votes cast in the election are received by a candidate.
- (b) When the Elections Commission announces the official results of the presidential election, and a candidate who contested in the election has received a majority pursuant to the manner specified in *subsection (a)*, the Elections Commission shall announce that the candidate has been elected to the office of the president.
- Run-off elections of the presidential election 19. (a) If one candidate from among the candidates who are contesting at the presidential election does not receive over fifty (50) percent of the valid votes cast in the election, within 21 days after the day of the election, a run-off presidential election must be held.

- (b) The run-off presidential election held pursuant to *subsection (a)* shall be contested only by the two candidates receiving the highest number of votes in the first election. If the two candidates receiving the highest number of votes in the first election have an equal number of votes, only those two candidates shall compete in the run-off election.
- (c) If there are two candidates in the second position with an equal number of votes, then the run-off presidential election shall be contested by the candidate receiving the highest votes in the first election and the two candidates in the second position.
- (d) If in the run-off presidential election held among the three candidates who acquired the highest number of votes in the first election as specified in *subsection (c)*, and from among the votes cast in the run-off elections, a candidate receives over fifty (50) percent of the valid votes cast in the election, the Elections Commission shall announce that the candidate has been elected to the office of the president.
- (e) If in the run-off presidential elections held among the three candidates who received the highest number of votes in the first election pursuant to *subsection (c)*, and where from among the votes cast in the run-off elections, no candidate receives over fifty (50) percent of the valid votes cast in the election, within 21 days of the run-off election, a second run-off election shall be held. The second run-off election shall be contested only by the two candidates who received the maximum number of votes in the first run-off election. If in the second run-off election a candidate receives over fifty (50) percent of the valid votes cast in the second run-off election held, the Elections Commission shall announce that the candidate has been elected to the office of the president.
- (f) Candidates who are contesting in the first and second run-off elections shall not be able to change the individuals proposed by them as the persons who would serve with them as their vice president in the first election.

Things to be done in accordance with this Act in relation to run-off presidential elections 20.

In the run-off presidential elections held pursuant to *section 19 (d)*, campaigning, preparations for voting, voting, counting ballots and declaration of results, election complaints, finances and financial matters, elections offences and penalties shall be dealt with in accordance with

the manner specified by this Act.

one qualifying candidate
applying to stand for
elections

21. (a) If after the expiry of the period given to apply to stand for elections, only one qualifying candidate applies, the Elections Commission shall re-open the opportunity for persons wishing to stand for elections to apply and shall make a public announcement to the effect.
- (b) If where pursuant to *subsection (a)* the opportunity to make applications is re-opened and at the expiry of the period given for applications, only one qualifying candidate has applied to stand for elections, the name of the candidate shall be submitted directly to the people for a secret poll. And where from among the votes cast, over fifty (50) percent of the votes cast in the election are in favour of electing him as president, the Elections Commission shall announce that the candidate has been elected to the office of the president.

Presidential Election held
during the transitional
phase

22. In order to conduct the Presidential elections pursuant to *section 301 (a)* of the *Constitution of the Maldives*, before 10th of October 2008, the periods specified in this Act and the *Elections (General) Act (Act No: 11/2008)* in the following provisions shall be substituted as follows for the presidential election to be held pursuant to *section 301 (a)* of the *Constitution of the Maldives*.
- (a) Instead of the forty five (45) days specified in *section 9 (a)* of the *Elections (General) Act (Act No: 11/2008)* not more than ten (10) days.
- (b) Instead of the ten (10) days specified in *section 10 (a)* of the *Elections (General) Act (Act No: 11/2008)* not more than five (5) days.
- (c) Instead of the five (5) days specified in *section 10 (c)* of the *Elections (General) Act (Act No: 11/2008)* not more than one (1) day.
- (d) Instead of the five (5) days specified in *section 10 (d)* of the *Elections (General) Act (Act No: 11/2008)* not more than two (2) days.
- (e) Instead of the fifteen (15) days specified in *section 10 (d)* of the *Elections (General) Act (Act No: 11/2008)* not more than two (2) days.

- (f) Instead of the fourteen (14) days specified in *section 14 (a)* of the *Elections (General) Act (Act No: 11/2008)* not more than seven (7) days.
- (g) Instead of the five (5) days specified in *section 21 (f)* of the *Elections (General) Act (Act No: 11/2008)* not more than three (3) days.
- (h) Instead of the seven (7) days specified in *section 21 (f)* of the *Elections (General) Act (Act No: 11/2008)* not more than two (2) days.
- (i) Instead of the ten (10) days specified in *section 5 (d)* of this Act, not more than five (5) days.
- (j) Instead of the thirty (30) days specified in *section 6* of this Act, not more than ten (10) days.
- (k) Instead of the fourteen (14) days specified in *section 10* of this Act, not more than seven (7) days.
- (l) Instead of the seven (7) days specified in *section 15* of this Act, not more than five (5) days.
- (m) Instead of the twenty one (21) days specified in *section 19 (a)* of this Act, not more than ten (10) days.

Regulations and
Administration

- 23. (a) The Regulations required for the administration of this Act shall be made and administered by the Elections Commission. Within seven (7) days of the commencement of this Act, the regulations to be made under this Act shall be made and publicly announced.
- (b) The Elections Commission shall make such arrangements to make available to any person who wishes to have access to all the regulations made under this Act.
- (c) Subsection (a) does not derogate the right of the Elections Commission to bring amendments to regulations made under the Act pursuant to subsection (a), or make such additional regulations as may be determined by the Elections Commission after the period specified therein.

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| Commencement | 24. | This Act shall come into effect on obtaining of presidential assent and on the date it is published in the Government Gazette. |
| Repealed Acts | 25. | On the commencement of this Act, <i>Act Number 1/98 (Presidential elections Act)</i> is repealed. |
| Definitions | 26. | <p>(a) Unless otherwise stated in this Act, “Elections Commission” shall mean the Elections Commission appointed pursuant to the constitution of the Maldives.</p> <p>(b) The periods specified for doing specific acts or submission of materials specified in this Act shall be counted inclusive of Government holidays.</p> <p>(c) Unless otherwise stated in this Act, or the context requires otherwise, words denoting the singular only shall include the plural and vice versa.</p> |