

ELECTIONS (GENERAL) ACT

Law No. 11/2008

(With amendments)

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 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 of conduct of elections	4. (a) All elections shall be held, and all matters in relation to elections shall be conducted and supervised by the Elections Commission. (b) In conducting and supervising the following matters, if the Elections Commission seeks assistance from other state institutions, such institutions shall provide the support and assistance required to complete the task. 1. Determining the electorates; 2. Verifying the authenticity and accuracy of the Voters’ Registry; 3. Acquiring venues and other resources required to conduct an election;

4. Voter education;
5. Determining and organizing voting stations;
6. Hiring and training of elections officials at voting stations;
7. Establishing a complaints mechanism to cater for complaints regarding elections;
8. Acquiring materials required for an election;
9. Appointing focal points to conduct election related matters.

(1st Amendment to Elections (General) Act)

RIGHT TO VOTE

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| Right to vote | 5. All Maldivian citizens above 18 (eighteen) years of age have the right to vote in all elections to which this Act applies. |
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(1st Amendment to Elections (General) Act)

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| 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. |
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| Secret ballot | 7. Voting in an election shall be by secret ballot. |
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REGISTER OF ELECTORS

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| Voters' Registry | 8. (a) The Elections Commission shall prepare and maintain a registry which specifies all Maldivian citizens who have the right to vote, named "Voters' Registry". |
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(1st Amendment to Elections (General) Act)

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| | (b) The registry stated in subsection (a) of this Section must be prepared by the Elections Commission based on the information of Maldivian citizens in the National Database maintained by the state institution responsible for maintaining national registration. The registry shall have |
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the following information pertaining to voters.

1. Full name;
2. Date of birth;
3. Sex;
4. Permanent address (including atoll, island and address);
5. National Identity Card number.

(1st Amendment to Elections (General) Act)

- (c) In addition to the information specified in subsection (b) of this Section, the Elections Commission may include in the registry additional information as specified in the Regulation formulated under this Act. However, such information shall be those necessary to identify eligible voters and shall not be of the sort which reveals voters' personal information except those specified in subsection (b) of this Section. Although additional information is included in the voters' registry for the purposes of the Elections Commission in accordance with this Section, when the registry is published in accordance with Section 9 of this Act, the information published should only be those specified in that Section.

(1st Amendment to Elections (General) Act)

- (d) In preparing the Voters' Registry in accordance with this Section, the Registry shall not include names of children under the age of 18 (eighteen), persons who are dead and persons who are not eligible to vote in that election by law.

(1st Amendment to Elections (General) Act)

- (e) In preparing the Voters' Registry and in ensuring the authenticity and accuracy of the information in the registry, the Elections Commission has all such powers and discretions as necessary to seek from the relevant state institutions, information to be included in the Voters' Registry as specified in this Act and the Regulation

formulated under this Act. Furthermore, it is obligatory on any state institution which is asked to provide such information by the Elections Commission, to give the information required by the Elections Commission.

(1st Amendment to Elections (General) Act)

- (f) In order to provide for the Elections Commission to prepare and ensure the authenticity of the Voters' Registry, the state institution responsible for maintaining national registration shall ensure the authenticity of the information in the National Database. Furthermore, for the purposes of subsections (b) and (d) of this Section, the information provided to the Elections Commission must be verified as authentic.

(1st Amendment to Elections (General) Act)

- (g) For the purposes of subsections (b), (d), (e) and (f), the Elections Commission must establish a mechanism in accordance with the Regulation formulated under this Act, whereby the Elections Commission, the state institution responsible for maintaining national registration and other relevant state institutions can exchange information securely.

(1st Amendment to Elections (General) Act)

- (h) For the purposes of this Section, in preparing the Voters' Registry, if an inhabited island has been declared as an uninhabited island by the Government and the inhabitants of that island has been moved to another island, the electorate of those persons would be the island that they have been moved to.

(1st Amendment to Elections (General) Act)

- (i) Subsection (h) of this Section does not restrict the right for those inhabitants who have been moved as stated in subsection (h) of this Section, to re-register under Section 12 of this Act to vote in another island.

(1st Amendment to Elections (General) Act)

- (j) In the event inhabitants of an island are moved to another island as stated in subsection (h) of this Section, Elections Commission shall make all necessary arrangements in accordance with the Regulation formulated under this Act, for the eligible voters from those who have been moved, to vote in the island which they have been moved to.

(1st Amendment to Elections (General) Act)

- (k) Only those persons who have been included in the final Voters' Registry, which has been formulated in accordance with this Section, amended in accordance with Section 11 of this Act and published by the Elections Commission, can vote in the elections conducted in the Maldives.

(1st Amendment to Elections (General) Act)

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 Voters, including updated information pertaining to Voters 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 Voters 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 Elections Commission shall make arrangements in all inhabited islands to make available for inspection on request, the Register of Voters, to any individual wishing to do so.
- (c) The places where the Register of Voters is kept pursuant to *subsection (b)* shall be publicly announced by the Elections Commission.

Sending a copy of the Registry to Candidates and Political

10. (a) In addition to publishing the Voters' Registry in accordance with Section 9 of this Act, a copy of the Voters' Registry prepared by the Elections Commission

with additional information as specified in Section 8 of this Act, shall be sent to the candidates and the Political Parties, by the Elections Commission.

(1st Amendment to Elections (General) Act)

- (b) If a candidate or a Political Party has any queries with regard to the authenticity of the information included in the registry sent to them as per subsection (a) of this Section, the Elections Commission must open for submission of complaints to the Elections Commission within 10 (ten) days from the date the registry was sent to them.

(1st Amendment to Elections (General) Act)

- (c) The personal information in the Voters' Registry provided to the candidates and Political parties under this Section must be used by them responsibly and only to verify the authenticity of the information included in the Voters' Registry. Furthermore, personal information of any eligible voters shall not be revealed by any parties, except to the extent provided for in subsections (a) and (b) of Section 9 of this Act. Usage of any information in the Registry for any purposes other than those that are elections related is prohibited. Especially the usage of such information for business purposes or for a financial gain is prohibited.

(1st Amendment to Elections (General) Act)

- (d) In addition to the parties stated in subsection (b) of this Section, all Maldivian citizens above the age of 18 (eighteen) years, who has any complaints with regard to the authenticity of information included in the registry published as per Section 9 of this Act, have the discretion to raise such complaints, in accordance with the Regulation formulated under this Act, with the Elections Commission within 10 (ten) days from the date the registry is published as per Section 9 of this Act.

(1st Amendment to Elections (General) Act)

- (e) The Elections Commission must review the complaints submitted as per subsections (b) and (d) of this Section, and make decisions within 5 (five) days from the date of expiry of the period provided in subsections (b) and (d) of this Section. Furthermore, the Elections Commission must inform such decision with reason to the complainant within that period.

(1st Amendment to Elections (General) Act)

- (f) If a complainant is not pleased with the decision made by the Elections Commission as per subsection (e) of this Section, the complainant has the discretion to submit the case to the High Court of the Maldives within 5 (five) days from the date the decision was informed to the complainant.

(1st Amendment to Elections (General) Act)

- (g) The High Court of Maldives must decide cases submitted to the Court as per subsection (f) of this Section, within 15 (days) days of submission of the case.

(1st Amendment to Elections (General) Act)

Amending the
Registry
pursuant to
Complaints
Submitted

11. (a) If a candidate or a Political Party or an individual submits a complaint to the Elections Commission questioning the authenticity of any information in the Voter's Registry as per Section 10 of this Act, the Commission must verify the authenticity of that information. Additionally, after verifying the authenticity of that information, if the Voters' Registry needs to be amended, the Elections Commission shall amend the registry accordingly and publish it in the Government Gazette.

(1st Amendment to Elections (General) Act)

- (b) Once the Voters' Registry is amended in accordance with subsection (a) of this Section, such amendments must be brought to the copies of the registry displayed publicly as per subsection (c) of Section 9 of this Act.

(1st Amendment to Elections (General) Act)

- (c) Amendments brought to the Voters' Registry as per this Section, shall be sent by the Elections Commission to the candidates and Political Parties.

(1st Amendment to Elections (General) Act)

- (d) If a party stated in Section 10 of this Act has any complaints with regard to the authenticity of the information included in any amendments brought to the registry in accordance with this Section, those candidates, Political Parties or Maldivians above the age of 18 (eighteen) has the discretion to submit a complaint in accordance with the procedure stipulated in Section 10 of this Act. The periods stated in Section 10 of this Act will be applicable for such submission and review of complaints.

(1st Amendment to Elections (General) Act)

Re-registration
of voters

- 12. (a) If a person who has the right to vote in an election is not present in the island which is listed as their permanent address in the Voters' Registry on the day of elections, and if the person would like to vote in another place, the person shall apply for re-registration to vote in that place, to the Elections Commission, in accordance with the Regulation formulated under this Act.

(1st Amendment to Elections (General) Act)

- (b) The Elections Commission shall publish the name, sex, permanent address and re-registered place of persons re-registered in accordance with this Section in the Government Gazette. Additionally, the information must be published in the Elections Commission's website.

(1st Amendment to Elections (General) Act)

- (c) For the purposes of this Section, state institutions responsible for persons serving sentences for criminal offences, shall provide information of such persons to the

Elections Commission.

(1st Amendment to Elections (General) 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

- 17. An individual submitting an application to stand for the election pursuant to section 16 shall submit the following additional

application

information with his application.

1. Administrative 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. If the candidate is an individual candidate, a declaration by the candidate attesting that.
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.
8. A declaration stating whether or not the individual has taken part in any primaries conducted with regard to that election.

(1st Amendment to Elections (General) Act)

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)*.

Administrative Fee

19. (a) Where an individual standing for an election pays the administrative fee as per subsection (1) of Section 17 of this Act to the Elections Commission, the Elections Commission shall furnish a receipt acknowledging the receipt of the administrative fee.

(1st Amendment to Elections (General) Act)

- (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.

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| Re-application | 22. Where pursuant to <i>section 21 (a)</i> 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 <i>Sections 16 and 17</i> 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 <i>section 14 (a)</i> , 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 judgment.
 - 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 any time 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 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) Time allocated by broadcasters under this Section shall be allotted to candidates or Political Parties to which the candidate belongs to, in an equal manner. More time than what has been allocated for one candidate, shall not be given or sold to a candidate or a Political Party or to one candidate and the Political Party to which the candidate belongs to.

(1st Amendment to Elections (General) Act)

- (d) Notwithstanding any other provision in this Act, the responsibility of overseeing if broadcasters act in compliance with this Section and establishing a mechanism whereby complaints can be conveniently submitted and efficiently reviewed with regard to parties which contravene this Section, lies on the Broadcast

Commission.

(1st Amendment to Elections (General) Act)

- (e) The complaint submission and review mechanism specified in subsection (d) of this Section, shall be established and published by the Broadcast Commission within 1 (one) month of entry of force of this First Amendment to Law Number 11/2008 (Elections (General) Act).

(1st Amendment to Elections (General) Act)

- (f) The Broadcast Commission shall review and decide on the complaints submitted as per subsection (d) of this Section, compile a report and submit it to the Elections Commission. If the Election Commission finds that a criminal offence specified in this Act needs to be investigated pursuant to the report, the Elections Commission has the discretion to investigate the matter and forward it to the Prosecutor General to file charges at the relevant court as per Section 64 of this Act.

(1st Amendment to Elections (General) Act)

- (g) Notwithstanding any other provision in this Act, the Broadcast Commission has the power to take administrative actions against those broadcasters who act in contravention of this Section. The Regulation on imposing administrative actions on those who act in contravention of this Section, shall be formulated and published by the Broadcast Commission within 1 (one) month of entry of force of this First Amendment to Law Number 11/2008 (Elections (General) Act).

(1st Amendment to Elections (General) Act)

- (h) The actions imposed under the Regulation formulated pursuant to subsection (g) of this Section shall be those actions which the Broadcast Commission has the power to impose under Law Number 16/2010 (Broadcast Act).

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

32. (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 Voters within the voting area designated for the voting station, make arrangements pertaining to Voters 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 a Voter 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 Voters who come to vote and to the election officials and also providing easy entry and exit, to Voters.
- (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, nongovernment 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 Voters 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.
7. Taking the Voter's list published by the Elections commission as per Section 9 of this Act, into the voting station on the day of voting.

(1st Amendment to Elections (General) Act)

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 newspapers, 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 Voters in the area.
 5. Not do anything prohibited to be done on the day of voting pursuant to *section 44*.
- (e) Although stated otherwise in another Act, individuals authorized to monitor the elections as per subsection (b) of this Section, may take photos and record video at the voting station or vote counting station as stipulated below.
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.

(1st Amendment to Elections (General) Act)

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. A Voter, 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.
- 5. Take into the voting station devices that could record the voice, or picture of the Voter entering the voting station.

(1st Amendment to Elections (General) Act)

Voting
procedure

45. (a) The Voter 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) Where a voter is physically unable to mark the ballot paper by himself/herself, another individual may provide assistance in marking the ballot.

(1st Amendment to Elections (General) Act)

- (c) Notwithstanding what is stipulated in (b) of this Section, out of persons who are physically disabled, those who are visually impaired and wishes to vote without any assistance can vote using the template ballot paper as stipulated in Section 45-1 of this Act.

(3rd Amendment to Elections (General) Act)

Voting using
template

- 45-1. (a) Under circumstances stipulated in Section 45 (b) of this Act, those who are visually impaired or blind shall use the template ballot paper described in (b) of this Section, in order to vote without any assistance.

- (b) The template ballot paper is a transparent tool in which the ballot paper can be put into or placed temporarily on it, which enables the visually impaired or blind persons to vote. The template should be the same size as the ballot paper in a manner that the ballot paper would not move once it is inserted into the template, with carvings of each candidate number and with a carving to mark across the candidate to vote.

- (c) The Elections Commission shall facilitate the arrangements for voting using the template ballot paper in accordance with this clause, at all voting stations in accordance with the Regulations enacted hereunder.

- (d) The instructions on using the template for those who wishes to vote using the template ballot papers, shall be provided in advance by the Elections Commission in accordance with the Regulations enacted hereunder. And once the candidates have been allocated candidate numbers in accordance with the law, it the information of all candidates along with their candidate numbers shall be publicly informed in a manner that is comprehensible for those who are blind or visually impaired. Further, arrangements shall be made to provide the information sought by a voter on the day of the voting on these, with ease, from an official number of the Elections Commission.
- (e) The Elections Commission shall provide adequate training to those incharge of the voting at the voting stations to be able to facilitate the arrangements for those who wishes to vote using template ballot papers and to provide instructions on the use of the templates.
- (f) If a person stipulated in (a) of this section wishes to vote using the template ballot paper, the ballot paper shall be issued to such person after inserting the ballot papers inside the template.
- (g) Once the templates and the ballot paper has been issued under (f) of this section, no official of the Elections Commission or any other person shall not be present from the time the ballot paper and the template has been issued and the Voter goes to the voting booth to mark the Voter and puts the ballot paper into the voting box. And no one shall do any act that will reveal the secrecy of that vote.
- (h) Once the voters have voted on the ballot paper using the template, the ballot paper should be put into the voting box after removing the ballot paper from the template and by folding the ballot paper so as to ensure its secrecy.

- (i) Notwithstanding what is stated in (g) of this section, this section does not prohibit officials of the Elections Commission from providing assistance to those stipulated in (a) of this section from moving about within the voting station.

(3rd Amendment to Elections (General) Act)

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

Voting

51. (a) In an election, a Voter should vote for a candidate who he chooses from among the candidates contesting in that election. Voting will be complete once the Voter 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) A Voter 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.
- (e) Elections Commission shall make necessary arrangements to ensure voter secrecy of the votes cast in elections stipulated in the Constitution and the laws. In that regard,

where individuals re-register as per Section 12 of this Act, Elections Commission shall ensure that individuals are re-registered to a particular location in a manner that does not compromise voter secrecy.

(1st Amendment to Elections (General) Act)

- 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 station 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 station who were assigned the task by the official in charge of the station, 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 station, the official in charge of the station appointed by the Elections Commission, and among the individuals who had participated in counting ballots in that station, 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 station.

- (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 station appointed by the Elections Commission shall invite three (3) electors who are eligible to vote in that station to be present at the voting Station at the time designated for the proceedings specified.
- (e) The individuals specified in *subsections (c) and (d)* shall not in any way or do anything 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. Votes cast in a manner where the favored candidate is unattainable.
 5. Any ballot paper that contains a drawing or writing or sign in addition to the tick across the candidate name of the choice, in accordance with Section 51 (a) this

Act.

(2nd Amendment to Elections (General) Act)

6. In addition, a vote deemed invalid by the specific law pertaining to that election.

(1st Amendment to Elections (General) Act)

- (b) 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).

(1st Amendment to Elections (General) Act)

- (c) 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 station 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.

(1st Amendment to Elections (General) Act)

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

(1st Amendment to Elections (General) Act)

Announcement of preliminary results from the voting station

57. (a) Pursuant to *section 55 (b)* once the result sheet from the particular voting station is signed, the preliminary results from that station shall be announced and publicly displayed in the voting station.
- (b) Once the preliminary results are publicly announced by the voting station pursuant to *subsection (a)* without delay, the results should be sent to the main voting station based in

Male' in accordance with the manner specified by the Elections Commission.

Report of the proceedings

58. (a) A report on how the voting progressed including the information stated below shall be formulated when voting commences at every electorate, signed by the officer in-charge of the area, person who formulated the report and person who checked the report and shall be forwarded to Elections Commission.
1. Time voting began and ended.
 2. Names, addresses, capacity, national identity card numbers and signatures of individuals that were appointed to oversee the voting process.
 3. Number of voters where the number of men and women who voted could be identified.
 4. Number of people who required assisted voting as per Section 45 of this Act, their condition and the details of assistance providers.
 5. Number of ballot papers utilized in voting and the number of remaining ballot papers.
 6. The number of remaining counter foil of the ballot papers utilized for voting.
 7. Name and address of the location of ballot box.
 8. Details of any unusual incident that may have occurred.
 9. The name and national identity card number of two individuals who voted first at an island or particular area.
 10. Information of any observers who were in attendance.

(1st Amendment to Elections (General) Act)

- (b) Representatives of the candidates present all voting stations shall be afforded the opportunity to be present, and officials of the Elections Commission shall ensure that representatives of the candidates are present at the voting stations, during preparation of the report stipulated in subsection (a) of this Section. Representatives of the candidates, officer in charge of the area as per subsection (a) of this Section, person who formulated the report and

person who checked the report shall be afforded the opportunity to sign the report.

(1st Amendment to Elections (General) Act)

- (c) Even if representatives of the candidates refuse to sign the report, it shall be sufficient that they were afforded an opportunity pursuant to subsection (b) of this Section, and the report shall be considered valid.

(1st Amendment to Elections (General) Act)

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

- 59.
- (a) Once the ballots in any ballot box have been counted and the results from that ballot box has been announced from that station, 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 station 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 stations should be sent to the main voting station in Male' in the custody of not less than three (3) 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 station 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 stations, and the results from the voting stations have been delivered to the main voting station in Male’ pursuant to *section 57 (b)* of this Act, the Elections Commission shall publicly announce the results of the voting stations 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. (a) 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.

(1st Amendment to Elections (General) Act)

(b) Complaints stipulated in subsection (a) shall also include the complaints stated in Section 74 and 75 of this Act. In that regard, every person eligible to submit a complaint as per Section 63 of the Act, may submit a complaint to Elections Commission regarding an electoral offence or an

attempt to commit an electoral offence.

(1st Amendment to Elections (General) Act)

- (c) Elections Commission shall have the authority to commence investigation and penalize as per the law, following any complaint submitted to the commission. Elections commission may conduct the investigation through the Elections Complaints Bureau, or a special investigatory committee.

(1st Amendment to Elections (General) Act)

- (d) Where the Elections Commission requests assistance from governmental institutions through the course of an investigation stated in subsection (c) of this Section, all governmental institutions shall provide such assistance as soon as possible. In that regard, especially in areas of investigation, summoning witnesses or accused persons, conducting searches, forensic investigations, and governmental institutions may provide assistance where Elections Commission requests such assistance.

(1st Amendment to Elections (General) Act)

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) Any party stated in Section 63 of this Act, may submit a matter to the High Court of Maldives pursuant to subsection (a) of this Section. Where such a matter is being filed at the High Court of Maldives, the matter shall be submitted with the reasons for such a submission, details and evidence, within a maximum of 14 (fourteen) days post the official announcement of elections result.

(1st Amendment to Elections (General) Act)

- (c) Even though subsection (a) and (b) of this Section states otherwise, where a party commits a criminal offence in contravention of this Act or any electoral law, Prosecutor General shall have the authority to raise criminal charges against that party.

(1st Amendment to Elections (General) Act)

- (d) Except the offences that shall be investigated by Anti-Corruption Commission as per this Act, where Elections Commission believes that a criminal matter stipulated in subsection (c) of this Section shall be submitted to Court, Elections Commission shall forward the matter to Prosecutor General's Office.

(1st Amendment to Elections (General) Act)

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.

Responsibility of the Candidate and Official Elections Agent

66. It is obligatory upon the Candidate and the official elections agent of the candidate to maintain all financial affairs of the Candidate in relation to the elections and report in relation to those matters as stated in this Act.

(1st Amendment to Elections (General) 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.

(c) It is obligatory upon the candidate and official elections agent of the Candidate to maintain the elections records and documentation stated below, and financial statements in accordance with this Act and the regulation formulated pursuant to this Act.

1. Money spent towards the elections from the candidate's own finances.
2. Assets/property utilized other than money from the candidate's own finances.
3. Details of monetary/financial assistance received from the respective political party or any other third person.

(1st Amendment to Elections (General) Act)

(d) Unless otherwise decided by the Elections Commission in relation to an ongoing investigation, or decided by a Court in relation to an ongoing matter, all records mentioned in subsection (c) of this Section, shall be maintained for a period of 6 (six) months from the date of announcement of official election results.

(1st Amendment to Elections (General) Act)

(e) It is obligatory upon the candidate and the candidate's official elections agent to provide Elections Commission with the documentation required to be maintained as per subsection (c) of the Section, where the Commission requests within the period specified in subsection (s) of this Section.

(1st Amendment to Elections (General) Act)

Election
expenses
limits

69. In relation to an election, a candidate shall not spend more than the total value derived on the basis that the candidate may spend MVR 2,000 (Two thousand Maldivian Rufiyaa) per eligible

voter of the electorate.
(1st Amendment to Elections (General) Act)

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|---|-----|---|
| Prohibition on accepting contributions | 70. | <p>A candidate or even an individual on behalf of the candidate should not accept contributions given by the following persons for election expenses.</p> <ul style="list-style-type: none">(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. | <ul style="list-style-type: none">(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. | <ul style="list-style-type: none">(a) For election expenses, a candidate can accept contributions from individuals and legal entities excluding the persons specified in <i>section 70</i> 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.

Submitting
financial
statements
related to
elections, to
Elections
Commission

73. (a) Each candidate shall prepare a financial statement in relation to elections, including the components stated below, and submit the statement to Elections Commission within a period of 21 (twenty one) days from the date of election. Such a financial statement shall be audited by an auditor registered at the relevant institution of the government. Expenses incurred by the Candidate in relation to the election.
1. Details of the candidate's expenditure including the monetary and assets utilized.
 2. Details of the expenditure indicating the amount spent to acquire support in the elections including the information stipulated in Section 68(c) of the Act.
 3. Details of persons and amounts contributed by them for election expenses.
 4. A bank account statement which shows all the transactions carried out from the elections account opened pursuant to *section 67* of this Act.
 5. Bank statement detailing the transactions conducted from the bank account opened as per 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) Unless otherwise stated in another Act, this Act shall be given preference in prescribing a penalty in relation to an offence stipulated in this Act.

Committing any of the acts stipulated below, in an election is an offence.

1. An election official, or any person designated by the commission to manage elections, destroying, failing to act in accordance with the law or any sort of negligence committed in relation to a document sent by a potential candidate.
2. Selling ballot papers, releasing or giving ballot papers to any unauthorized person.
3. Opening ballot paper packs, ballot paper book, or any such item, opening a ballot box or a security casing, removing and examining ballot papers from those items, destroying or damaging those items.
4. When obtaining information required by law, intentionally collecting wrong or incomplete

- information.
5. Knowingly and intentionally, counting a valid vote as invalid, failing to count a valid vote, or intentionally counting an invalid vote as valid, or intentionally counting a vote cast in favor of one candidate as a vote cast in favor of another.
 6. Where the person in charge of closing the ballot box as per Section 53 of this Act, intentionally or negligently failing to close the ballot box, or opening ballot boxes, inspecting ballot papers or amending ballots by adding or removing ballot papers between the time of commencement and closing the polls or prior to the time allocated for vote counting.
 7. Ending the casting of ballots in contravention of that stipulated in Section 52 of this Act.
 8. Giving or accepting money in amounts more than that stipulated in Section 72 (b) of this Act.
 9. Manufacturing ballot papers without authorization from Elections Commission, or manufacturing an item similar to the ballot paper used in the election.
 10. Spending more than the amount stipulated in Section 69 of this Act.
 11. Giving anything in recognition of, or as a reward to someone in order to benefit a certain party in excision of an election right or in acknowledgement of such an excision of an election right. Any such offer shall constitute a bribe.
 12. Offering something or provision of a service or a promise as such to an individual, group of people or for the public, to acquire support for a candidate in an election, or negatively impact the electoral right of another candidate within the period between announcing for an election and 30 (thirty) days post announcement of results. Acting in a manner stated in this section or attempting to act in that manner shall constitute an offence of bribery or offence of attempted bribery.
 13. Making an announcement or publicizing an advertisement by a party other than the Elections Commission regarding the ballot papers.
 14. Unlawfully editing, adding or removing names of candidates on the list displayed at the voting station in

accordance with Section 39 of this Act.

15. Intimidating a voter, or a person whose interest is vested in the Voter in order to influence the eligible voter.
16. Intimidating elections officials appointed by Elections Commission to manage affairs of the election and/or obstructing their course of work
17. Providing wrongful information in order to stand for elections.
18. Voting more than once in any given round of elections.
19. Preventing or hindering an individual from voting.
20. A person appointed by the Elections Commission to oversee the vote counting in a voting station, or any other individual, committing an act in contravention of this Act or the regulations formulated pursuant to this Act. Or assisting in the commission of such an act. Or facilitates the commission of such an act due to negligence of the individual in performance of his duties.
21. An individual casting a vote in an election by imposing as another individual.
22. Obstructing an independent excision of electoral rights as a result of disrespecting or disregarding an individual's electoral right.
23. Taking ballot papers outside of the voting area in contravention of law.
24. Depositing any item other than the ballot paper in the ballot box.
25. Individual ineligible to vote, casting a vote in an election.

(1st Amendment to Elections (General) 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 MVR 12,000.00 (Maldivian Rufiyaa twelve thousand) and MVR 48,000.00 (Maldivian Rufiyaa n forty eight thousand) to be determine based on the magnitude of the offence.

(1st Amendment to Elections (General) Act)

- (c) Penalty for an individual committing an offence stipulated in subsection (a)(9) of this Section to subsection (12), shall be 1 (one) year to 4 (four) years imprisonment, or a fine of an amount between MVR 12,000 (Maldivian Rufiyaa twelve thousand) to MVR 48,000 (Maldivian Rufiyaa forty-eight thousand), depending on the severity of the offence.

(1st Amendment to Elections (General) Act)

- (d) Penalty for an individual committing an offence stipulated in subsection (a) (13) of this Section to subsection (17), shall be 9 (nine) months to 2 (two) years imprisonment, or a fine of an amount between MVR 9,000 (Maldivian Rufiyaa nine thousand) to MVR 24,000 (Maldivian Rufiyaa twenty-four thousand), depending on the severity of the offence.

(1st Amendment to Elections (General) Act)

- (e) Penalty for an individual committing an offence stipulated in subsection (a) (18) of this Section to subsection (23), shall be 4 (four) months to 1 (one) year imprisonment, or a fine of an amount between MVR 4000 (Maldivian Rufiyaa four thousand) to MVR 12,000 (Maldivian Rufiyaa twelve thousand), depending on the severity of the offence.

(1st Amendment to Elections (General) Act)

- (f) Penalty for an individual committing an offence stipulated in subsection (a) (24) of this Section, shall be 2 (two) months to 6 (six) months imprisonment, or a fine of an amount between MVR 2,000 (Maldivian Rufiyaa two thousand) to MVR 6,000 (Maldivian Rufiyaa six thousand), depending on the severity of the offence.

(1st Amendment to Elections (General) Act)

- (g) Penalty for an individual committing an offence stipulated in subsection (a) (25) of this Section, shall be 1 (one)

month to 3 (three) months imprisonment, or a fine of an amount between MVR 1,000 (Maldivian Rufiyaa one thousand) to MVR 3,000 (Maldivian Rufiyaa three thousand), depending on the severity of the offence.

(1st Amendment to Elections (General) Act)

- (h) Where the individual being penalized as per this Section is an official appointed by Elections Commission to manage affairs of the election, such an individual shall serve a duration of 6 (six) months to 1 (year) imprisonment, or a fine of MVR 6,000 (Maldivian Rufiyaa six thousand) to MVR 12,000 (Maldivian Rufiyaa twelve thousand), in addition to the penalties prescribed in subsections (b), (c), (d), (e), (f), (g), (h) of this Section.

(1st Amendment to Elections (General) Act)

- (i) Concealing information in relation to the offences stipulated in this Section shall constitute an offence in itself. Where an individual conceals such information, the penalty shall be imprisonment for a period of 3 (three) months or a fine of MVR 3,000 (Maldivian Rufiyaa three thousand).

(1st Amendment to Elections (General) Act)

- (j) Even if stated in this Act or any other Act, all matters submitted to the Elections Commission constituting of an allegation of bribery, shall be investigated by Anti-corruption Commission. Where the Anti-Corruption Commission believes that a criminal investigation shall be conducted into such an allegation, the Commission shall have the discretion to conduct an investigation and submit the matter to Prosecutor General to raise charges. Once the matter concludes, Anti-Corruption Commission shall forward a report to Elections Commission on the matter.

(1st Amendment to Elections (General) Act)

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 MVR 6,000.00 (Maldivian Rufiyaa six thousand) and MVR 24,000.00 (Maldivian Rufiyaa 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 Station” 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 stations.

“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.

“Broadcast Commission’ shall mean the Broadcasting Commission established pursuant to Law Number 16/2010 (Broadcasting Act).

(1st Amendment to Elections (General) Act)

- (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.