

Date Printed: 02/10/2009

JTS Box Number: IFES_45

Tab Number: 42

Document Title: TRANSLATION OF THE LAWS AND REGULATIONS
ON PRESIDENTIAL ELECTIONS IN THE MALDIVES

Document Date: 1998

Document Country: MLD

Document Language: ENG

IFES ID: EL00791



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Translation of the

Laws and Regulations

on

Presidential Elections

in the Maldives

1998

Department of Elections
Male'
Republic of Maldives

LAW ON PRESIDENTIAL ELECTIONS

(Law No: 1/98)

Introduction and short
title

1. (a) This Law provides for the election of the President of the Maldives in accordance with the Constitution.
- (b) This Law shall be called the "Law on Presidential Elections."

Presidential Elections

2. Elections conducted to elect the President of the Maldives in accordance with the Constitution shall be called the Presidential Elections. The conduct of and all matters relating to the said elections shall be in accordance with the Constitution, this Law and the regulations made hereunder.

Direction and
supervision

3. Presidential Elections shall be conducted and all matters relating thereto shall be directed and supervised by the Commissioner of Elections.

Persons qualified to
vote

4. (a) Persons qualified under Article 134 of the Constitution only, may vote in the Presidential Elections.
- (b) The Commissioner of Elections shall prepare a Register of persons of voting age at the Presidential Elections. The said Register shall contain the full name, address specifying the island and the atoll and the date of birth of every person included in the Register. Where the date of birth of a person cannot be ascertained but whose attainment of twenty-one years of age is beyond doubt, the inclusion of the year of birth of such person in the said Register shall be sufficient.

Committee on
Elections

5. (a) There shall be a Committee consisting of three persons to advise the Commissioner of Elections in the conduct, direction and supervision of the Presidential Elections. The said Committee shall be appointed by the Commissioner of Elections in consultation with the Attorney General. Members of the said Committee shall have the qualifications required of judges appointed to courts under Article 119 of the Constitution.
- (b) Candidates in the Presidential Elections and members of the People's Majlis shall not be included as members of the Committee referred to in sub-section (a) of this section. Further, no person who could be prejudiced by reason of kinship, marriage, employment or business relationship with any candidate in the Presidential Elections shall be included in the said Committee.

Becoming a
candidate for the
office of President

6. (a) The Commissioner of Elections shall, upon commencement of the last sixty days of the term of office of President, or upon the office of President becoming vacant prior to the completion of the term of office or upon recommencement of the process of applying to become a candidate for the office of President pursuant to Article 35 of the Constitution, issue a public notification stating that the process of applying to become a candidate for the office of President has commenced. A period of not less than seven days shall be given in the said notification for applying to become a candidate for the office of President.
- (b) Upon the issuance of the public notification by the Commissioner of Elections, persons wishing to apply to become a candidate for the office of President shall personally submit before the Commissioner of Elections, the necessary application papers. Where a person is unable to appear before the Commissioner of Elections due

to a reason acceptable to the Commissioner of Elections, if, such person, having explained the said reason to the Commissioner of Elections by cable or telegram or letter, submits through proxy the necessary application papers, such person shall be deemed to have applied to become a candidate for the office of President in accordance with this section.

Notification of the
Presidential
candidates

7. Upon expiry of the period stipulated in sub-section 6 (a) of this Law for applying to become a candidate for the office of President, the Commissioner of Elections shall submit to the Committee on Elections mentioned in section 5 of this Law, all the application papers received from those who have applied to become candidates for the office of President and shall, as may be required, verify from the concerned Government authorities the information provided therein. The Commissioner of Elections shall thereafter determine, in consultation with the said Committee, the persons qualified under Article 34 of the Constitution and shall, as soon as expedient, notify the same to the Speaker of the People's Majlis and shall make a public notification of the same.

Notification of the
date of the general
public vote

8. The Commissioner of Elections shall, determine and notify the date of the general public vote within two days from the date the People's Majlis, in accordance with Article 35 of the Constitution, selects a candidate to be nominated for the general public vote to elect the President.

Canvassing in
Presidential Elections

9. (a) A candidate in the Presidential Elections shall begin to canvass only after he has been selected by the People's Majlis to be nominated for the general public vote to elect the President. In

canvassing, such candidate may meet and speak with people, write letters, distribute photographs, stickers, documents and the like, use symbols and may advertise. Items mentioned in this section shall prior to their use be submitted to and approved by the Commissioner of Elections.

- (b) In canvassing as per sub-section (a) of this section nothing shall be done or promised to be done for a particular person or for a particular group.

Manner of voting

10. Votes in the Presidential elections shall be given by placing on the ballot paper an affirmative or non-affirmative mark for the candidate selected by the People's Majlis to be nominated for the general public vote to elect the President, and by putting the ballot paper so marked into the ballot box.

The application of the Law on General Elections

11. The provisions of Law No. 5/81 AH (Law on General Elections) and the regulations made under the said Law shall, *mutatis mutandis*, apply to Presidential Elections in respect of the issue of ballot papers, commencement and closure of polling, sealing of ballot boxes, preparation of the reports of the polling stations, counting of votes, determination of void votes, acts prohibited on polling day, electoral offences and the punishments thereof.

Avoidance of elections

12. The Commissioner of Elections, on receipt of a grievance, complaint or information that the result of the vote taken at a polling area has been affected due to a reason specified below, shall in consultation with the Committee on Elections investigate such matter and upon finding such event to have in fact taken place, shall declare void the vote taken at the concerned polling area and shall hold a re-polling at the said polling area.

- (1) undue influence during elections.
- (2) bribery in the application of an electoral right in favour of a particular person.
- (3) violation of electoral laws and regulations.

Power to make
regulations

- 13. (a) The regulations required to be made under this Law shall be made by the Commissioner of Elections in consultation with the Attorney-General.
 - (b) The Commissioner of Elections shall prior to the polling day issue a public notification of the aspects upon which the public shall be required to act of the regulations made by the Commissioner of Elections under this Law.
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LAW ON GENERAL ELECTIONS

(Law No: 5/81 AH.)

Introduction and short title	1. (a) This Law provides for the election of members to the People's Majlis and the People's Special Majlis of the Maldives.
	(b) This Law shall be called the "General Elections Law."
General elections	2. Elections of the members to the People's Majlis and elections of the members to the People's Special Majlis as stipulated in the Constitution, shall be conducted in accordance with the provisions of this Law and the regulations made hereunder.
Direction and supervision	3. Elections of the members to the People's Majlis and the People's Special Majlis shall be conducted and all matters relating thereto shall be directed and supervised by the Commissioner of Elections.
Committee on elections	4. A Committee consisting of five persons shall be appointed by the President to advise the Commissioner of Elections in the conduct, direction and supervision of elections. Candidates in the election or their mothers, fathers, wives, husbands or their children shall not be included as members of the said Committee.
Persons qualified to vote	5. (a) Persons qualified under Article 134 of the Constitution only may vote in the general elections.

- (b) The Commissioner of Elections shall prepare a Register of persons of voting age at the general elections. The said Register shall contain the full name, address specifying the island and the atoll and the date of birth of every person included in the Register. Where the date of birth of a person cannot be ascertained but whose attainment of twenty-one years of age is beyond doubt, it shall be sufficient to include, in the said Register, the year of birth of such person.

Notification for
applications to
become candidates

- 6. (a) A public notification inviting applications to become candidates in the elections of members of the People's Majlis shall be made four months prior to the expiry of the term of the People's Majlis.
- (b) The public notification inviting applications to become candidates in the election of members of the People's Special Majlis shall be made when the Commissioner of Elections is directed by the President to constitute the People's Special Majlis pursuant to Article 94 of the Constitution.
- (c) A period of not less than one month shall be given for applying to become candidates in the elections mentioned in sub-section (a) and sub-section (b) of this section. In the case of by-elections, a period of not less than fifteen days shall be given.

Application to
become a candidate

- 7. (a) Upon the public notification being made in accordance with section 6 of this Law, inviting applications to become candidates in the elections, persons wishing to become candidates in the election shall, within the period specified, submit their applications in writing to the Commissioner of Elections and shall deposit a sum of Rf. 2000/- along with the said application. The application submitted to become a candidate in the election shall state the applicant's:

- (1) full name and address
- (2) sex
- (3) date of birth
- (4) last address of residence
- (5) occupation (specifying the designation)
- (6) constituency

- (b) A person may, during the period for applying to become candidates in the elections withdraw his application for candidacy in one constituency and apply for candidacy in another constituency.
- (c) A person shall not apply for candidacy in more than one constituency in the same election.
- (d) The deposit made under sub-section (a) of this section shall be returned to persons who by reason of disqualification for the office sought are not listed as candidates and to those candidates who obtain 5% or more of the total votes cast in the constituency.

Qualifications of persons applying to become candidates

- 8. Persons qualified under Article 66 of the Constitution only, may apply to become candidates in the elections of members of the People's Majlis and the People's Special Majlis.

Notification of names of candidates

- 9. (a) The Commissioner of Elections shall, one month prior to the polling day, make a public notification of the names of the candidates in the elections of members of the People's Majlis and the People's Special Majlis, except in by-elections.
- (b) In by-elections, the Commissioner of Elections shall make the public notification of the names of the candidates at least ten days prior to the polling day.

- (c) Candidates shall be listed in sequence in the notification made under sub-section (a) and sub-section (b) by the drawing of lots among qualified candidates.

Canvassing for
votes

- 10. (a) Candidates in the elections of members of the People's Majlis and the People's Special Majlis shall have the right to canvass for the votes of the people of the respective constituencies of their candidacy. In canvassing, the candidates may:-
 - (1) meet and speak with the people of their constituency.
 - (2) write letters to the people of their constituency and distribute and display in public, photographs, stickers, placards and the like.
 - (3) advertise through the media.
 - (4) use and display symbols.
- (b) Items mentioned in paragraphs 2, 3 and 4 of sub-section (a) of this section shall prior to their use be submitted to and approved by the Commissioner of Elections. Further, such items shall be submitted for the approval of the Commissioner of Elections at the time of application to become a candidate in the elections in accordance with section 7 of this Law. The Commissioner of Elections shall, prior to the notification of the names of the candidates, complete the process of approval of the items so submitted.
- (c) No candidate shall, in canvassing, commit any act that may infringe the electoral right of another candidate.

Expenses of
canvassing and
submission of details
relating to the raising
of funds

11. (a) Expenses incurred in canvassing for votes in a candidate's constituency shall not exceed the sum calculated at the rate of Rf 100/- for every person of the constituency having the right to vote, plus 10% of the said sum for every inhabited island of the constituency, where a constituency has more than one inhabited island.
- (b) Every candidate shall, within fourteen days from the polling day, submit to the Commissioner of Elections details on how funds were raised and expended in canvassing for votes in the candidate's constituency.

Polling day

12. The polling day in elections shall be determined by the Commissioner of Elections. The Commissioner of Elections shall, at least seven days prior to the polling day, notify the public of the same.

Acts prohibited on
polling day

13. (a) No person shall commit any of the following acts during the period commencing from 6 p.m. of the day preceding the polling day and ending at 6 a.m. of the day following the polling day:
 - (1) any of the acts specified in section 10 (a) of this Law.
 - (2) driving a vehicle with a poster or a sticker or any other similar item relating to the elections displayed in any way on such vehicle.
 - (3) speaking on any matter relating to the elections by using any apparatus for amplifying the human voice.
 - (4) disclosing the name of the candidate for whom an elector intends to vote or has voted or disclosing that an elector intends not to

vote for a certain candidate or has not voted for a certain candidate or persuading, by words spoken, to vote or not to vote for a certain candidate.

(b) None of the following acts shall be committed within the premises of the polling station during the period falling between 6 p.m. of the day preceding the polling day and until the close of the poll:

- (1) display or use of any photograph, poster, sticker, symbol or any such item of a candidate or any document concerning or relating to the election except those that are required to be used by the officials administering the elections.
- (2) presence of any person inside the premises of a polling station after such person has voted.
- (3) entering into the premises of a polling station by a candidate or the presence of a candidate inside the premises of a polling station except for the purpose of voting.
- (4) leaving the premises of a polling station with the ballot paper by an elector.

Public display of
names of candidates

14.

The names of candidates in the elections of members of the People's Majlis and the People's Special Majlis shall, in the order in which such names were notified, be exhibited to the public on the polling day at every polling station in a clearly legible manner.

Issue of ballot papers
and voting

15. (a)

Votes shall be given in the ballot paper prepared for the purpose in accordance with the regulations

made by the Commissioner of Elections under this Law. The said ballot paper shall be delivered to the voter inside the polling station by persons administering the elections. Ballot papers of physically incapacitated persons mentioned in section 17 of this Law shall also be delivered personally to such persons.

- (b) No person authorised to issue ballot papers to voters shall deliver a ballot paper to any person not entitled to vote.
- (c) No person shall give the ballot papers issued to him to any other person except as provided in section 17 of this Law for physically incapacitated persons to give their ballot papers for marking to the persons assisting them.
- (d) There shall be, at every polling station, a list indicating the full name, address specifying the island and the atoll and age of every person to whom ballot papers have been issued at that station.

Manner of voting

- 16. (a) In the elections of members of the People's Majlis and the elections of members of the People's Special Majlis, a voter shall vote, from among the candidates, for a person or persons of his choice.
- (b) Voting shall be deemed to have been completed upon placing on the ballot paper an affirmation mark opposite the name or names of the candidate or candidates of the voter's choice in accordance with this section and by putting the ballot paper so marked into the ballot box.

Marking of the ballot paper

- 17. (a) The voter, personally, shall place the affirmation mark on the ballot paper. Where the voter is

unable to mark the ballot paper personally due to a physical disability, it shall be lawful for another person to assist such voter in marking the ballot paper.

- (b) No person shall participate in any manner in marking the ballot paper of another except as provided in sub-section (a) of this section for a physically incapacitated person to procure the assistance of another.
- (c) No person shall, in an election, assist more than one physically incapacitated voter in marking the ballot paper in accordance with sub-section (a) of this section.
- (d) No person appointed to a polling station by the authority conducting the elections and no candidate in the elections shall assist any voter in marking a ballot paper.

Commencement and
close of the poll

- 18. (a) Polling shall commence on the polling day at 7 a.m. Polls shall, generally, close and ballot boxes shall be sealed at 7 p.m. on the polling day. Where polling is held on a Friday, the Commissioner of Elections may determine a time to suspend polling for *Jum'ā* prayers and a time for the resumption of polling thereafter and a time for closing of polls and where polling is held during the month of Ramadan, the Commissioner of Elections may determine a time for the commencement and close of polls and a time for the suspension of polls for the breaking of fast and a time for the resumption of polling thereafter. Provided that in no event shall the total polling period be less than 10 hours.

The Commissioner of Elections shall, at least 7 days prior to the polling day make a public notification of the time of commencement and

close of the poll and the time of suspension and resumption, if any, of the poll.

- (b) If any voters who have come to vote at a polling station have not voted by the time fixed for the close of the poll, the ballot box at such station shall not be sealed until such persons have voted.
- (c) If all voters entitled to vote in a polling area have completed voting at a time prior to the time fixed for the close of the poll, it shall be lawful at such time to close the poll in such polling area and to seal the ballot box.

Sealing of the ballot
boxes

- 19. (a) Each ballot box shall, immediately after the close of the poll be closed and sealed in the manner prescribed by the Commissioner of Elections at its place of stationing.
- (b) The ballot boxes, upon closure and sealing in accordance with sub-section (a) of this section, shall be delivered in the manner prescribed by the Commissioner of Elections to the place designated for the counting of votes.

Report of the polling
station

- 20. (a) A report on the polling, the proceedings thereof and other events taking place between the commencement and the close of the poll at each polling station shall be written and signed by the official in charge of the polling station.
- (b) The report mentioned in sub-section (a) of this section shall contain all the information required by the Commissioner of Elections to be included in such report.

Counting of votes

- 21. The counting of votes shall be commenced as soon as expedient upon delivery of the ballot

boxes to the place designated for the counting of votes. The ballot boxes shall, for the purpose of counting of votes, be opened and the votes shall be counted, quantified and the result reached by persons appointed by the Commissioner of Elections for the purpose.

- Elections of members 22. (a) In the elections of members of the People's Majlis and the People's Special Majlis, the candidate who receives the highest number of votes, and where two members are being elected, the candidates who receive the highest and second highest number of votes shall be declared elected.
- (b) Where in an election of members to the People's Majlis or People's Special Majlis, a candidate or candidates cannot be declared elected due to an equality of votes received, polling shall be held again among the candidates who obtained such equal number of votes and polling shall be continued as aforesaid until the required number of members are elected in such elections.
- Uncontested elections 23. Where in an election of members of the People's Majlis or the People's Special Majlis the number of persons who have applied to become candidates in the election in a constituency at the expiry of the period for applying to become candidates in the elections is equal to or less than the number of members to be elected from such constituency, the qualified candidate or candidates shall be declared elected from such constituency. If after such declaration of candidates as elected, the number of members required to be elected is not achieved, then elections shall be held as soon as expedient to elect members to meet the required member.

Void votes

24. The following votes shall be void:

- (a) the vote given on a paper other than the ballot paper prepared by the Commissioner of Elections pursuant to sub-section (a) of section 15 of this Law.
- (b) the vote given on a ballot paper, the number of affirmation marks placed on which, is different from the required number to be elected.
- (c) votes which are uncertain.
- (d) votes which are known to have been given in violation of law.

Avoidance of elections

25. (a) Where the result of the vote taken at a polling area is found to have been affected due to a reason specified below, the vote taken at the concerned polling area shall be declared void and a re-polling shall be held at the said polling area.

- (1) undue influence during elections.
- (2) bribery in the application of an electoral right in favour of a particular person or persons.
- (3) violation of electoral laws and regulations.

(b) Elections may be declared void and re-polling ordered pursuant to sub-section (a) of this section only in accordance with a decision of the court designated by the President under Article 135 of the Constitution to hear grievances and complaints concerning elections.

Offences and punishment

26. (a) It shall be an offence to commit or attempt to commit during any election, any of the following acts:

- (1) submission of false information in the application to become a candidate.
- (2) destruction by any employee of the authority conducting the elections of any papers submitted by any person applying to become a candidate in the elections or failure by such employee to duly act upon any such paper or negligence of such employee relating to any such paper.
- (3) sale of any ballot paper or issue or delivery of any ballot paper to any unauthorised person.
- (4) putting into the ballot box of anything other than the ballot paper authorized by law.
- (5) taking out of any polling station any paper in violation of law.
- (6) opening of or interfering with or destroying of, without due authority, any ballot box or packet of ballot papers or any other package containing ballot papers or the removal of any ballot papers therefrom, intended to be used for the purposes of elections.
- (7) printing without the authority of the Commissioner of Elections, of any ballot paper or what purports to be or is capable of being used as a ballot paper at an election.
- (8) voting at an election while being disqualified from so voting.
- (9) making of a public notification or any advertisement whatsoever regarding the form of the ballot paper at an election by any person other than the Commissioner of Elections.

- (10) knowingly entering incomplete or false information, the maintenance of which information is required by law.
- (11) obstructing or hindering any person in voting.
- (12) intentionally counting a valid vote as a void vote or a void vote as a valid vote or leaving a valid vote uncounted or counting a vote given to one candidate as a vote for another.
- (13) violation of this Law or any regulation made under this Law or any assistance whatsoever in such violation or facilitation of such violation due to negligence by a person appointed to a polling station by the authority conducting the elections or any other person.
- (14) disclosing, prior to the close of the poll, the names and number of persons who have voted and the names and number of persons who have not voted to any person or party by any person appointed to a polling station by the authority conducting the elections or by any employee of the said authority or by any concerned official or authority except as may officially be required.
- (15) impersonating any person in voting or voting more than once in a given election.
- (16) failure, intentional or due to negligence, to keep the ballot box sealed when delivering the same to the place designated by the Commissioner of Elections or opening the ballot box between commencement and close of the poll or prior to delivering the same to the place designated for the counting of votes or the changing or alteration

of votes by a person responsible for sealing the ballot box pursuant to section 19 of this Law.

(17) closure of polling in violation of section 18 of this Law.

(18) changing any name from or altering the list of candidates exhibited at a polling station pursuant to section 14 of this Law.

(b) Any person guilty of an offence under sub-section (a) of this section shall, with due regard to the gravity of the offence so committed, be imprisoned or banished or placed under house arrest for a period between six months and two years or fined with a sum between Rf. 500/- and Rf. 5,000/-.

(c) Where the person found guilty under this section is a person charged with a responsibility by the authority conducting the elections, such person shall, in addition to the punishment prescribed under sub-section (b) of this section, be imprisoned or banished or placed under house arrest for a period between six months and one year.

(d) Any person who withholds information as regards the commission of an offence under this section shall be imprisoned or banished or placed under house arrest for a period between three months and one year or fined with a sum between Rf. 250/- and Rf. 2,500/-.

27. (a) Any person who commits an act prohibited by this Law other than an offence stated in section 26 of this Law or any person who violates or attempts to violate this Law shall be guilty of an offence under this Law.

- (b) Any person guilty under sub-section (a) of this section shall, with due regard to the gravity of the offence so committed, be imprisoned or banished or placed under house arrest for a period between three months and one year or fined with a sum between Rf. 500/- and Rf. 4, 000/-.

Commission of offences and participation thereof by candidates

28. Where a candidate in an election of members of the People's Majlis or the People's Special Majlis commits or participates in the commission of any offence stated in this Law the candidacy of such person in the election shall be annulled in addition to the punishment prescribed under this Law.

Time for presentation of petitions

29. Any person who has knowledge of the commission of any act prohibited by law or regulation in respect of elections or any person having any complaint or grievance concerning the conduct of an election, shall, within one month from the date of such election, present a petition with the reasons, details and evidence thereof, to the Court designated by the President under Article 135 of the Constitution to hear grievances and complaints concerning elections.

Power to make regulations

30. (a) The regulations required to be made under this Law shall be made by the Commissioner of Elections.
- (b) The Commissioner of Elections shall make and publicly notify regulations in respect of polling areas, polling stations therein, the location of ballot boxes, placing and positioning within the premises of polling stations of persons responsible for the ballot boxes and the preparation of the list of persons to whom ballot papers are delivered.

Interpretation

31. "Constituency" means any electoral constituency in accordance with the Constitution.

"Close of the poll" means the posting, upon closure of polling at the time fixed therefor, of a sign in visible letters at the ballot box that reads "polling closed".

REGULATIONS ON PRESIDENTIAL ELECTIONS

Introduction

1. (a) These are the regulations made by the Commissioner of Elections under sub-section (a) of section 13 of the Law on Presidential Elections (Law No: 1/98) for the conducting of elections to elect a person to the office of President of the Maldives in accordance with the Constitution of the Republic of Maldives
- (b) These regulations shall be called "Regulations on Presidential Elections".

Conduct of matters relating to Presidential Elections

2. All matters except those provided for in the Constitution to be conducted by the People's Majlis and the Speaker of the People's Majlis, relating to the Presidential Elections shall, in accordance with the Constitution and the Law on Presidential Elections, be conducted by the Commissioner of Elections.
3. The Committee on Elections constituted under section 5 of the Law on Presidential Elections to advise the Commissioner of Elections shall, when required by the Commissioner of Elections, duly advise the Commissioner of Elections on matters relating to the conduct, direction and supervision of the Presidential Elections.
4. All matters relating to Presidential Elections in Male' shall, as directed by the Commissioner of Elections, be conducted and supervised directly by the Department of Elections.

5. All matters relating to Presidential Elections in all the polling areas in the atolls of the Maldives shall, as directed by the Commissioner of Elections, be conducted and supervised by the atoll offices and island offices.
6. In the conduct and supervision of matters relating to the Presidential Elections in the atolls of the Maldives, the Atoll Chief of the respective atoll or the person in charge of administering the respective atoll office shall act as directed by the Commissioner of Elections and be responsible for administering the Presidential Elections in the atoll. In inhabited islands, the person in charge of administering the respective island office shall act as directed by the Commissioner of Elections and be responsible for administering the Presidential elections in the island. In islands other than inhabited islands, the person in charge of the affairs of the respective island shall act as directed by the Commissioner of Elections and be responsible for administering the Presidential Elections in such island.
7. The Commissioner of Elections may, through the respective atoll offices, issue to island offices and other polling areas, directions relating to the Presidential Elections.
8. In the conduct of matters relating to the Presidential Elections, the periods relating to the application to become candidates for the office of President, the public notification of the name of the candidate selected to be nominated for the general public vote and the polling day shall be computed inclusive of government holidays.

9. The Commissioner of Elections shall, within two days from the date the People's Majlis selects a candidate to be nominated for the general public vote, make a public notification of the date of the general public vote pursuant to section 8 of the Law on Presidential Elections through the radio, television and the daily newspapers. Further, the name of the candidate nominated for the general public vote, the date of the general public vote and the times fixed for polling shall be publicly notified by the Commissioner of Elections at least seven days prior to the date of the general public vote in all the islands on which the polling is to be held.
10. No information relating to the elections, except the recitation of a section of the Law on Presidential Elections or of the Law on General Elections or of these regulations shall, without the permission of the Commissioner of Elections, be disclosed to any person whomsoever, by any employee of the Department of Elections or by any person who is charged with any responsibility of polling in the Presidential Elections.
11. The public notification made pursuant to sub-section (a) of section 6 of the Law on Presidential Elections stating that the process of applying to become a candidate for the office of President has commenced shall also specify the papers and documentation required to be submitted by the applicant and the place where the same is to be submitted.
12. Upon the notification being made stating that the process of applying to become a candidate for the office of President has commenced, persons wishing to become candidates for the office of President shall, in accordance with sub-section

Application to
become candidates
for the office of
President

(b) of section 6 of the Law on Presidential Elections, personally submit before the Commissioner of Elections, the documents stipulated below. Where a person is unable to appear before the Commissioner of Elections due to a reason acceptable to the Commissioner of Elections, the said documents may be submitted through proxy as provided in sub-section (b) of section 6 of the Law on Presidential Elections.

- (a) The Form contained in schedule 1 to these regulations.
- (b) An official document indicating the name, permanent address and date of birth of the person. The official document mentioned herein shall be the Maldivian Identity Card; where the Identity Card is not available the Birth Certificate; and where a resident of Male' is not in possession of an Identity Card or Birth Certificate an official document from Male' Municipality; and where a resident of any other island of the Maldives is not in possession of an Identity Card or Birth Certificate, an official document issued by the island office of the island in which such person is resident.
- (c) A declaration to the effect that the applicant is a Muslim of Sunni following, is a citizen of the Maldives whose parents and grandparents are Maldivian citizens, is a male person who has attained 35 years of age, is of sound mind, is capable of discharging the duties and responsibilities of the office of President, has not been convicted of an offence for which a *hadd* is prescribed in Islam, has not been convicted of criminal breach of trust and thereby brought into disrepute, is not a citizen of a

foreign country and is not married to a citizen of a foreign country. (schedule 2)

- (d) Information relating to the employment of the person applying to become a candidate for the office of President. (schedule 3)
- (e) Information relating to the business, if any, carried on or participated in by the person applying to become a candidate for the office of President. (schedule 4)

13. A person who has applied to become a candidate for the office of President may withdraw his application by appearing in person before the Commissioner of Elections and upon submission to the Commissioner of Elections, of the Form contained in schedule 5 to these regulations. Where a person is unable to appear before the Commissioner of Elections due to a reason acceptable to the Commissioner of Elections, if, such person, having explained the said reason to the Commissioner of Elections by cable or telegram or letter and upon submission, by proxy, of the Form contained in schedule 5 to these regulations, it shall be deemed that such person has withdrawn his application.

Canvassing for support

14. A candidate in the Presidential Elections shall in canvassing for support do only such acts provided in the Law on Presidential Elections (Law No: 1/98) and in the manner provided therein.

Determining the polling areas, position and manner of keeping ballot boxes and the number of ballot boxes

15. The number of ballot boxes to be kept in every island, the number of polling areas and the places where ballot boxes shall be kept within such polling areas and the persons who may vote at a given polling station shall be determined by the

Commissioner of Elections with due consideration to the number of persons eligible to vote in such island.

16. The Commissioner of Elections shall, prior to the polling day, make a public notification of the polling areas of the Presidential Elections, the polling stations and the number of ballot boxes therein.
17. The polling stations in Presidential Elections shall be the area falling within 300 feet measured from every side of the location in which each ballot box is kept. The ballot box shall be kept in a manner clearly visible to persons coming to vote and persons charged with the responsibility of supervising the ballot box. Provided however that the polling booth shall be covered in such manner that no other person may see the voter placing the mark on the ballot paper.
18. A list of persons of voting age shall be prepared by the Commissioner of Elections in respect of each polling area and such list shall be kept at every polling station situated therein. The list shall contain the full names, atolls, islands, permanent addresses and dates of birth of persons specified in the said list. Where the date of birth of a person specified in the list is not known, it shall be sufficient to include in the list, the year of birth in cases where the completion of twenty-one years by such person is not in doubt. Persons who complete twenty-one years of age on polling day shall also be included among persons of voting age.
19. The paper containing the name of the candidate nominated for the general public vote prepared

and sent by the Department of Elections shall be posted at polling stations on the polling day so that the said name may be visible to the members of the public.

Appointing persons to supervise ballot boxes, their location and responsibilities

20. (a) Four persons appointed by the Commissioner of Elections in respect of each ballot box to administer the matters relating to polling shall be present near every ballot box on the polling day. The responsibilities of the said four persons shall be to supervise the ballot box, to verify if persons coming to vote are persons who in fact satisfy the qualifications required to be present in voters, to prepare a list containing the names of persons to whom the ballot paper is issued, and to see that the ballot paper issued to a person is put into the ballot box. Any three persons out of these four persons shall always be present near the ballot box between the commencement and the close of the poll.
- (b) The person appointed by the Commissioner of Elections from among these four persons to be in charge shall act as directed by the Commissioner of Elections and be responsible in the matters relating to polling. The person so appointed to be in charge shall determine the individual responsibilities of each of the persons appointed to be present near the ballot box and assign the responsibilities to each such person. The said persons shall be responsible in matters so assigned to them.
- (c) No person charged with the responsibility of supervising the ballot box shall enter the polling booth while a voter is present therein.

21. In addition to the persons mentioned in clause 20 of these regulations, three persons shall be appointed to every polling station, for the purposes of arranging the voters in an orderly fashion and to oversee matters such as the unwarranted staying of persons within the premises of the polling stations. At least two persons out of the three persons so appointed shall at all times be present at such place. These persons shall be appointed by the Commissioner of Elections. No person appointed to supervise the premises of the polling station shall enter the place where the ballot box is kept or the polling booth. Provided however that in circumstances of necessity and with the permission of the person in charge of the polling station, a person appointed to supervise the premises of the polling station may enter the place where the ballot box is kept for the permitted purpose and at the permitted time.

22. A symbol determined by the Commissioner of Elections shall be worn by persons specified in clause 20 and clause 21 of these regulations.

23. Votes in the Presidential Elections shall be given in the ballot paper prepared by the Commissioner of Elections in the manner provided below:
 - (a) The ballot paper shall be printed and stapled together in book form and in such manner that each ballot paper may be detached into two halves while keeping one half stapled and intact in the book as counterfoil.

 - (b) The ballot paper shall be printed in such coloured paper determined for every Presidential Election by the Commissioner of Elections.

Ballot paper

- (c) The ballot paper shall be printed in such manner that the year of the Presidential Election is identifiable from the ballot paper.
- (d) The ballot paper shall be printed as provided in the specimen contained in schedule 6 to these Regulations and in such manner that the name of the person selected by the People's Majlis to nominate for the general public vote is printed on the ballot paper so that the relevant mark may be placed opposite such name.

Opening of ballot
paper packets and
ballot boxes

- 24. The ballot boxes and the ballot paper packets sent to a polling area shall be opened on polling day. The said items shall be opened in the said manner by the person appointed by the Commissioner of Elections to be in charge at the polling station to supervise the ballot boxes and in accordance with the directions issued by the Commissioner of Elections and in the presence of the first voter or voters.

Issuing ballot papers
and preparing the list
of persons to whom
ballot papers are
issued

- 25. Only one ballot paper shall be issued to each voter. The ballot paper shall be delivered when such voter has come to the table from which matters relating to polling are supervised.
- 26.
 - (a) While delivering the ballot paper to the hand of a voter it shall be verified if the name of such voter is contained in the list of persons eligible to vote in the polling area.
 - (b) Where the name of such voter is not contained in the list of persons eligible to vote in the polling area, the Identity Card or the Birth Certificate or the Registry of persons resident in the house of the concerned person shall be examined to

verify if such person is eligible to vote and upon such verification being made the ballot paper shall be delivered to such person.

27. A list of persons to whom the ballot paper is delivered in Presidential Elections shall be maintained at the polling station in the paper determined for the purpose. In the preparation of the list, persons physically incapacitated to place the mark on the ballot paper in person and persons who are eligible to vote in a polling area other than the polling area where the list is prepared but to whom a ballot paper is delivered at that area shall be specified in the said list. And the list shall contain the names, permanent addresses and age of all persons to whom ballot papers are issued.

Marking the ballot
paper

28. (a) The mark on the ballot paper shall be placed by each voter in the polling booth assigned for the purpose in the polling station and in such manner that no other person may see the act of placing the mark on the ballot paper by the voter.
- (b) Votes in Presidential Elections shall be deemed to be given upon placing in the box provided in the ballot paper the ✓ mark where the person selected by the People's Majlis to nominate for the general public vote is acceptable to the voter to become President or the X mark if such person is not acceptable to the voter to become President and by putting the ballot paper in the ballot box in such manner that no other person may know the vote given by such voter.
- (c) Where the words "affirmative mark" are written in *Thaana* script on the ballot paper

instead of placing the ✓ mark as provided in sub-clause (b) of this clause, such vote shall be deemed to be a vote given to indicate acceptance of the candidate by the voter. And where the words “negative mark” are written in *Thaana* script instead of the X mark, such vote shall be deemed to be a vote given to indicate non-acceptance of the candidate by the voter.

29. The following particulars as regards persons physically incapacitated to place the mark on the ballot paper in person and the persons brought by such incapacitated persons to assist them in placing the mark on the ballot paper shall be recorded by persons at the table from which matters relating to polling are supervised in the paper printed and assigned for the purpose.
- (a) Name, permanent address and age of the incapacitated person.
 - (b) The number given to his residence.
 - (c) Full name, permanent address and age of person who assisted the incapacitated person in placing the mark on the ballot paper.

Voting

30. In general, persons of a given polling area shall vote at the ballot box placed at the polling station to be used by persons of that polling area. Provided however that a person who is present in a polling area which is not the place of domicile or residence of such person may as determined and notified by the Commissioner of Elections as regards the given election vote at such area where such person is present on the date the poll is taken. The name, permanent address and age of such person voting in a polling area outside the place

of domicile or residence and not included in the Registry of persons of the concerned polling area shall be recorded in the paper printed and assigned for the purpose.

Closing of ballot
boxes and unused
ballot papers upon
closure of polling

31. Upon completion of voting a sign that reads as "POLLING CLOSED" shall be posted in accordance with the Law near the ballot box in a manner visible to the members of the public.
32. Upon closure of polling, the ballot boxes, the book containing the counterfoils and the unused ballot papers shall in the presence of at least five persons from among the seven persons appointed by the Commissioner of Elections to supervise the matters relating to polling, be closed and sealed in the manner provided below:
 - (a) The ballot box shall be closed by covering the slot created on the box for putting the ballot paper by affixing an especially made security sticker and by sealing the four corners of the said sticker with wax and by tying the ballot box with twine and sealing the knot created thereby with wax and by wrapping the box with paper. Items used for closing of the ballot box shall be those items sent for the purpose by the Department of Elections.
 - (b) The book containing the counterfoils of the ballot papers and unused ballot papers shall be closed in a special envelope sent for closing the same.
33. Having closed the ballot boxes and the unused ballot papers in the manner provided in clause 32, the ballot boxes and items mentioned below from

Male' and other polling stations situated at places other than inhabited islands shall as soon as practicable thereafter be taken, as per the directions issued by the Commissioner of Elections, to a place designated for counting the votes. The ballot boxes placed at inhabited islands shall be taken from the polling stations to the atoll offices or islands offices.

- (a) Report on the polling, specified in clause 35, containing the proceedings of the poll and events taking place at each polling station.
- (b) List of the persons who voted.
- (c) The book containing the counterfoils of the issued ballot papers.
- (d) Unused ballot papers.
- (e) List of persons who voted at the polling station while such persons' names are not included in the Electoral Registry of that polling area.
- (f) List containing details as regards persons physically incapacitated to place the mark on the ballot paper in person together with details as regards persons who assisted such physically incapacitated persons in placing the mark on the ballot paper.

34. Upon receipt of the ballot boxes by the atoll office or the island office together with the items as provided in clause 33, the ballot boxes shall be handed over to the custody of three persons from among the persons appointed under clause 20 to supervise the ballot boxes and conveyed without any undue delay to the Department of Elections or any such place designated by the Department

along with an official communication from the atoll office or the island office together with items specified in clause 33. The names and addresses of persons in whose custody the ballot boxes are conveyed shall be specified in the official communication mentioned herein. In the event more than one ballot box is conveyed in this regard, the said ballot boxes shall be conveyed in the custody of at least four persons. In any event and irrespective of the mode chosen from the two modes mentioned herein as regards conveying the ballot boxes, two persons shall at all times remain with the ballot boxes until such time the ballot boxes are brought to Male' and handed over at a place designated by the Department of Elections.

Report of the polling station .

35.

A report on the polling, the proceedings thereof and other events taking place between the commencement and the close of the poll at each polling station in the Presidential Elections, as provided in clause 32, shall be written including all the particulars provided below and submitted to the Commissioner of Elections. The said report shall be signed by the person appointed by the Commissioner of Elections to be the person in charge of matters relating to polling.

- (a) Time of commencement of polling, time at which polling was suspended if such suspension occurred, time of resumption and closure of polling.
- (b) Names, addresses and age of persons who were charged with the responsibility of supervising matters relating to polling and persons who were charged with the responsibility of supervising the polling station.

- (c) Names and addresses of persons who were physically involved in closing the ballot boxes and other items from among the seven persons charged with the responsibility of supervising matters relating to polling.
- (d) Total number of persons who voted while indicating the total numbers of male voters and female voters.
- (e) Number of persons who voted at the polling station while not being domiciled or resident within the concerned polling area.
- (f) Number of persons physically incapacitated to place the mark on the ballot paper and the number of persons who assisted such physically incapacitated persons.
- (g) Number of ballot papers received by the polling station.
- (h) The number of counterfoils of used ballot papers.
- (i) The number of unused ballot papers.
- (j) Details as regards the place in which the ballot box was kept.
- (k) Observation as regards the general conduct of polling at the polling station.
- (l) Details of any incident that may be considered as unlawful or unusual.

the purpose of counting the votes and the votes shall be checked, counted and the result shall be ascertained by persons appointed by the Commissioner of Elections for the said purpose. The name and a symbol determined by the Commissioner of Elections shall be worn by the persons counting the votes.

Notification of result

37. The result of the Presidential Elections shall be notified by the Commissioner of Elections.
38. The Commissioner of Elections shall announce the result by means of radio, television and the daily newspapers as the results are being ascertained by counting the votes cast in Male' and other polling areas of the Maldives. The said notification of result shall state the total number of votes as far counted in favour of the candidate nominated for the general public vote to decide if such candidate may become President, the total number of votes as far counted against such candidate and the total number of void votes, if any, as far counted. Upon announcing separately in this regard the result of every polling area, the ultimate result consisting of all polling areas and containing the total number of votes in favour of the candidate and total number of votes against the candidate and total number of void votes in the election shall be notified.
39. The candidate nominated for the general public vote shall be deemed to have received a majority of votes cast by voters in the Presidential Elections where after subtracting the void votes from the total number of persons who cast the votes, such person has received votes equivalent to 50% of the total number of remaining voters and at least one further vote in addition to the said amount.

40. Where the candidate selected by the People's Majlis has secured a majority of votes based on the ultimate result of the Presidential Elections, it shall be notified that such candidate has been elected as President. And where such candidate has failed to secure a majority of votes in the Presidential Elections it shall be notified that such person has failed to become elected as President. These matters shall be notified by the Commissioner of Elections.

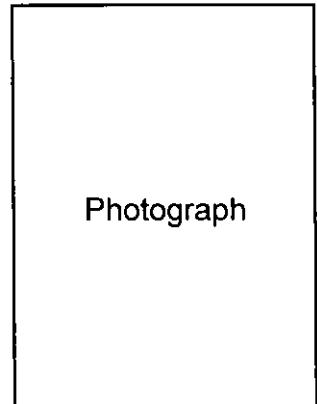
Decision on matters
not provided in
regulations

41. Where a matter not provided in these regulations arises and where such matter falls within matters in respect of which regulations shall be made by the Commissioner of Elections under Law on Presidential Elections (Law No: 1/98), such matter shall be decided by the Commissioner of Elections on the advice of the Committee formed to advise the Commissioner of Elections in respect of matters relating to the conduct and supervision of Presidential Elections and the Attorney-General.
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Schedule 1

In The Name of Allah, the Most Gracious, the Most Merciful

Department of Elections
Male'
Maldives



FORM FOR APPLYING TO BECOME A CANDIDATE FOR THE OFFICE OF PRESIDENT

1. Applicant's
 - (a) Full name:
 - (b) Permanent address:
2. Date of birth (as per Gregorian Calendar):
3. Nationality:
4. Maldivian Identity Card No:
5. Last address of residence:
6. Present address of residence:
7. Name, island of registration and nationality of the following persons:
 - (a) Father:
 - (b) Mother:
 - (c) Paternal grandfather:
 - (d) Paternal grandmother:
 - (e) Maternal grandfather:
 - (f) Maternal grandmother:

I hereby affirm and declare that the information provided herein and in all documents attached hereto are true and no information required under section 12 of the Law on Presidential Elections has been concealed in any of the documents attached hereto.

Applicant's signature:

Name:

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Note: A photograph taken within one calendar year immediately preceding the date of application shall be affixed to the place determined for affixing the photograph in this Form.

Schedule 2

In The Name of Allah, the Most Gracious, the Most Merciful

Department of Elections
Male'
Maldives

DECLARATION OF THE PERSON APPLYING TO BECOME A CANDIDATE FOR THE OFFICE OF PRESIDENT

I, (name of person), state and declare that I, (name of person), am a Muslim, that I am of Sunni following, that I am a citizen of the Maldives, that my parents and grandparents are Maldivian citizens, that I am a male and have attained 35 years of age, that I am of sound mind, that I am capable of discharging the duties and responsibilities of the office of President, that I have not been convicted of an offence for which a *hadd* is prescribed in Islam or of criminal breach of trust and my reputation thus has not been brought into disrepute thereby, that I am not a citizen of a foreign country, that I am not married to a citizen of a foreign country and that all the information provided herein is true.

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Signature:

Name:

Schedule 3

In The Name of Allah, the Most Gracious, the Most Merciful

Department of Elections
Male'
Maldives

INFORMATION RELATING TO THE EMPLOYMENT OF THE PERSON APPLYING TO BECOME A CANDIDATE FOR THE OFFICE OF PRESIDENT

1. Applicant's

- (a) Full name:
- (b) Permanent address:
- (c) Maldivian Identity Card No:

- 2. Occupation:
- 3. Designation, if employed:
- 4. Place of employment:
- 5. Past employment including the places of employment:
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Signature:
Name:

Schedule 4

In The Name of Allah, the Most Gracious, the Most Merciful

Department of Elections

Male'

Maldives

**INFORMATION RELATING TO THE BUSINESS, IF ANY, CARRIED ON OR
PARTICIPATED IN BY THE PERSON APPLYING TO BECOME
A CANDIDATE FOR THE OFFICE OF PRESIDENT**

1. Applicant's

- (a) Full name:
- (b) Permanent address:
- (c) Maldivian Identity Card No:

2. Where the person applying to become a candidate for the office of President is carrying on a business of his own

- (a) Name and address of the place of business:
- (b) Type of business:
- (c) Capital:
- (d) Where another person is participating in such business, the name and the permanent address of such person and the extent of the participation of such person:

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3. Where the applicant participates in another person's business

- (a) Name and address of the place of business:
- (b) Type of business:
- (c) Extent of the applicant's participation in such business:

4. Where the applicant is employed by a company/ agency/ shop

(a) Name and address of the place of employment:

(b) Designation:

(c) Type of business carried on at such place:

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Signature:

Name:

Schedule 5

In The Name of Allah, the Most Gracious, the Most Merciful

Department of Elections
Male'
Maldives

FORM FOR REQUESTING WITHDRAWAL OF THE APPLICATION SUBMITTED TO BECOME A CANDIDATE FOR THE OFFICE OF PRESIDENT

1. Applicant's

(a) Full name:
(b) Permanent address:

2. Date of birth (as per Gregorian Calendar):
3. Maldivian Identity Card No:
4. Last address of residence:
5. Present address of residence:

I hereby withdraw the application submitted by me to become a candidate for the office of President. The withdrawal is hereby made by my own volition and without any coercion from any person.

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Signature:
Name:

Schedule 6**Specimen of Ballot Paper**

In The Name of Allah, the Most Gracious, the Most Merciful



Department of Elections
Male'
Maldives

The general public vote held in accordance with subclause
(b) (1) of Article 35 of the Constitution to elect

.....(Name).....

as President of the Republic of Maldives for a period
of five years commencing from 11 November 1998

.....	
For President	

