

Domestic Observation of
THE 2008 MALDIVIAN
PRESIDENTIAL ELECTION

First Round, 8 October 2008
Second Round, 28 October 2008

Final Election Report by Transparency Maldives

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I. Introduction

The 2008 Maldivian Presidential Election was the country’s first multi-party election and multi-candidacy presidential vote, as well as its first under the 2008 reform Constitution.

Transparency Maldives coordinated the only nation-wide, non-partisan domestic observation of the first and second rounds of the presidential election, held on the 8 and 28 October 2008 respectively. The domestic observation assessed the conduct of the election in accordance with international standards for democratic elections. Transparency Maldives also logged complaints sent to our sms short-code 567 online database (www.complaints.transparencymaldives.org).

The domestic observation covered over 120 polling stations in Malé and seven atolls, including Seenu, Gnaviyani, Gaaf Dhaal, Laamu, Baa, Raa, and Haa Dhaal Atolls. There were 104 observers accredited for the first round, of which 99 observed, and 127 accredited for the second round, of which 93 observed. Except in Malé and Seenu Atoll, the observers were stationed at a single polling station throughout the day.

The observation was coordinated centrally by Transparency Maldives staff in Malé. For both rounds of the election, coordination of atoll/island observers was conducted by Project Coordinator Mr. Aiman Rasheed, while coordination of Malé observers was overseen by Interim Executive Director Ms. Nalina Sombuntham and Information and Development Officer Ms. Afshan Latheef. For the first round, complaints and media enquiries were handled by Project Officer Mr. Ahmed Irfan and Project Officer Mr. Abdulla Miad. For the second round, media enquiries were directed to Aiman Rasheed while online complaints were handled by Abdulla Miad. This final report is based on collected checklists and comments from observers and edited by Nalina Sombuntham.

During the observation exercise, Transparency Maldives observers were in contact with the Commonwealth Observer Group, the expert team of the Delegation of the European Commission to Sri Lanka and the Maldives, and observers from diplomatic missions based in Colombo that were supported by the European Commission.

Domestic observation by Transparency Maldives was supported by the Royal Embassy of the Netherlands, the Canadian International Development Agency (CIDA), and Friedrich Ebert Stiftung (FES). The initial training of all observers took place under the “I Choose” To Vote Project, supported by AusAID.

2. Executive Summary

1. The 2008 Maldivian Presidential Election was the country’s first multi-party, multi-candidacy election, and the first vote to be held under the reform Constitution, ratified in August 2008. It was also the only election in which 30-year incumbent President Maumoon Abdul Gayoom, Asia’s longest-serving leader, faced an opponent.
2. The presidential election featured two rounds of voting since no single candidate secured more than 50 percent of the vote in an initial round. The first round of the election was held on Wednesday, 8 October 2008, in line with a constitutional deadline for the presidential election to be completed by 10 October. Despite this deadline, the second round run-off election was held on Tuesday, 28 October 2008.
3. In stark contrast to previous elections, both rounds of voting were remarkably transparent. The public and key stakeholders were afforded an unprecedented level of access to evaluate the conduct of the electoral process. Domestic and international observers, party monitors and media were permitted to closely watch voting and counting. The Elections Commission also established an advisory committee of relevant stakeholders, including candidate representatives and civil society, to aid it in its decision-making. The Commission and its officials, including polling staff, should be commended for encouraging this inclusive approach as it increased the acceptability of the results.
4. However, a constitutional deadline for the election drastically shortened the timeframe for preparations and led to irregularities that undermined the credibility of the election. The imposed deadline negatively affected the compilation of the voter registry, conduct of voter education, quality of training provided to officials, and the establishment of properly functioning atoll coordinating committees, as well as island, atoll and national elections complaints bureaus. Laws and regulations were created with a focus to accommodate this deadline, rather than provide legal certainty or quality election administration and voter education.
5. Voter education was inadequate considering the drastic nature of political reforms and lack of civic education in the country. Despite this shortcoming, voter turnout was high in both rounds, 85.4 percent and 86.6 percent respectively. Voters were remarkably patient with the frustrations of each Election Day, standing in hours-long queues and voting until the early morning. This level of participation is testimony to the public’s desire to be actively engaged in the new democracy.
6. The first round of the election did not proceed smoothly and election officials nearly halted voting. Election Day was characterised by widespread omissions and repetition of names on the voter lists, defective indelible ink, confusion at the polling stations, and poor communication within the election administration. The abbreviated timetable, as anticipated, adversely affected the quality of the voter registry, as well as the preparedness

of the Elections Commission and its auxiliary committees to handle complaints. Early on the day of polling, agitated voters crowded around the shared location of the National Coordinating Committee and the National Elections Complaints Bureau. Police were compelled to block off the area for security reasons, which prevented voters in Malé to lodge complaints in person for the rest of day.

7. Lacking political support to end voting, the Elections Commission instead authorised ad hoc voter registration at stations and extended polling hours to protect the right to vote. An estimated 16,000 voters, 7.7 percent of those voting, were added to the voter lists. While the decision prevented broad disenfranchisement, it also opened the door to multiple voting and further exposed the problems in communication within the administration as the decision was unevenly implemented. Some stations allowed all citizens carrying valid identification to vote, while others only permitted individuals who could prove that they had been inadvertently left off the voter lists to cast a ballot. At some polling stations, voting queues closed at 8 p.m., while at others, they were open to voters until early the next day.
8. In addition, the ad hoc registration did not solve the disenfranchisement of eligible voters who lacked valid identification. The Department of National Registration was unable to supply more than 3,000 voters with identification cards in time for the first round, including a third of the country's prison population.
9. The Elections Commission was clearly more prepared for the run-off election. Ahead of the second round polls, the Commission updated the voter registry, re-opened registration and physically posted voter lists in the islands for verification. It replaced the indelible ink, provided additional training for poll workers, and took steps to speed up the polling procedure and better handle complaints. The Department of National Registration was also able to give an additional 5,620 voters new identification cards.
10. These measures led to a significantly better election with far fewer voter list inconsistencies, more confident polling officials and organised stations, and improved communication channels between polling stations and the Elections Commission. Unlike during the initial round, complaints bureaus were physically accessible throughout the day and indelible ink remained on those who had voted. Voters were also more at ease during the second round, having already gone through the electoral process once.
11. Still, there were unaddressed concerns. Hundreds of eligible voters, including those who had voted without issue during the first round, did not appear on voter lists. There were also security concerns at polling stations. Polling officials did not prevent unauthorised personnel, many equipped with cameras, from freely entering polling stations, loitering in common areas, conversing with voters and at times, campaigning. The use of banned communication devices, i.e. mobile phones, was widespread in polling stations.

12. Lastly, and of particular concern to Transparency Maldives, communication problems between the Elections Commission and polling stations led to some of our atoll-based observers being refused entry into polling stations. While in most islands the matter was resolved early in the morning, observers in Seenu and Laamu Atolls were unable to enter some polling stations until after mid-day. This situation contrasted with the experience of international observers, who did not face the same restrictions as domestic observers.
13. The 2008 Maldivian Presidential Election owes its credibility to a transparent and inclusive process, as well as to the significant margins between votes for candidates. The acceptability of results in the forthcoming parliamentary and local elections will require that the country deal with the concerns raised by this election. There needs to be adequate time for electoral preparations and proper voter education. The voter registry and voter lists should be better maintained and published early for verification. Lastly, communication between different levels of the Elections Commission's administrative and complaints structures must be improved so that rules and decisions are clear to both officials and voters and applied uniformly.

3. Specific Recommendations

Legal Framework

1. All stakeholders should review electoral laws and regulations to ensure that they create a coherent legal framework that provides legal certainty and enough time for proper election administration and voter education.
2. Political party regulations and related laws should be amended so that they are consistent with the Constitution and international best practices, and provide adequate oversight of party and campaign finances. A minimum number of members should be required to qualify for state funding and other entitlements.
3. The Presidential Act and Presidential Elections Regulations should be amended so that the standard for validating / invalidating of ballots upholds the principle that a ballot should be counted if it clearly reflects the will of the voter. Any new election law should also apply this internationally accepted standard for evaluating ballots.
4. Members of the People’s Majlis and Elections Commission should amend election laws and regulations to better distinguish between observers, party representatives and media reporters.
5. Laws should be drafted to incentivise voters to report election irregularities. The current penal code should be amended so that a voter cannot be fined for taking a bribe. This amendment is not to condone bribery, but to encourage all voters, even those who are bribed, to vote of their own will and lodge formal complaints against bribe payers.

Election Administration

6. The Elections Commission should provide all election officials, including polling and complaints bureau officers, with more training. The training should emphasize the legal framework so that decisions reflect laws and regulations.
7. The Elections Commission should better define the relationships between its administrative coordinating committees, polling staff and complaints bureaus so that their respective roles and responsibilities are clear to officials and voters.
8. The Elections Commission should evaluate and streamline its complaints system to improve its effectiveness. The complaints system might be more effective if the Commission limit the number of ways to lodge complaints to those avenues that proved most popular in the presidential election. The Elections Commission could then invest resources in expanding the capacity of effective complaints mechanisms.

9. The Elections Commission should remind polling officers to encourage all complainants to fill out forms at polling stations in order to better document complaints.
10. The Elections Commission should provide domestic observers the same type of access to polling stations as international observers, eliminating polling station assignments. If there are concerns regarding overcrowding in polling stations, the Elections Commission can amend rules and regulations so that only two observers from a single organisation or group can enter a polling station at a time.
11. The Elections Commission should review polling facilities to ensure that they are accessible to the elderly, disabled and sick.
12. The Elections Commission should address campaigning after the silence period and remind party agents, media and other observers of their codes of conduct.
13. The Elections Commission and polling workers should better enforce the rule prohibiting communication and recording devices in polling stations.
14. The Elections Commission should ensure that an adequate number of ballots are distributed to polling stations, including ballots for polling officials.
15. The Elections Commission should change the counting procedure to prevent concurrent counting by different poll workers and ensure the process is carried out consistently between polling stations.
16. The Elections Commission should post results protocols in places accessible to the public once officials leave voting premises. In a limited number of instances, observers could not find results protocols and in several places, observers could not access protocols as they were posted within closed areas/buildings.

Voter Registration

17. The Elections Commission should initiate a door-to-door voter registration process to improve the voter registry, engage the public early in the electoral process, and bolster confidence in elections. If such a registration process is not feasible due to time constraints, the Commission should thoroughly review how it maintains its voter registry and produces voter lists. Immediate attention to this issue is necessary in order to safeguard the upcoming elections from the logistical and technical errors that led to the widespread omissions in the first and second rounds of voting.
18. The Elections Commission should publish voter lists and physically display them for at least one month in both Malé and the islands for verification. The Commission should also explore other ways to make the voter lists more accessible to the public.
19. The Elections Commission should also physically display important deadlines on billboards,

signs, etc. in high traffic areas of Malé and the islands to improve communication of this information to voters.

Voter Education and Media

20. Adequate resources should be allocated for voter education, and civic education should be incorporated into the official school curriculum. Voter education materials should be prepared far ahead of Election Day and distributed in the islands.
21. All stakeholders should work together to inform the public on voter registration and ensure that voters have necessary identification ahead of polling.
22. Civil society, media, Government institutions and the Elections Commission should continue voter education programmes. Ahead of the forthcoming elections, these stakeholders should hold meetings where all are present to improve programming.
23. The Elections Commission should publicise complaints mechanisms, adequately explaining the roles and responsibilities of bureaus so that voters are fully aware of their avenues to lodge complaints before, during and after Election Day.
24. Comprehensive media monitoring should be undertaken for the forthcoming elections.

4. General Context of the 2008 Presidential Election

The Republic of Maldives is a unitary state located on an archipelago in the Indian Ocean. The country's approximately 300,000 people inhabit about 200 of its 1,200 islands. These islands are divided into 20 administrative units called atolls. All Maldivians are Sunni Muslim, as required by law, and the population is heavily skewed to the youth with about 60 percent under the age of 25. The country is particularly vulnerable to the effects of global warming as melting ice caps and a consequent rise in sea level threaten to submerge the nation. At its highest point, the Maldives is only two meters above sea level.

The Maldives has enjoyed unprecedented economic growth over the last few decades, largely due to a booming tourism industry. The current worldwide economic downturn and a reported US\$342 million budget deficit threaten these gains. Furthermore, a significant proportion of the country's youth are unemployed. In addition to these economic concerns, the Maldives faces a number of social issues including rising gang violence, widespread heroin drug addiction and religious extremism.

The country, traditionally governed by a Sultanate, established the Second Republic of the Maldives in 1968 and revised its Constitution in 1998. Since 2004, the Maldives has been undergoing political reform with the aim of achieving a modern democracy. It ratified a reform Constitution in 2008.

4.1 Democratic Reform Since 2004

In 2004, democratic reform was initiated after a custodial death the previous year led to inmate unrest, mass demonstrations in the capital city of Malé, and the declaration of a national state of emergency. In response to domestic and international pressure, then-President Maumoon Abdul Gayoom promised to revise the Constitution, laws and regulations of the country. In 2006, President Gayoom set deadlines for these reforms in the "Roadmap for the Reform Agenda."

Key reforms that have thus far been achieved include the legalization of political parties in 2005, accession to key human rights conventions, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2006, establishment of independent institutions such as the Human Rights Commission of the Maldives and the Civil Service Commission, and the ratification of a reform Constitution on 7 August 2008. The new Constitution limits the authority of the executive, establishes a multi-member Elections Commission, and lowers the voting age from 21 to 18 years old.

4.2 The Rise of Political Parties

Political parties were first legalized in 2005. Initially, politics was divided into two main camps: the ruling Dhivehi Rayyithunge Party (DRP) and opposition Maldivian Democratic Party (MDP). Over the years, former members of these parties and other actors established new political parties. By the time of the presidential election, 12 political parties had been officially registered.

Five of the political parties fielded candidates, including DRP, MDP, Republican (Jumhooree) Party (JP), Islamic Democratic Party (IDP) and Social Liberal Party (SLP). There was one independent candidate, unaffiliated with a political party but linked to the New Maldives Movement (NMM), a group of ex-ministers that left Government in 2007. Since the presidential election, NMM has initiated its own political party, the Maldivian National Party (MNP).

Table 1. Political parties established before the presidential election, in order of registration

Political Parties	Official Registration Date
1. Maldivian Democratic Party (MDP)	June 2005
2. Dhivehi Rayyithunge Party (DRP)	July 2005
3. Adhaalath Party (AP)	August 2005
4. Islamic Democratic Party (IDP)	December 2005
5. Maldivian Social Democratic Party (MSDP)	December 2006
6. Maldivian National Congress (MNC)	December 2007
7. People’s Party (PP)	December 2007
8. Social Liberal Party (SLP)	May 2008
9. Republican (Jumhooree) Party (JP)	August 2008
10. People’s Alliance (PA)	August 2008
11. National Unity (Guamee Itthihaad or GI)	September 2008
12. Poverty Alleviation Party (PAP)	September 2008

4.3 The Presidential Election: 1998 Constitution Versus 2008 Constitution

Under the 1998 Constitution, the president was the head of State, head of Government, the commander-in-chief of the armed forces and police, and the country’s supreme religious authority. The president had powers of appointment for members of the legislature, appointing eight of the 50 members in the People’s Majlis (unicameral parliament) and over a fourth of 113 members of the Special Majlis (constitutional assembly). The executive could also establish laws through decree.

To elect the president, the People’s Majlis would nominate a single candidate who would then need to be approved by 51 percent of the public in a yes-no referendum. The president could serve an unlimited number of five-year terms.

The reform 2008 Constitution limits the authority of the president, introduces a two-term limit, and provides for a presidential election by direct popular vote. The president is still the head of State, the head of Government and the commander-in-chief of the armed forces, but no longer has powers of legislative appointment, and is more accountable to the other branches of Government. The president is inaugurated on 11 November and can serve up to two five-year terms.

The Constitution set the deadline for the first presidential election to be 10 October 2008.

4.4 Lack of Confidence in the Electoral System

Ahead of the presidential election, the focus was on the country’s ability to hold a free and fair election given the exceptional time constraints and a record of alleged election irregularities. The previous national vote, the 2007 referendum on the type of government to be adopted in the reform Constitution (presidential versus parliamentary), was marred by allegations of vote buying, inaccurate voter lists, use of state funds and ballot-box stuffing. Of particular concern was the influence of partisan actors, including politically appointed local government officials (island/atoll chiefs) and the Elections Commissioner. In participatory workshops conducted with key stakeholders in May 2008, Transparency Maldives found that there was a lack of confidence in the electoral process. In September 2008, state broadcaster Television Maldives (TVM) reported that only one in four respondents to a text-message survey expected the presidential election to be free and fair.

Confidence in the electoral system was further undermined by delays in the constitutional reform process, which in turn stalled the implementation of requisite electoral legislation and the establishment of an independent institution to manage the election. Although the Constitution was completed in May 2008 and passed with amendments in June, it was not ratified until August. The Constitution’s inclusion of a 10 October deadline for the completion of the presidential election concentrated law-making, electoral preparations, voter education and holding the election to a brief two-month period. These preparations were made more difficult by the holy month of Ramadan, which in 2008 fell in September. In order to hasten the legislative process, the People’s Majlis approved a streamlined procedure to consider legislation at the end of August 2008.

5. Legal Framework

The Constitution sets out the basic framework for the presidential election. According to the Constitution, the president is to be elected “directly by the people by universal and secret suffrage” (Article 108). A candidate must win more than 50 percent of the vote, and if no single candidate does so in a first round, a run-off will be held between the two front-runners to determine the new president (Article 111). The new president can serve up to two five-year terms (Article 107). Elections are to take place within 30 to 120 days prior to the end of a presidential term (Article 110). The first presidential election is to take place by 10 October 2008 and the new president inaugurated on 11 November (Article 301).

5.1 Electoral Laws and Regulations

The laws and regulations that formed the basis of the 2008 Maldivian Presidential Election were:

Laws and Regulations	Passage Date	Ratification/Adoption Date
2008 Constitution	26 June 2008	7 August 2008
Elections Commission Act, No. 8/2008	24 August 2008	25 August 2008
General Elections Act, No. 11/2008	15 September 2008	15 September 2008
Presidential Elections Act, No. 12/2008	16 September 2008	16 September 2008
Regulation on Political Parties 2005		5 June 2005
Presidential Elections Regulations		22 September 2008

The Maldives has also ratified or acceded to major human rights conventions, including the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and Convention on the Rights of Persons with Disabilities (CRPD).

This legal framework is generally consistent with international standards for conducting democratic elections, with the exception of the constitutional deadline that imposed an unrealistic timeframe on the electoral process. The new laws and regulations significantly improve on previous electoral legislation by increasing transparency and accountability. They provide for election observation, establish relevant codes of conduct, strengthen political party and candidate financial oversight, and open voting to the substantial Maldivian population residing abroad. Perhaps most importantly, the Constitution establishes a multi-member institution appointed by the People’s Majlis, addressing one of the main criticisms of the former Election Commissioner, who was appointed by and accountable only to the President.

However, the legal framework also reflects the stress the constitutional deadline placed on the electoral system. Most of the requisite legislation was only enacted three weeks in advance of polling, and timetables for the first presidential election were drastically decreased to accommodate the constitutional deadline. In the end, the election period was condensed to a minimum of 22 days.

5.2 Negative Impact of Constitutional Deadline on Legal Framework

The timetables of the legal framework was largely dictated by a constitutional deadline supported by political will, rather than a concern for legal certainty and quality election administration and voter education. The deadline adversely affected electoral preparations and contributed to an incomplete voter registry, inaccurate voter lists, inadequate training of officials, weak coordination and a problematic complaints system on Election Day. Adherence to the 10 October deadline was supported by major political parties Dhivehi Rayyithunge Party (DRP) and Maldivian Democratic

Party (MDP). While others were critical, including Social Liberal Party (SLP) and to some extent Republican (Jumhooree) Party (JP), these political parties were unable to mobilise support to amend the date. (Moreover, according to Article 292 of the Constitution, no amendments can be made to the Constitution until both presidential and parliamentary elections are held.)

The short timeframe also compelled the Elections Commission to hold the run-off election after the constitutional deadline had passed. The Commission justified the decision by reasoning that it had fulfilled its constitutional obligation by holding the first round on time, and since the deadline had elapsed, regular election rules should apply. The legality of the decision was contested by eight lawyers who filed a case at the High Court, but the run-off election went forth on 28 October 2008.

Table 2. Comparison of timeframes for the 2008 Presidential Election and future presidential elections

Description	2008 Presidential Election (Presidential Election Act)	Future Presidential/Other Elections (General Elections Act)
Publication of voter registry	At least 10 days prior to Election Day, Art. 22(a)	At least 45 days prior to Election Day, Art. 9(a)
Deadline for voter registry complaints	At least 5 days prior to Election Day, Art. 22(b)	Within 10 days of registry publication, Art. 10(b)
Campaign period	At least 10 days after the announcement of candidates, Art. 22(j)	At least 30 days after the announcement of candidates, Art. 6, Presidential Elections Act

5.3 Issues With Laws and Regulations on Political Party Registration

The new legal framework left some important gaps in the old electoral system unaddressed. Laws and regulations on the formation, governance and financial oversight of political parties and candidates still do not ensure that registered parties are legitimate distinct groups. These laws are open to future exploitation and corruption by spurious actors.

A bill on political parties was not passed ahead of the election, and political parties were governed under the outmoded Regulation on Political Parties, established by presidential decree in 2005. Registration approval is solely in the hands of the Elections Commission. The Regulation on Political Parties stipulates that a minimum of 3,000 signatures and an initial meeting of at least 300 members are required to become an official political party. However, current regulations do not necessitate a minimum membership once registered.

Without this requirement, questions have been raised regarding the legitimacy of some political parties and their entitlements to state funding and airtime. (Parties are guaranteed state funding, with a small proportion of the amount allocated based on actual membership numbers.) Moreover, allegations of forged signatures has at least one party, the Maldivian Social Democratic Party (MSDP), currently under investigation.

5.4 Undefined Campaign Period and Campaign Finances

The delayed establishment of the legal framework also impacted the effectiveness of laws and regulations that govern campaigning and finances. Technically, the official campaign period commenced with the formal announcement of the candidates on 28 September 2008 and ended on 7 October. Taking into account the silence period, which starts 6 p.m. the day before polling, this period is about one day short of the minimum 10 days required by law (Article 22(j), Presidential Elections Act). Still, the presidential candidates had ample time to campaign as many initiated their campaigns early in 2008. Also, an amendment in July 2008 to the then-Presidential Elections Act repealed a ban against campaigning removing the threat of legal action.

However, the undefined campaign period and the legal vacuum between the repeal and implementation of new laws complicates the monitoring of campaign and candidate finances. While the new electoral acts strengthen the oversight of campaign and party finances, limiting per capita spending to MRF 1,500 and requiring financial reporting to the Elections Commission, it is unclear as to when these rules were applicable to the presidential election. The Elections Commission, in accordance with the law, has published some of the financial information it has received since the election, but already there are questions as to what was included and not included in these figures.

5.5 Standard for Validating and Invalidating Ballots

The Presidential Elections Act and the Presidential Elections Regulations dictate that ballots only with a tick-mark next to a candidate’s name should be counted. Article 21(d) of the Presidential Elections Regulations stipulates, “Even if the voter’s intentions are clear, the vote will be considered acceptable only if the candidate voted for is clearly marked with a tick-mark.” This rule is contrary to international best practice, which follows the standard that ballots should be counted if they clearly reflect the will of the voter.

5.6 Criminalisation of Taking Bribes for Votes

The country’s archaic penal code criminalises both bribe payer and bribe taker, distorting incentives to report vote buying. Although this law was not applied, Transparency Maldives did hear of at least one case in which a complainant was unwilling to formally lodge a complaint for fear of implicating a relative who received a bribe. The penal code as a whole needs to be overhauled in order to bring it in line with the new Constitution, and the legal framework should include incentives to encourage people to report instances of election bribes with enough detail to take legal action.

6. Election Administration

An interim five-member Elections Commission was formally constituted to conduct the first presidential election under the new Constitution. In contrast with its predecessor, the Commission

was remarkably open, transparent and consultative in carrying out its duties for the presidential election. However, largely due to legal time constraints imposed on the institution, the Elections Commission was unable to establish effective auxiliary institutions and often had to resort to ad hoc decision-making, creating a level of uncertainty and confusion before and during the polls.

In total, the presidential election cost MRF 66 million (about US\$ 5.2 million).

6.1 Interim Elections Commission

For the first set of presidential, parliamentary and local elections, the Constitution’s transitional matters chapter provides for the appointment of an interim five-member Elections Commission (Article 276). According to Article 170 of the Constitution and the Elections Commission Act, the basic responsibilities of the Elections Commission are to: conduct elections and referendums; ensure elections and referendums are held in a free and fair manner; maintain accurate voter registers; register political parties; and provide voter education. Each registered political party is permitted by the Constitution to nominate one individual to the interim institution. The nominations are then to be approved by a two-thirds majority of members present at the People’s Majlis.

Eight political parties submitted nominations to the People’s Majlis. The exact manner of the approval is not defined and the Majlis decided to appoint members by voting on a set list of nominated individuals. As there were more than five political parties, three party nominations did not land seats on the Commission. The five members appointed to the interim Elections Commission on 4 September 2008 and their respective nominating parties were:

Commission Members	Nominating Parties
Mr. Mohamed Ibrahim	Dhivehi Rayyithunge Party (DRP)
Mr. Ahmed Shahid (Saabe’)	Maldivian Democratic Party (MDP)
Mr. Ali Faiz	Islamic Democratic Party (IDP)
Mr. Mohamed Mahir	Maldivian Social Democratic Party (MSDP)
Mr. Fuad Thafeeq	People’s Party (PP)

Mr. Ibrahim became President of the Elections Commission and Mr. Shahid was selected to be Vice President.

The appointment process drew criticism since the first list of candidates presented to the People’s Majlis was approved and there was no chance for the Majlis to consider other proposals. Moreover, there were concerns that the new Commission members represented only a few political viewpoints as some of the nominating parties were not fielding their own presidential candidates and had publicly supported other parties’ candidates.

6.2 Administrative Structure and Auxiliary Institutions

The Elections Commission established a three-tiered administrative structure to conduct the presidential election. The administrative structure is comprised of a National Coordinating Committee, Atoll Coordinating Committees, and polling station staff guided by presiding officers at each of the 395 ballot boxes/polling stations during the first round, and 403 in the second round. (Each ballot box was considered its own polling station in the election.)

The National Coordinating Committee (NCC) consists of 15 members, including the five Election Commission members, seven election commission officials and three other nominated individuals. The NCC is responsible for overseeing voting and counting in Malé, on resorts and industrial islands of Malé Atoll, and overseas. During the first round, ballot boxes were installed at embassies in the capitals of Sri Lanka, Singapore and Malaysia, and in Trivandrum, India. For the second round, an additional overseas polling station was established at the Maldivian embassy in London, United Kingdom. For the election, the NCC was located at the former Nasandhura Palace Hotel, Boduthakurufaanu Magu, Malé.

On the atoll level, daily administration is delegated to 20 Atoll Coordinating Committees (ACCs). The ACCs, located on the capital island of each atoll, are each comprised of one official from the Elections Commission, one member from the civil service and one representative of each candidate.

At polling stations, poll workers are supervised by a presiding officer. The presiding officer is assigned wide-ranging responsibilities for Election Day, which include ensuring voting is in accordance with rules and regulations, validating/invalidating ballots, announcing interim results and handing over all documentation to the designated election official.

The Elections Commission also formed a National Advisory Committee (NAC). The Commission consulted the NAC on a range of matters during the election, from ballot security features to possible postponement of the election. The committee includes candidate representatives, a member of the Human Rights Commission of the Maldives (HRCM), and a member from civil society, a seat that was held by a staff member of Transparency Maldives.

Technical support on legal matters, voter education, training of officials and establishing a complaints system was provided by four experts commissioned by the Delegation of the European Commission to Sri Lanka and the Maldives.

Once local elections conclude in mid-2009, a new Elections Commission will be established to succeed the interim institution.

6.3 Election Complaints and Appeals System

A parallel apparatus was erected to handle complaints and appeals. The Elections Commission established the National Election Complaints Bureau (NECB), Atoll Election Complaints Bureaus (AECBs) and Island Election Complaints Bureaus (IECBs). Complaints can be lodged at these bureaus, via telephone hotlines, at polling stations or at the Elections Commission itself. These

multiple complaint points facilitated the lodging of complaints, but also confused both election officials and voters, who did not have sufficient time or education to adequately understand the jurisdiction of each of the bureaus.

The national complaints bureau is supposed to receive complaints from Malé and the atoll bureaus. It consists of seven members: three with extensive constitutional knowledge; two senior civil servants; and two unaffiliated members of the public. The NECB was located at the former Nasandhura Palace Hotel during the first round, and then moved to the hotel's restaurant area, located opposite the main building, in the second round.

Atoll complaints bureaus, which are supposed to receive forwarded complaints from the island level, also consist of three members: one member appointed by the Atoll Coordinating Committee; a female member appointed by the Atoll Committee; and a senior civil servant. The island and atoll bureaus were located at the island and atoll offices. Island complaints bureaus consist of three members: a male and a female from the Island Development Committee (IDC); and a senior civil servant. They receive complaints at the island level.

Complaints that cannot be resolved by the bureaus are to be referred to the Elections Commission. A decision made by the Elections Commission can be appealed at the High Court and then, if necessary, the Supreme Court, which has final jurisdiction.

6.4 Accreditation of Observers

The new laws and regulations enabled for an unprecedented level of observation of the election. The Elections Commission invited candidates, political parties, volunteer organisations, international actors and individuals to apply to be observers. The initial deadline for applications was 27 September 2008, but due to the short notice the Commission was flexible with the submission of supporting documentation. Applications required names, identification numbers and a signed pledge form. Based on the application, the Elections Commission would perform a background check and deny/approve accreditation. Between the rounds of voting, the Commission re-opened accreditation.

While the Elections Commission authorised mobile teams of international observers, domestic monitors and observers were generally limited to one polling station. The Elections Commission would only accredit one representative of each party, candidate or media outlet per polling station. Transparency Maldives, the only non-partisan domestic observer, was allowed two observers per station, in accordance with international best practice. Transparency Maldives was also permitted mobile teams of observers in Malé and Seenu Atoll. The rules for domestic observers contrasted with the experience of international observers who could move between polling stations without restriction. This inconsistent policy and poor communication between the Commission and polling station officers led to a misunderstanding that kept Transparency Maldives' observers out of polling stations in Laamu and Seenu Atolls for half of Election Day in the second round.

7. Candidate Registration and Campaign Period

The official campaign period spanned nine days, formally starting with the announcement of candidates on 28 September 2008 and ending at 6 p.m. on 7 October, the day before voting. This “official” period captured only a fraction of actual campaigning as most candidates had declared their intention to run by early 2008. Despite some challenges to eligibility, all six candidates were able to contest the election.

7.1 Qualifications for the Presidency

The Constitution outlines the basic qualifications of a presidential candidate. To run for president, a person must:

- (a) be a Maldivian citizen born to parents who are Maldivian citizens, and who is not also a citizen of a foreign country;
- (b) be a Muslim and a follower of a Sunni school of Islamic Law;
- (c) be at least thirty-five years of age;
- (d) be of sound mind;
- (e) not have an undischarged decreed debt; and
- (f) not have been convicted of a criminal offence and sentenced to a term of more than twelve months, unless a period of three years has elapsed since his release, or pardon for the offence for which he was sentenced.
- (g) Despite the provisions of article (f), not have been convicted of an offence for which a hadd is prescribed in Islam or of fraud, deception or criminal breach of trust and thereby brought into disrepute. (Article 109)

The qualifications for vice president are the same as president. All candidates are required to submit a MRF 40,000 deposit to Elections Commission. Candidates can be independent or backed by a political party, but those unaffiliated to a political party must submit a petition signed by 1,500 eligible voters. In contrast to the old Constitution, the 2008 Constitution removes the qualifications of being male and of not being married to a foreign national.

7.2 The Six Presidential Candidates and Campaigning

On 28 September 2008, the Elections Commission formally announced six presidential candidates. A week earlier the Commission had declared them eligible to run. The presidential candidates and their respective running mates, in the order they appeared on the official ballot, were:

Presidential Candidates	Running Mates
1. Mr. Qasim Ibrahim Republican (Jumhooree) Party (JP)	Mr. Ahmed Ali Sawaad
2. Mr. Maumoon Abdul Gayoom Dhivehi Rayyithunge Party (DRP)	Mr. Ahmed Thasmeen Ali
3. Dr. Hassan Saeed independent	Dr. Ahmed Shaheed
4. Mr. Mohamed Nasheed (Anni) Maldivian Democratic Party (MDP)	Dr. Mohamed Waheed Hassan National Unity (Gaumee Itthihaad or GI)
5. Mr. Ibrahim Ismail (Ibra) Social Liberal Party (SLP)	Ms. Fathimath Nahid Shakir
6. Mr. Umar Naseer Islamic Democratic Party (IDP)	Mr. Ahmed Rizvee

As early as 2007, four of the eventual candidates publicly declared their intention to run: Maumoon Abdul Gayoom, Ibrahim Ismail (Ibra), Umar Naseer and Hassan Saeed. Mohamed Nasheed (Anni) declared his interest in early 2008 and secured his party’s nomination in a primary win in April. The last candidate to join the race was Qasim Ibrahim in August 2008. Together, these candidates spent MRF 83 million (US\$ 65 million) on campaigning.

Former Finance Minister Qasim, considered to be the wealthiest man in the Maldives, was also backed by religious conservative Adhaalath Party (AP) and the Maldivian National Congress (MNC). According to figures submitted to the Elections Commission, Qasim’s campaign cost MRF 13.9 million. He selected Sawaad, who had recently returned from studying for a master’s degree abroad, as his running mate.

In addition to his own party, Gayoom, the 30-year incumbent, was endorsed by smaller People’s Party (PP) and the Maldivian Social Democratic Party (MSDP). He chose then-Atolls Minister Thasmeen Ali to be his vice president. Their campaign cost MRF 33.2 million.

Long-time opposition leader and political activist Nasheed shared his ticket with former presidential hopeful Dr. Waheed and thus gained the support of Waheed’s political party, National Unity. They spent MRF 29.2 million on campaigning.

Independent candidate and former Attorney General Dr. Saeed ran with his colleague Dr. Shaheed, the previous (and now current) Minister of Foreign Affairs. Their campaign totalled MRF 2.8 million.

Ibra, a Malé MP and one of the drafters of the Constitution, was the sole candidate to name a female running mate, Fathimath Nahid Shakir. About MRF 1.8 million was spent on their campaign.

Umar Naseer chose relatively unknown Rizvee to be his vice president. Like Naseer, Rizvee had served in the country's security forces. A total of MRF 1.5 million was used to fund their campaign.

During the campaign period, there were allegations of vote buying, intimidation and harassment. DRP was accused of misusing state funds for the campaign and pressuring civil servants to support its candidate. News reports documented some violence and other disturbances at the perimeter of political rallies.

7.3 Court Challenges to Candidate Eligibility

Although the Elections Commission declared all six candidates eligible to run, the final decision regarding candidacy rested with the Supreme Court. The Supreme Court, whose judges were only voted in on 21 September 2008, reviewed a total of three cases that questioned Gayoom and Nasheed's eligibility to run for presidential office.

Gayoom faced two separate challenges and in both cases, the Supreme Court ruled in his favour. The AP challenged Gayoom's candidacy on the grounds that he was not a Sunni Muslim, in violation of Article 109(b) of the Constitution. Meanwhile, the SLP, supported by IDP and AP, charged that Gayoom's presidential bid violated the two-term limit of the Constitution as he had already been president for six terms.

Nasheed's candidacy was challenged by a case lodged by an individual, Mr. Moosa Anwar. He argued that Nasheed's 2001 theft conviction should be considered a hadd offence, disqualifying him from running for president. The Supreme Court ruled in favour of Nasheed.

In addition, the Supreme Court dismissed a case lodged by Mr. Idham Muiz Adnan who challenged the requirement of 1,500 signatures for independent candidates to stand for the presidential election. The Supreme Court said the case should be reviewed by the High Court first.

7.4 Campaigning During the Interval Period

After the announcement of first round results, the unsuccessful candidates declared their public support for Nasheed's presidential bid against Gayoom. In addition to MDP and NU, Nasheed received endorsements from independent candidate Hassan Saeed, JP, SLP, AP and MNC. These political actors formed the MDP Alliance. Nasheed also declared that he would seek a mid-term election if elected. In response, Gayoom responded that a mid-term election was unconstitutional and a crime.

Campaigning on both sides during the interim between rounds heavily focused on religion. Each side sought to win votes by denouncing the other for "un-Islamic" behaviour. This is a particularly grave accusation as it not only prejudices voters against a candidate and raises questions on eligibility (being a Sunni Muslim is a presidential qualification), but also implies that the candidate is not a citizen. The Constitution requires all Maldivian citizens to be Muslim.

8. The Voter Registry and Voter Registration

An inaccurate voter registry and incomplete voter lists at polling stations threatened to derail the first round of the election and complicated the second round of voting. On the eve of the first round, Elections Commission members acknowledged that the registry contained significant errors and considered postponing the election. When the concerns became a reality on Election Day, the Elections Commission proposed to end voting. However due to a lack of political support, the Elections Commission chose to proceed with the election and permitted eligible citizens not appearing on voter lists to cast their ballots.

Although the poor quality of the voter registry was certainly affected by the constitutional deadline, it cannot be explained by time restrictions alone. Improving the voter registry was one aspect of the election that officials, albeit under partisan leadership, were working on far ahead of the ratification of the Constitution. Voter list inconsistencies were anticipated given the number of deceased persons, double entries and omissions on the voter roll after the last national vote, the referendum in 2007.

For the initial round, the official voter registry listed 208,252 eligible voters. The run-off election had 209,204 eligible voters.

8.1 Compilation of Voter Registry

All citizens over the age of 18 have the right to vote, as stated by Article 26 of the Constitution. In the Maldives, all citizens over the voting age are automatically registered to vote in their home islands.

In previous elections, the voter registry was based on an incomplete and out-dated civil registry at the Department of National Registration (DNR). To improve the voter registry, election officials consulted multiple sources in addition to the DNR, including island, atoll and municipal offices. These offices all gather information important to maintaining a registry but have no way to centralise the information. The Elections Commission also accounted for those who would turn 18 by the presidential election deadline.

8.2 Publication of Draft Registry for Initial Verification

The initial publication of the voter registry was executed in a confused manner that was not conducive for verification. After repeated monthly public announcements that they would soon publish a draft list, election officials finally posted an unofficial voter register online on 31 July 2008, initially only allocating 10 days for verification.

The publication of the list in roman script rather than Dhivehi (the local language), its inadequate display (especially in larger islands), and short verification period was criticised by some political parties and non-governmental organizations (NGOs) supporting “Go Vote”, a campaign to encourage voter participation of which Transparency Maldives is also a member. A few political actors also questioned the impartiality and legality of the publication as the institution posted the registry before the installment of a multi-member leadership.

Election officials agreed to extend the period of corrections to 15 days, and informally told others that they would continue to accept corrections beyond this deadline. However, no public statement was given to that effect and a telephone hotline to receive complaints was not well-advertised.

8.3 Active Voter Registration and Late Publication of Official Register

To deter electoral fraud, the Elections Commission required voters to register if they planned to vote in a location other than their home island. Voter registration commenced on 21 September 2008 for a five-day period, and was extended by two days until 27 September. An estimated 30,000 citizens needed to register to vote in Malé alone, while another 14,000 Maldivians residing abroad could register to vote at an overseas polling station. In the end about 25,000 voters were registered in Malé.

Since Maldivians have never had to actively register to vote before, news of registration and verification was slow to spread. Toward the end of the registration period, distressed citizens crowded around registration centres demanding that they be able to register in time. The Human Rights Commission of the Maldives (HRCM) issued a press release calling for an extension in deadline to uphold the right to vote.

To accommodate these concerns, Election Commission members granted two more days of registration, went door-to-door to assist with voters, opened additional mechanisms and made several media statements to encourage registration. Political parties also used their networks to persuade citizens to register to vote.

On 5 October 2008, the Elections Commission announced that the registry had been officially published in the Government Gazette and was available online for review. There was a total of 208,252 registered voters. The Commission gave the public only one day to review and lodge complaints as the election was only three days away. By law, the voter registry was supposed to be published in the Government Gazette 10 days before the election.

8.4 Voter Registration for the Second Round

In the interim between the voting, the Elections Commission implemented a number of measures to improve the registry as well as limit the confusion of the first round. To update the voter roll, the Election Commission added those who had registered at the stations in the previous round and re-opened registration for three days, 16 to 18 October 2008. Voter lists were publicly displayed in the islands a couple of days prior to voting to facilitate verification. Lists, however, were not physically posted in Malé. The Elections Commission announced a total of 209,204 eligible voters for the run-off election.

9. Media Environment

As no group was formally monitoring the media and there was no clear start date to campaigning, it is difficult to assess election coverage thoroughly. Anecdotally, some bias was apparent along well-known lines of ownership. Between the first and second rounds, these biases became more blatant.

9.1 Proliferation of Media During the Reform Period

Democratic reform expanded press freedoms in the country and prompted the proliferation of print and other media. Over the last year, relaxation of broadcasting rules also widened the radio and television fields beyond state-controlled radio Voice of Maldives (VOM) and Television Maldives (TVM). By the time of the election, there were several private broadcasters, including Future TV, DhiTV, VTV, Radio Atoll, DhiFM, Capital Radio, Faraway FM and HFM. While these media and other sources like websites and blogs are readily available in Malé, they are generally not circulated or transmitted widely enough to reach the islands, where Internet penetration is also very low.

9.2 Access to State-Run Media

An agreement between the Ministry of Information and Arts, state-run media and political parties on equal access to airtime on TVM and VOM was reached in June 2008, and came into effect in July. The ‘Agreement on State Media Coverage of Political Activities’ sets aside four daily 15-minute segments on TVM and VOM for political parties, and enabled candidates and parties to purchase advertisement time at a discounted rate.

The General Elections Act contains additional media provisions. The Act states that once candidacy is officially declared by the Elections Commission, all broadcasters, public and private, are required to announce the amount of time allocated for political parties and candidates. It also limits the time allotted to no more than 10 percent for any individual candidate or political party representative (Article 30). The General Elections Act also prohibits the use of foreign broadcasting stations for campaigning (Article 31). In addition, the Presidential Elections Act ensures free airtime on state-run media to all candidates (Article 13). The 10-percent limit on airtime for each candidate and/

or party representative may need to be amended for future elections considering, among other reasons, the most intense campaign period in this presidential election was the interval between the rounds in which only two candidates were contesting.

For the presidential election, these provisions were technically only applicable to the nine days before polling and for the interim 19-day period between the rounds. When it became clear that the official campaign period would be short, independent candidate Dr. Saeed criticised the initial agreement as insufficient protection for equal media access during campaigning. He said that the agreement and state media coverage was overly favourable to political parties. Saeed, who is not affiliated with a political party, could not participate in one of the programs, ‘Siyaasee Fenda’ (‘Political Veranda’).

Two weeks before the “official” campaign period, TVM and VOM allocated free airtime to presidential candidates to level the playing field. Candidates were given three daily quarter-hour slots on rotation, while parties received one slot each day.

10. Voter Education

Overall, voter education was inadequate given the historic nature of the election, the number of new and inexperienced voters and the introduction of active voter registration. Despite the sweeping nature of the political reforms and an absence of formal civic education in the Maldives, most actors were slow to initiate voter education programs. The need for such programs was particularly acute in the islands, where access to information is limited.

Civil society and the Ministry of Legal Reform, Information and Arts were the first to launch voter education programs. Eventually, state broadcasters, private media, the Human Rights Commission of the Maldives (HRCM) and the Elections Commission would join in providing voter education. Although civil society, Government institutions and media met on several occasions to discuss voter education, these meetings did not bring all three actors to the table at one time. Better coordination and earlier initiation would have significantly improved voter education programming.

10.1 Elections Commission’s Voter Education Programme

The Elections Commission, which is constitutionally responsible for voter education, began their programme in late August under the guidance of an expert commissioned by the Delegation of the European Commission to Sri Lanka and the Maldives. The Commission focused on three aspects of voter education: first, to motivate voters to participate in the election; second, to provide specific electoral information regarding how to vote; and third, to build confidence in the electoral process and the institution.

The staging of an effective voter education programme was negatively impacted by the short timeframe for the election. As the Elections Commission focused on ensuring that administrative

tasks were carried out on time, the communication of deadlines, voter registration information, voting procedures and locations of polling stations suffered. The Commission could have better advertised deadlines and other information by physically posting information in high traffic areas of Malé and islands. Voter lists were posted for verification in the islands before the second round, but the Commission neglected to do so in Malé. Malé residents would also benefit from a physical display of voter lists and other information, in spite of their greater access to the Internet.

10.2 Civil Society Initiatives

In early July 2008, civil society launched the ‘Go Vote’ campaign to encourage Maldivians to participate in the election. The campaign was conducted by eight NGOs, including Hama Jamiyya, Madulu, Maldives Aid, Maldivian Detainee Network, Open Society Association, Rights for All, Strength Of Society and Transparency Maldives, as well as endorsed by the Maldivian Civil Society Network. Activities were mainly focused in Malé where the group sponsored informational public forums, music shows and media programmes to educate and mobilise voters, including women and the youth. Open Society Association, funded by the British High Commission, distributed materials on behalf of Go Vote in the islands and created a DVD programme. Members of the ‘Go Vote’ campaign also contributed to voter education programmes led by other stakeholders, appearing regularly on radio and television.

In addition to working on Go Vote, Transparency Maldives initiated its ‘I Choose...’ To Vote project (‘Aharen Khiyaaru Kuranee...’ To Vote) in May 2008. As part of the project, Transparency Maldives conducted a participatory assessment of the strengths and weaknesses of the electoral system, and held community workshops on voter rights and responsibilities and domestic observation. These workshops took place in 19 islands on seven atolls and in the capital of Malé. Over 300 Maldivians participated and as a consequence, Transparency Maldives developed a pool of trained observers for domestic election observation.

Youth-oriented Unite for Change (Badhalakah Enmen) gained momentum between the two rounds of the election. Unite for Change was led by civil society actors, musicians, artists and youth. Through roadshows and a visual ad campaign in Malé, the partisan movement aimed to mobilise the public to vote for change in the second round.

Initially, civil society actors found it difficult to persuade other stakeholders, including Government institutions and media, to assist in voter education. However by September 2008, NGOs were struggling to keep up with the demand for their participation in media-led programming.

10.3 The Presidential Debate and Government-Sponsored Campaigns

In early June 2008, the Ministry of Legal Reform, Information and Arts launched its ‘Think Nation’ campaign to create public awareness on the Constitution. The campaign engaged with several actors, such as media, civil society and other Government institutions, to educate the public on constitutional rights and freedoms.

Later, Think Nation shifted its focus to voter education, introducing its ‘Vote To Decide, Decide To Vote’ programme. The campaign sponsored the country’s first presidential debate. The two-hour programme, which aired live on TVM and VOM on 3 September 2008, featured all six presidential candidates and was closer in format to an Q&A session than a debate. Each candidate was given three minutes for an introduction, as well as an additional three minutes to close. They were each asked three questions regarding how they planned to fulfil campaign promises and their policies regarding fishing, tourism, health and education. Think Nation also sponsored a vice presidential debate, held on 27 September 2008. Five running mates, all except SLP’s Fathimath Nahid Shakir, participated in the programme.

The Human Rights Commission of the Maldives (HRCM) also had its own voter education campaign called ‘My Vote, My Right, My Responsibility,’ which was launched on 18 September 2008. The HRCM held a music show to initiate their campaign, designed ads and circulated pamphlets on the right to vote.

10.4 Media-Sponsored Programmes

The media played an important role in voter education. They carried voter education messages of other actors and covered events and forums related to the election, as well as created their own programmes. As part of an agreement with candidates and political parties, state broadcasters developed programming to educate voters on party and candidate policies. In August 2008, TVM commenced a weekly one-hour program called ‘Siyaasath’, or ‘Policy’, that featured interviews with political leaders. VOM began a nightly voter education programme with the assistance of civil society. TVM and VOM have the largest reach in the Maldives, as their broadcasts extend to the entire country. Private broadcasters on both television, i.e. DhiTV and VTV, and radio also started programmes in September 2008.

11. First Round, 8 October 2008

Transparency Maldives coordinated 99 observers covering nearly a third of country’s 395 polling stations during the first round. Observers monitored over 120 ballot boxes located in Malé and seven atolls (Haa Dhaal, Raa, Baa, Laamu, Gaaf Dhaal, Gnaviyani and Seenu). Transparency Maldives also recorded complaints sent via sms to an online database.

11.1 Overview of Voting

The first round of voting was held on Wednesday, 8 October 2008. Less than half of observers (46.9 percent) reported that voting ran without incident in the first round. As anticipated, the abbreviated timetable adversely affected the quality of voter lists and the preparedness of the Elections Commission and its auxiliary structures to deal with complaints. Widespread omissions in the voter registry nearly ended voting in the afternoon. Instead, the Elections Commission permitted ad hoc registration at polling stations and allowed voting and counting to continue into the next day. The election complaints bureau received over 1,000 complaints.

In spite of these issues, voter turnout was high, 85.38 percent. Voters displayed extraordinary patience on Election Day and many stood in long queues well into the early morning so they could participate in the historic election.

11.2 Voting Procedures

Election Day was declared a national holiday. There were 395 polling stations nationwide. Polling was slated to commence at 9 a.m. and close at 8 p.m. Generally, polling stations opened on time (according to 87.2 percent of the observers) and the voting procedure was considered to be well organised (85.7 percent). The secrecy of the ballot was maintained throughout the day (95.2 percent). Rain deterred some voters in the first half of the day, but by the afternoon many polling stations became extremely crowded. There were some reports of angry voters creating disturbances, including yelling at officials or attacking ballot boxes.

Overwhelmingly, observers found polling workers to be impartial in carrying out their duties (95.0 percent). In contrast with previous elections, island and atoll chiefs were rarely present in or near polling stations and there were few reports of intimidation, bribery or other outside influences. Observers commented that police provided security without interfering in the process and acted professionally.

The new laws and regulations provided for an unprecedented level of observation at polling stations and most observers reported seeing candidate and political party representatives (84.2 percent), media representatives (75.0 percent) and other national and international observers (68.4 percent). These representatives and observers no doubt added to the credibility of the election and the acceptability of the results.

The welcomed presence of accredited observers should be distinguished from that of unauthorised personnel, who were also present at polling stations. Unidentified persons were permitted to loiter in common areas, converse with voters and at times, campaign. In general, polling staff could have done a better job securing polling areas, keeping lines orderly and enforcing the ban on communication devices in polling stations.

The four main issues that disrupted voting during the first round were: (1) inaccurate voter lists; (2) faulty indelible ink; (3) immature administrative structures and complaints mechanisms; (4) and the disenfranchisement of prisoners due to a lack of identification cards.

11.3 Incomplete Voter Lists and Defective Indelible Ink

While the Elections Commission anticipated issues with the voter registry, the extent and the diversity of the problems raised were unexpected. Reported errors with the voter registry/lists included:

- Names present on the official register but not on voter lists at polling stations;
- Missing names of voters who had registered to vote (outside their home islands);
- Missing names of voters voting in their home islands (who did not need to register);
- Double or multiple entries of names;
- Voters not knowing at which polling station they are registered to vote; and
- Inclusion of names of deceased persons.

Confronted with a significant number of omissions in the voter lists, the Elections Commission consulted with all six presidential candidates as it considered ending voting. Lacking political support to halt the election, the Elections Commission instead publicly announced that it would extend polling hours and allow those unlisted to vote. About 16,000 voters who were not originally on voter lists voted on polling day. While this ad hoc registration protected the right to vote, it undermined voter confidence and opened the election to multiple voting, particularly because the indelible ink at many stations proved defective.

11.4 Immature Administrative Structure and Complaints Mechanisms

Inaccurate voter lists and faulty indelible ink quickly exposed how ill-equipped the newly established administrative structure and complaints system were in handling complaints. The relationship between polling stations, coordinating committees and complaints bureaus, as well as their respective roles and responsibilities were not well defined. Moreover, poll workers lacked the training and proper communication channels to effectively deal with complaints. Presiding officers frequently consulted their training handbooks and posed questions to observers for guidance.

Poor communication between different levels of administration was evident from how polling stations dealt with complaints regarding the indelible ink and how they implemented ad hoc registration. On Election Day, polling staff continued to mark voters with defective indelible pens despite repeated complaints that the ink did not work. It took several hours for stations, once notified, to replace the pens.

At polling stations, each presiding officer interpreted the Commission's decision to allow registration differently, which led to inconsistent implementation. While presiding officers at some ballot boxes allowed all eligible voters to vote, other officers only permitted those who could prove that they had been inadvertently left off the voter list. At several polling locations, voters encountered different rules at adjacent boxes. Voting queues closed at 8 p.m. in some places, while at other polling stations, voters could continue to join queues after 8 p.m.

More generally, voters seemed confused as to who to complain to and how to do so. Complaint forms were not being distributed at polling stations, and voters were not always aware of complaints mechanisms separate from the polling stations. In Malé, complainants were unable to access to the National Elections Complaints Bureau as a gathering of disenfranchised voters outside Nasandhura Palace Hotel earlier in the day compelled police to close off the area.

11.5 Disenfranchisement of Prisoners

In addition to the aforementioned issues, a third of prisoners and about 1 percent of the entire population were prevented from voting because they lacked proper identification. To cast a ballot, eligible voters had to present an official document of personal identification, which could be a national identification card, a Maldivian passport or a Maldivian driver's license. The People's Majlis also approved the use of expired identification, allowing 6,000 citizens to vote.

Still, two weeks before the election, approximately 21,000 eligible voters lacked proper identification to cast a ballot. Moreover, the High Court ruled days before the election, on 2 October 2008, that the General Elections Act's exclusion of prisoners sentenced for more than five years from voting was unconstitutional. This ruling increased the number of needed cards.

The Department of National Registration (DNR) struggled to supply eligible voters identification in time for the first round, even delivering cards on Election Day. More than 3,000 identification cards were not completed in time. A third of eligible voters in prison were unable to vote since only 220 of 667 prisoners received their identification cards.

11.6 Counting

Counting was supposed to begin at polling stations at 9 p.m. At the majority of polling stations counting was delayed because voting had not finished. Almost half of all observers (43.9 percent) reported that polling stations did not close on time, likely due to the decision to extend polling hours.

Counting generally proceeded in an orderly manner (98.2 percent) and was conducted in the presence of observers. However, observers remarked that the counting procedure, which allowed for counting to be done by more than one person at a time, was difficult to monitor.

Observers also commented that polling officers did not seem to be well acquainted with the counting procedure. Most polling workers only received a few hours of training prior to Election Day and had difficulty organising the ballots and filling out the counting sheets and results protocols.

11.7 Results

Interim results were announced at the polling stations once counting and the necessary forms had been completed. A results protocol was supposed to be posted in the polling station area, but there were a few reports that this was not done. Sometimes protocols were posted in areas that were locked up after voting, defeating the purpose of public display.

Based on these interim results, media provided the public regular updates on overall results. Polling stations transferred their results to the national counting centre in Malé, where they were compiled in one room. Once the results were verified, election officials entered the information into a central database that could be checked online by the public.

Preliminary and final results were announced on 9 October 2008, the day after polling. The preliminary results varied slightly from the final results, which had 130 fewer valid votes. The final results were, in order of votes received:

Presidential Candidates	Number of Votes / Percentage of Votes
Maumoon Abdul Gayoom	71,731 (40.63 percent)
Mohamed Nasheed (Anni)	44, 293 (20.09 percent)
Dr. Hassan Saeed	29,633 (16.78 percent)
Qasim Ibrahim	27,056 (15.32 percent)
Umar Naseer	2,473 (1.4 percent)
Ibrahim Ismail (Ibra)	1,382 (0.78 percent)

There were a total of 208,252 votes, of which 176,576 were declared valid and 1,235 invalid (0.6 percent).

As no single candidate received more than 50 percent of the vote, the Elections Commission then announced that a second round run-off election would be held within 21 days of voting. This decision meant that the presidential election would be completed after the 10 October 2008 deadline, but in accordance with a constitutional proscribed timeframe of 21 days for holding a run-off election. The decision also contradicted the shortened timetables of the Presidential Elections Act for the first presidential election.

The Elections Commission initially set the date for the run-off election as 29 October 2008, but brought the day forward by a day to Tuesday, 28 October 2008, to avoid conflicting with international school exams.

12. Second Round Run-Off Election, 28 October 2008

In the run-off election, Transparency Maldives coordinated 93 observers covering nearly a third of country’s 403 polling stations. As in the first round, observers monitored about 120 ballot boxes located in Malé and seven atolls (Haa Dhaal, Raa, Baa, Laamu, Gaaf Dhaal, Gnaviyani and Seenu). Observers were also present at an overseas ballot box in London, United Kingdom.

Transparency Maldives also recorded complaints sent to our sms short-code 567 online database. A total of 1,266 text messages were recorded by the online database between 18 September and 10

November 2008. Of the total messages logged, 775 text messages were from the general public and 227 were from domestic observers stationed at 19 islands and Malé during the election period.

12.1 Second Round Overview

The Maldives concluded its first multi-candidacy presidential election with a second round of voting on Tuesday, 28 October 2008. The conduct of the second round of the presidential election improved significantly from the first round. More observers reported that voting proceeded without incident during the second round (63.4 percent), compared to less than half in the first round.

There were fewer omissions and inconsistencies in the voter registry, polling officials were better prepared, stations were more organized, and communication channels between the Elections Commission and polling stations had improved. Unlike the first round, the National Election Complaints Bureau (NECB) was physically accessible throughout the day and indelible ink worked.

The Election Commission implemented a number of measures that accounted for these improvements: officials underwent additional training; voter lists were displayed in the islands ahead of voting; and on Election Day, poll workers handed out cards that identified voters’ numeric position on the voter list while they were in queues. These cards confirmed that voters were on the list and helped poll workers later locate voters on the list to distribute ballots. The Elections Commission also procured new indelible ink from India and required voters to place their entire finger into the ink pot for voting. Lastly, the Commission added metal strips and two holograms visible only under UV light to ballots to improve their security.

These measures contributed to a more efficient voting process and many stations were empty by late afternoon. Still, issues with the voter registry accounted for the majority of the approximately 1,600 complaints lodged with the election complaints bureaus.

There was a higher voter turnout, 86.58 percent, in the second round than the first round.

12.2 Voting Procedures

Election Day was declared a national holiday again. Voting was scheduled to begin at 9 a.m. and end at 8 p.m. The strengths of the first round were present in the final round. Again, the vast majority of observers found poll workers to be impartial (93.0 percent) and officials accommodating. Polling stations opened on time (85.2 percent) and the voting procedure was again well organised (94.7 percent). Voting was widely monitored by representatives of both candidates, as well as media, domestic and international observers. The police acted professionally and provided needed security without interfering.

Still, unauthorised personnel, again many carrying cameras, were permitted to freely enter polling stations, especially as the day progressed. The use of banned communication and recording

devices, i.e. mobile phones, was common in the polling stations. Both polling officials and the general public were again unsure of complaint mechanisms. In addition, more observers reported in their comments that campaigning was going on in and near polling stations, sometimes by accredited party agents and reporters.

Observers also noticed that although the Elections Commission changed the rules so that polling staff were to vote at the stations they were working in, polling officers were not included in the calculations for the distribution of ballots. Electoral laws only provide for a 1-percent excess number of ballots at polling stations. This small margin means that it is important to account for exactly how many voters are to vote at each station.

The two key issues of the second round were: (1) additional omissions from the voter registry and (2) problems with observers being able to access polling stations.

12.3 Missing Names of First Round Voters From Run-OffVoter Registry

The second round voter registry had fewer issues than the initial vote, and the Elections Commission was better prepared to handle related complaints. Despite these efforts, hundreds of registered voters throughout the country were still not on voter lists on Election Day of the second round. Most surprising, the updated lists were missing names of voters who had cast ballots in the first round.

In Malé, registered voters who did not appear on polling station lists were directed to the National Election Complaints Bureau (NECB), where officials issued registration slips to those who were supposed to be on the list. More than 900 people visited the NECB during the second round. In the islands, lists of voters whose names were missing from lists were faxed to voting headquarters. Once these names were verified by staff and an Election Commission member, the list was returned by fax to authorise those listed to vote.

12.4 Barring of Accredited Observers

Of particular concern to Transparency Maldives, communication problems between the Election Commission and polling stations led to some domestic observers, unlike their international counterparts, being refused entry into polling stations to observe. While in most islands the matter was resolved early in the morning, Transparency Maldives’ observers in Seenu and Laamu Atolls were unable to enter some polling stations until after midday. In London, only one observer was allowed to monitor voting and counting at a time.

12.5 Counting

Although closing was delayed again (41.28 percent), counting concluded earlier so most results were in by the end of polling day. Counting generally proceeded in an orderly manner (98.1 percent) and was conducted in the presence of observers. Again, there was an issue of properly monitoring

counting as several polling officers would count and verify stacks of ballots concurrently.

12.6 Results

Again, interim results were announced at the polling stations once counting and the necessary forms had been completed. These results were not always displayed in areas accessible to the public after officials left the premises.

These interim results were transferred to the national counting centre in Malé, where they were compiled in one room. Once the results had been verified, election officials entered the information into a central database that could be checked online by the public.

Provisional results were announced on 29 October 2008, the morning after polling. The final results were, in order of votes received:

Presidential Candidates	Number of Votes / Percentage of Votes
Mohamed Nasheed (Anni)	97,222 (54.21 percent)
Maumoon Abdul Gayoom	82,121 (45.79 percent)

There were a total of 208,252 votes, of which 179,343 were declared valid and 1,861 invalid (1.0 percent).

Gayoom conceded the election the day after polling. The President and the President-elect held a joint press conference to address the public on the results.

Table 3. Overview of results for first and second rounds of the presidential election
(Candidates listed in order of first round results)

Presidential Candidates	Maumoon Abdul Gayoom	Mohamed Nasheed	Hassan Saeed	Qasim Ibrahim	Umar Naseer	Ibrahim Ismail
Running Mates	Ahmed Thasmeen Ali	Mohamed Waheed Hassan	Ahmed Shaheed	Ahmed Ali Sawaad	Ahmed Rizvee	Fathimath Nahid Shakir
Political Affiliations	Dhivehi Rayyithunge Party (DRP); endorsed by Maldivian Social Democratic Party (MSDP) & People's Party (PP)	Maldivian Democratic Party (MDP) & National Unity (Gaume'e Itthihaad or GI), respectively	Independent, although part of the New Maldives Movement (NMM)	Republican or Jumhooree Party (JP); endorsed by Adhalaath Party (AP) & Maldivian National Congress (MNC)	Islamic Democratic Party (IDP)	Social Liberal Party (SLP)
First Round Results	40.63%, 71,731 votes	25.09%, 44,293 votes	16.78%, 29,633 votes	15.32%, 27,056 votes	1.4%, 2,472 votes	0.78%, 1,382 votes
Run-Off Results	45.79%, 82,121 votes	54.21%, 97,222 votes	First Round, 8 October 2008 Eligible voters first round: 208,252 Valid/invalid votes: 176,567/1,235 Voter turnout: 85.38% Second Round Run-Off, 28 October 2008 Eligible voters second round: 209,294 Valid/invalid votes: 179,343/1,861 Voter turnout: 86.58%			