

Domestic Observation of
LOCAL COUNCIL ELECTIONS
2011

Domestic Observation of the
PARLIAMENTARY ELECTIONS
2009

Domestic Observation of the
PRESIDENTIAL ELECTION
2008





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Domestic Observation of Local Council Elections 2011

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Printed by Novelty Printers and Publishers Pvt. Ltd.

The collated reports of the Presidential Election 2008, Parliamentary Elections 2009 and Local Council Elections 2011 are published by Transparency Maldives as part of the domestic observation efforts for the presidential, parliamentary and local council elections. Domestic observation for the Presidential Election 2008 was supported by the Royal Embassy of Netherlands, United Nation Development Programme (UNDP), Canadian International Development Agency (CIDA), Friedrich Ebert Stiftung (FES) and AusAID. Domestic observation efforts for the Parliamentary Election 2009 and Local Council Elections 2011 were supported by the Royal Embassy of the Switzerland and the UNDP Maldives.

Transparency Maldives is the national contact for Transparency International (TI) and is a non-partisan organization that promotes collaboration, awareness and other initiatives to improve governance and eliminate corruption from the daily lives of people. Transparency Maldives views corruption as a systematic issue and advocates for institutional change that will punish and prevent corruption.

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Domestic Observation of
LOCAL COUNCIL ELECTIONS
2011

5 February 2011



Transparency
Maldives

Contents

1. Introduction.....	5
2. Executive Summary	6
3. Specific Recommendations	8
3.1 Legal Framework	
3.2 Election Administration	
3.3 Voter Registration	
3.4 Voter Education and Media	
4. General Context and Political Background of the Local Council Elections 2011	13
4.1 System Change	
4.2 Political and Media Background	
4.3 Confidence in the Electoral System	
4.4 Establishment and Proliferation of Political Parties	
5. Legal Framework.....	12
5.1 Electoral Laws and Regulations	
5.2 Compromising the Secrecy of the Ballot	
5.3 Vague Campaign Finances	
5.4 Criminalization of Accepting Bribes	
6. Election Day, 5 February 2011	15
6.1 Overview of voting	
6.2 Voting procedures	
6.3 Counting	
6.4 Announcement of results	
Annex I: Pre Election Statement, Transparency Maldives.....	17
Annex II: Post Election Statement, Transparency Maldives	18

1. Introduction

The Local Council Elections 2011 set the foundation for local governance in Maldives. Island, atoll and city councils elected under the Decentralization Act and the Local Council Elections Act are envisioned to pave the way for Maldives' first truly decentralized system of administration.

A total of 1091 Councilors were elected to 191 island councils and 132 Councilors were elected to 19 atoll councils in the Local Council Elections 2011. A further six and 11 city councilors were elected to Addu City and Male City respectively.

As in Maldives' first ever multi-party Presidential Election of October 2008 and Parliamentary Election in May 2009, Transparency Maldives coordinated the only nationwide, non-partisan domestic observation effort.

The observation effort covered Male', Hulhumale', Villingili and 38 other islands, covering 14 atolls spread over all seven provinces. Twenty partner NGOs deployed 105 accredited observers. Transparency Maldives' observers were present at 290 of 427 ballot boxes, where over two-thirds of the electorate were registered to vote. The domestic observation effort assessed the conduct of the election with respect to Maldivian electoral laws and international standards for democratic elections.

Transparency Maldives' observers were trained in international standards of observing elections and Maldives' electoral legal framework. More than half of the observers had participated in observing the Presidential and Parliamentary elections; hence some of the observers had undergone over four separate rounds of training as well as gaining first hand experience of observing previous elections.

The staff of Transparency Maldives in Malé centrally coordinated the observation effort. Project Coordinator Mr. Aiman Rasheed coordinated the observation overall while observation in Malé was overseen by Executive Director Ms. Ilham Mohamed and Project Coordinator Mr. Thoriq Hamid.

The project was funded by the UNDP in Maldives, the Royal Embassy of Switzerland and the Royal Embassy of the Netherlands in Colombo. Transparency Maldives was in contact and worked with international observers including the Commonwealth observer team, a UN expert on elections and the USAID expert team.

2. Executive Summary

The Local Council Elections is the third of a set of constitutionally mandated elections. As per the Constitution, the elections had to be conducted within the two-year interim period starting from the ratification of the Constitution in 8 August 2008. Like the Parliamentary Election in May 2009, the Local Council Elections 2011 failed to meet the constitutional deadline of 1 July 2009 when the 17th Parliament of Maldives failed to pass the necessary legislation required for the elections in time. The Elections Commission announced 5 February 2011 as the election day after the passage and ratification of both the Decentralization Act and the Local Council Elections Act and creation of the councils by the President of Maldives as required by law.

2816 candidates submitted applications to contest for 942 seats in 188 Island Councils, 166 seats in 19 Atoll Councils and 17 seats of two City Councils. The ruling Maldivian Democratic Party (MDP) fielded 922 candidates and the opposition Dhivehi Rayyithunge Party (DRP) fielded 882 candidates. Gaumee Itthihad Party (GIP), Adalat Party (AP), Qaumeey Party (DQP), Jumhooreey Party (JP), People's Party (PP) and People's Alliance (PA) fielded 11, 52, 8, 46, 1 and 8 respectively. A high number, 824 candidates contested the elections as independent candidates.

Despite improvements to electoral administration, Transparency Maldives notes that the Local Council Elections 2011 saw the regress of the transparency and accessibility standards introduced by the interim Elections Commission during the Presidential Election 2008 and Parliamentary Election 2009. This led to a decrease in trust of the electoral system and raised questions about the integrity of the electoral processes. The National Advisory Committee on Elections – the highest statutory advisory body – was not convened until three days prior to the elections. The committee was in the past the forum for dialogue between stakeholders where electoral issues were discussed and resolved. The committee comprised five members of the Elections Commission, a representative each from the Maldives Police Service, the Human Rights Commission of the Maldives, civil society NGOs and the 13 registered political parties. In previous elections, the National Advisory Committee on Elections was given unprecedented access to the functions and activities of the Elections Commission from the commencement of the work till the results were announced. The openness nurtured an atmosphere of confidence and trust. In sharp contrast to previous elections, the National Advisory Committee met briefly in just five instances during the Local Council Elections 2011.

However, Transparency Maldives notes that the Elections Commission corrected many of the persisting problems - such as widespread issues with the voter registry and change to electoral procedures during the election day - of the previous elections, negating their effect on the elections. Given the complexity of the elections, the level of preparedness of the Election Commission was very high.

Though the election was excellently administered, Transparency Maldives notes that the Elections Commission adopted uncompromising stances in addressing electoral issues that arose primarily due to administrative and management errors on part of the Elections Commission. For example, a stand off between the polling staff and protesters of an island led to disruption of voting, causing the disenfranchisement of an estimated 400 plus voters in H.A Kela. The High Court ruled against the

Elections Commission and ordered a revote in the constituency. Transparency Maldives believes the situation could have been solved had the Elections Commission acknowledged its own administrative shortcomings and taken a more conciliatory approach.

This report includes a set of recommendations based on election observation, a review of the legal framework for the elections and Transparency Maldives' findings on election day and the counting process. The information contained in this report is collected from the checklists and reports of the observers, official sources such as the Elections Commission and from interviews with the media, political parties and candidates. A separate report on the state of media that will cover the three TV channels in operation and three main print media at the time of the Local Council Elections 2011 is currently being produced.

3. Specific Recommendations

Though the Local Council Elections administration was visibly better in comparison to the Parliamentary and Presidential Elections, the elections saw the backtracking of transparency and accessibility standards set by the previous Elections Commission.

Transparency Maldives attempted to convey its recommendations to the Elections Commission well in advance and much of the recommendations relating to administrative functions of the elections were taken into account. However, collaboration between Elections Commission and political parties, civil society and media in addressing electoral issues and educating voters was comparatively low in comparison to previous elections.

The recommendations of this report are divided into the four main categories of legal framework, election administration, voter registration and voter education. Many recommendations that Transparency Maldives made following the Parliamentary Elections hold true after the Local Council Elections.

3.1 Legal Framework

1. The General Elections Act should be amended to prevent the launch of new development projects by the incumbent government at least two months prior to the announcement of an election.
2. The Local Council Elections Act should be amended to accommodate voters to cast ballots for the municipal councils in the area of residence. In the current system, a voter has to vote for the council where he/she is registered, usually at birth. For example, a person living in the capital Malé for 15 years still has to vote for the island/atoll of the voters' origin, except in the case of persons from islands registered in the Malé "dhaftharu."
3. The Elections Commission should act pro-actively to circumvent electoral violations and engage with relevant authorities of the state to ensure timely resolution of potential issues.
4. Elections Commission should investigate allegations regarding electoral violations and if required, coordinate with political parties, candidates, independent institutions, police and civil society to cultivate public trust in the electoral system.
5. The legislations that govern party and candidate financing should be amended to conform to international standards. Specifically, the legislations should be amended to improve transparency in party, campaign and candidate finance. Specific details shall be provided in the CRINIS report, a report on political party financing transparency that Transparency Maldives will publish towards the end of this year.
6. The electoral legal framework should be amended to make clear distinctions between party agents, civil society observers and media personnel to facilitate the different functions and objectives of the three distinct groups.

7. The legal framework should be amended to promote and incentivize the electorate to report electoral violations. A voter should not be criminalized for taking a bribe. This is to encourage the voter to report the electoral violation. However, buying or selling of votes is not to be condoned.
8. The standard for validating/ invalidating ballots should be based on the principle that the ballot be considered valid if the ballot reflects the will of the voter. The General Elections Act and other regulations should be amended to reflect this principle.
9. The relevant laws should be amended for maintenance of an updated and reliable National Registry by clearly defining roles and responsibilities between the Ministry of Health and Gender, Department of National Registration, Island, Atoll and City Councils, Maldivian Embassies abroad and hospitals.

3.2 Election Administration

10. Elections Commission needs to increase transparency in the administering of the elections to increase trust in the system by enacting transparent and participatory procedures.
11. The Elections Commission needs to set up procedures to ensure personal differences of the Commissions' members do not interfere in administering elections by defining mutually agreed, clearer roles for each member of the commission.
12. The Elections Commission must convene the National Advisory Committee on elections at least a month prior to the election day. This is to create a platform to pre-emptively resolve issues with the involvement of the political parties, civil society and state institutions while simultaneously promoting dialogue between the actors involved in an election.
13. The Elections Commission should coordinate with all state institutions (Maldives Police Service, Prosecutor General's Office, Anti Corruption Commission, Human Rights Commission of the Maldives and others) to avoid "passing the buck" in dealing with electoral complaints.
14. In addition to strengthening training on procedures and electoral laws, the election officials should be given more training with emphasis on the principles, standards and best practices of a free and fair election.
15. The Elections Commission should not tolerate negligence and incompetence by election officials and appropriate action should be taken where electoral laws or code of conduct is breached.
16. The Elections Commission should set up mechanisms to ensure better coordination between the National Elections Complaints Bureau, Island and Atoll Coordination Committees and the Maldives Police Service to ensure that issues are addressed in a timely manner.
17. The Elections Commission should physically display election deadlines in a tabulated form in Malé and islands to improve communication between the electorate and the Elections Commission.

18. The Elections Commission should make consistent communications to the public, media and other stakeholders. The Elections Commission's decisions should be made after thoughtful deliberation and should not change with political pressure.
19. The Elections Commission must set up functioning complaints mechanisms before the commencement of campaigning to address issues that arise during the campaign and election period.
20. Elections Commission should allocate sufficient resources, ensure proper documentation mechanisms within the complaints bureaus and make arrangements to expedite resolving complaints on Election Day. Complaints that relate to disenfranchisement and the free exercise of the voters will should be prioritized.
21. The Elections Commission should employ new technology to reduce costs, maintain stability and ensure ease of access to Elections Commission by others. For example, a fax server could be set up to replace over thirty fax machines that receive communication from the islands.

3.3 Voter Registration

22. The Elections Commission should engage with NGOs, CSOs and local administrations to help create awareness about voter registration and check the voter registry for flaws.
23. Special programs should be conducted in collaboration with the media to promote timely registration of voters.

3.4 Voter Education and Media

24. The Elections Commission, civil society, media and political parties should collaborate to conduct a coherent voter education program that promotes citizen's responsibility in the democratic system.
25. In conducting voter education, the Elections Commission and others should emphasize more on the "why" of voting and voter responsibilities in addition to the focus on the procedures of voting. Election Commission should -in collaboration with all stake holders- conduct a long term civic education campaign to combat the culture of giving and accepting bribes.
26. The media should play a more proactive role in conducting voter education. The media should also provide free air-time for voter education program as part of corporate social responsibility.
27. The media should at all times be neutral and ethical in reporting. The media should not be politicized.
28. Institutions such as Maldives Media Council and Maldives Journalists Association should promote adherence to existing media laws and regulations by local media outlets.

4. General Context and Political Background of the Local Council Elections 2011

4.1 System Change

The adoption of the August 2008 Constitution of Maldives was the culmination of four years of reform work. The newly adopted Constitution guaranteed personal rights and liberties, created a system with separation of powers between the executive, parliament and the judiciary, established independent oversight bodies and paved way for Maldives' first-ever multi-party presidential, parliamentary and local council elections.

The Constitution mandated decentralized administration. Although in the past, Island Development Committees and Atoll Development Committees are elected, the committees lacked any real power to influence the development of their islands and atolls. This is primarily due to the fact that heads of islands and atolls (Island Chiefs and Atoll Chief) are political appointees directly accountable to the Ministry of Atolls.

According to the Decentralization Act, the Island, Atoll and City Councils elected in 5 February 2011 elections are accountable to their communities and have the power to make administrative, financial and political decisions towards the development of their communities.

4.2 Political and Media Background

The Local Council Elections 2011 happened at a time of political turmoil in Maldives. President Mohamed Nasheed in the Presidential Elections 2008 ousted the President of 30 years, Maumoon Abdul Gayoom. However, Gayooms party DRP won the Parliamentary Elections in May 2009. Disagreements between Gayoom and the current leader of the DRP, MP Ahmed Thasmeen Ali led to the creation of factions within the party. Since then, the ruling MDP has become the largest party in the Parliament due to opposition and independent MPs crossing over to the MDP.

The Local Council Elections 2011 was marred by accusations of abuse of state resources as the incumbent government had announced or launched various developmental projects in the month leading up to the elections. The media was widely believed as biased in favour of certain political parties. It was perceived that the media situation had deteriorated in comparison to the presidential and parliamentary elections. The ownership of the state TV and radio are being challenged at court by Maldives National Broadcasting Corporation – a fully state owned company created under presidential decree – and Maldives Broad Casting Corporation. The latter is a company formed by a legislation passed by the Parliament, at which time the opposition commanded a clear majority.

Table 1. List of political parties registered in order of registration and the number of candidates each party fielded

Political Parties	Official Registration Date	No. of candidates
1. Maldivian Democratic Party (MDP)	June 2005	922
2. Dhivehi Rayyithunge Party (DRP)	July 2005	882
3. Adhaalath Party (AP)	August 2005	52
4. Islamic Democratic Party (IDP)	December 2005	-
5. Maldivian Social Democratic Party (MSDP)	December 2006	-
6. Maldivian National Congress (MNC)	December 2007	-
7. Peoples Party (PP)	December 2007	1
8. Social Liberal Party (SLP)	May 2008	-
9. Republican (Jumhooree) Party (JP)	August 2008	46
10. Peoples Alliance (PA)	August 2008	8
11. National Unity (Gaumeeltthihaad or GI)	September 2008	11
12. Poverty Reduction Party (PRP)	September 2008	-
13. Dhivehi Qaamee Party (DQP)	Dec 2008	-
14. Maldives Reform Movement (MRM)	March 2011	-
Independent candidates		824

5. Legal Framework

Article 230 of Chapter eight of the Constitution of Maldives states that the “administrative divisions of the Maldives shall be administered in a decentralized manner.” The Parliament of Maldives enacted and the President Nasheed ratified the Decentralization Act and the Local Council Elections in 2 May 2011 and 29 July 2011 respectively.

As per the Article 232 of the Constitution, the duties and responsibilities of the local councils are:

- To provide democratic and accountable governance;
- To foster the social and economic well-being and development of the community;
- To establish a safe, healthy and ecologically diverse environment; and
- To achieve such other objectives as prescribed by law.

The local councils are elected for a three-year term. Chapter eight of the Constitution empowers the local councils to own property and incur liabilities subject to limitations prescribed by statute. The authorities of the state are required to provide the local councils an annual budget from the treasury. The councils can raise its own funds as well.

The local councils are also afforded powers to create regulations with regard to all their duties.

5.1 Electoral Laws and Regulations

The electoral legal framework of Maldives consists of the Constitution of Maldives, Elections Commission Act, General Elections Act, Decentralization Act, Local Council Elections Act and the Political Parties Regulations and Local Council Elections Regulations.

The Maldives has also acceded to the International Covenant on Civil and Political Rights in 2006.

Statute	Ratification/ Adoption date
Constitution of Maldives	7 August 2008
Elections Commission Act	25 August 2008
General Elections Act	15 September 2008
Decentralization Act	2 May 2010
Local Council Elections Act	29 July 2010
Regulation on Political Parties 2005	June 2005
Local Council Elections Regulation	

6. Election Day, 5 February 2011

6.1 Overview of Voting

As per the Local Council Elections Regulations, voting commences at 8:00 AM and concludes at 4:00 PM in Malé and the atolls. Counting began 30 minutes after conclusion of voting.

The voter turnout, at 70% is low in comparison to recent elections in Maldives. The voter turnout for the first and second rounds of Presidential Elections 2008 and Parliamentary Elections 2009 were 87%, 85% and 79% respectively.

For the most part, voting proceeded peacefully at all locations except at Haa Alif Kela. Six locations reported minor disruptions to voting that were promptly solved leading to recommencement of voting. 75% of observers reported that voting proceeded without disruptions or major incidents. In comparison to previous elections, the officials appeared better trained. Polling materials arrived at all observed polling stations on time.

Local Council Elections 2011 was absent of major issues that hampered previous elections, such as widespread issues in the voter rolls and changes to voting procedure on the day of voting. However, Transparency Maldives observed inconsistencies with the way assisted voting is handled at polling stations. 42% of observers also reported that they observed direct and indirect campaigning within and outside of the polling stations by political parties and individuals.

6.2 Voting Procedures

Voters were in queue at the time of opening the polls. 62% of observers noted that voting had been completed at their respective polling stations at 4:00 PM, the designated time for closing of polls. The reason that voting concluded by 4:00 PM is mostly because the Elections Commission set up to 25% more polling stations in comparison to previous elections.

Overwhelmingly, 96% of observers reported that individual polling staff were unbiased in their duties during polling and 92% of observers reported that polling officials responded to issues promptly.

Party agents from the ruling party and the opposition party were present at 89% of the polling stations observed by Transparency Maldives' observers. 19% of observers reported that party agents acted in a manner that could intimidate voters.

6.3 Counting

About half (48%) of observers reported that the ballot boxes closed on time and 91% of observers found that counting proceeded smoothly.

Party agents, candidate agents as well as the media were able to monitor the process of counting.

The results were announced publicly at all the polling stations observed. However, 17% of observers reported that the result sheets were not displayed at the location of polling.

6.4 Announcement of results

Interim results were announced at the polling stations and were collated and made public by the media within hours of the close of ballots on 5 February 2011. As per the election legal framework, the Elections Commission publicized the final results on 17 February 2011, sans the results for the Haa Alif Kela island council and Haa Alif atoll council due to a High Court ruling that ordered a revote in the constituency.

Voters were disenfranchised in Haa Alif Kelaas there was just one ballot box in the populous island where there should have been at least two, according to the election regulations. This led to long queues and voters being unable to vote as the time for closing of polls drew near. As more than 50% of voters had been unable to vote towards the close of polls, a few constituents hijacked the polling station, demanding that everyone's right to vote be respected. The conflict between the Elections Commission and the citizens resulted in voting being suspended till 6:00 AM in the morning of 6 February. The ballot box was then taken away by the army and counted at Haa Alif Dhiddhoo, the capital of the atoll.

At the time of announcement of final results, DRP won 502 seats gaining control of 91 island councils and 10 atoll councils. MDP won 375 seats gaining control of 61 island councils, four atoll councils and the two city councils. Independent candidates took 160 seats and gained a majority in 15 island councils and one atoll council.

Re-vote was conducted in Haa Alif Kela on 9 April 2011 following a High Court order.

Annex I

Pre Election Statement (3February 2011) – Transparency Maldives

Transparency Maldives expresses deep concern on the low level of voter education and the backtracking of transparency standards set by Elections Commissions in previous elections

Transparency Maldives is coordinating a nation-wide domestic election observation of the 2011 Local Council Election. The observation will cover, Male', Hulhumale', Villingili and 38 other islands, covering 14 atolls spread over all seven provinces. Twenty partner NGOs will be deploying over 105 accredited observers. The observation effort will cover more than a third of the ballot boxes, covering voting at more than two thirds of the electorate. As part of the larger election observation effort, Transparency Maldives will also be conducting media monitoring for the Local Council Elections. All three main TV stations, four radio stations and three print media will be scrutinized for bias, objectivity and quality of reporting. The domestic observation will assess the conduct of the election in accordance with Maldivian electoral laws and international standards for democratic elections.

Transparency Maldives believes that the pre-election environment of the first ever Local Council Elections to establish a decentralized system of governance is marred by mistrust between stakeholders and has resulted in deterioration of electoral integrity. Appallingly low levels of voter education combined with persistent media bias/propaganda, use of state resources by the ruling party, backtracking of transparency and accessibility standards previously set by the interim Elections Commission in the presidential and parliamentary elections are issues of concern for Transparency Maldives. An environment of mistrust between the election administration, the government, political parties, candidates and the media has contributed to a decline of trust in electoral systems.

Given the complexity of the election and the low level of voter education, Transparency Maldives anticipates a high percentage of invalid ballots. Transparency Maldives also believes that this will contribute to raising tensions as the margin for winning and losing will be low due to the small number of eligible voters spread over a high number of candidates. However, Transparency Maldives commends the Elections Commission for spearheading a meaningful, although a limited and delayed, voter education program in Male' and the atolls. Transparency Maldives also appreciates the readiness of the Elections Commission in preparing for the Election Day on 5 February.

Transparency Maldives conducted the pre-election environment assessment with emphasis on election administration and coordination, campaigning by political parties and candidates, complaints and redress mechanisms, use of state resources, voter education as well as the conduct of media. In addition to the general observation and monitoring, Transparency Maldives makes this statement based on information received from political parties, media, journalists, independent candidates, community-based organizations, individual observers and partner NGOs. Transparency Maldives will be publishing a post election statement on 7 February and a complete report on the observation of Local Council Elections before 10 March.

Annex II

Post Election Statement (7 February 2011) – Transparency Maldives

Transparency Maldives commends the Elections Commission for a significant administrative improvement in comparison to previous elections and calls on the Elections Commission and other relevant authorities to guarantee the constitutional right of right to vote for the disenfranchised

Transparency Maldives is coordinated a nation-wide domestic election observation of the 2011 Local Council Election. The observation covered Male', Hulhumale', Villingili and 38 other islands, covering 14 atolls spread over all seven provinces. Twenty partner NGOs deployed over 105 accredited observers. The observation effort covered two thirds of the ballot boxes, and observed voting of more than two thirds of the electorate. As part of the larger election observation effort, Transparency Maldives is conducting media monitoring for the Local Council Elections. All three main TV stations, four radio stations and three print media will be scrutinized for bias, objectivity and quality of reporting. The domestic observation will assess the conduct of the election in accordance with Maldivian electoral laws and international standards for democratic elections.

Transparency Maldives commends the Elections Commission for improving the administrative conduct of the Local Council Election 2011 in comparison to the parliamentary and presidential elections in May 2009 and October 2008 respectively. Issues that marred the voting in previous elections such as widespread problems with the voter registry, inadequate/ missing materials including ballot papers and changes to voting procedures during the day of election were corrected by the Elections Commission in administering the Local Council Election. Given the complexity of the Local Council Elections 2011, Transparency Maldives is impressed by the readiness of the election administration leading up to the elections.

However, Transparency Maldives notes that the constitutional right to vote for a significant number of voters was violated due to the electoral procedures put in place by Elections Commission. The procedures resulted in lengthy queues and slow voter turnover. Transparency Maldives' observers have noted that this led to voters departing without voting. Transparency Maldives also notes that the disenfranchisement of voters and the ensuing disturbances in HaaAlifKelaa and some other islands may have been avoided if an adequate number of ballot boxes were sent to the island and proper training had been provided to the polling staff. Transparency Maldives calls on the Elections Commission and other relevant authorities to ensure the right to vote be guaranteed for voters who were disenfranchised due to problems in administering the election.

Also of concern for Transparency Maldives was the high number of assisted voting and the inconsistencies in procedure by polling officials in allowing physically disabled to vote. Transparency Maldives also notes that campaigning was widespread inside the polling area as well as outside and in almost all instances, election officials failed to take necessary action against these unlawful activities.

Having stated that the Elections Commission backtracked on transparency and accessibility standards

of previous elections in its pre election statement, Transparency Maldives notes that the Elections Commission belatedly constituted the National Advisory Committee three days prior to the Election Day. Transparency Maldives believes that an atmosphere of trust between stakeholders could have been cultured had the National Advisory Committee been set up months or weeks in advance of the election.

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PARLIAMENTARY ELECTIONS
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Contents

1. Introduction	5
2. Executive Summary.....	4
3. Specific Recommendations	9
3.1 Legal Framework	
3.2 Election Administration	
3.3 Voter Registration	
3.4 Voter Education and Media	
4. General Context and Political Background of the Parliamentary Election 2009	9
4.1 System Change	
4.2 Political Background	
4.3 Confidence in the Electoral System	
4.4 Establishment and Proliferation of Political Parties	
5. Legal Framework.....	12
5.1 Electoral Laws and Regulations	
5.2 Compromising the Secrecy of the Ballot	
5.3 Vague Campaign Finances	
5.4 Prevalence of “Pseudo-Political Parties”	
5.5 Criminalization of Accepting Bribes	
6. Election Administration	15
6.1 The Interim Elections Commission	
6.2 Administrative Structure	
6.2.1 The National Advisory Committee and Atoll Advisory Committees	
6.2.2 National Complaints Bureau, Constituency Complaints Bureau and Complaints Officers	
6.2.3 Atoll/ Island Election Officers and Polling Committees	
6.3 Accreditation of Observers	

7. Candidate Registration and Campaigning	1
7.1 Candidate Eligibility	
7.2 Campaign Period	
7.3 Election Campaign Issues	
8. Voter Registration and Voter Registry.....	1
8.1 Compilation of Voter Registry	
8.2 Voter Registry Issues	
8.3 Voter Registry and “Dhaftaru”	
9. Media Environment.....	23
9.1 Legal Framework and Media	
9.2 Access to State Media	
9.3 Shutdown of Media Outlets After Presidential Election 2009	
10 Voter Education	25
10.1 Election Commission’s and Transparency Maldives’ Voter Education Programs	
10.2 Candidate Debates	
11. Election Day, 9 May 2009	26
11.1 Overview of Voting	
11.2 Voting Procedures	
11.3 Counting	
11.4 Announcement of Results	
12. Annulment of Two Ballot Boxes in Thaa Thimarafushi.....	27
12.1 Revote in Thaa Thimarafushi	
Annex I: Pre Election Statement, Transparency Maldives.....	30
Annex II: Post Election Statement, Transparency Maldives	32

1. Introduction

The Parliamentary Election 2009 was Maldives' first ever multi party Parliamentary Election. The Election saw 455 candidates contesting for 77 constituencies.

Transparency Maldives coordinated the only nationwide, non-partisan domestic observation effort of the Parliamentary Election 2009. The election was conducted on 9 May 2009. The domestic observation assessed the parliamentary election based on international standards and best practices for democratic elections.

The observation effort covered Malé, Hulhumalé, Villingili and nine atolls in seven provinces. Sixteen partner NGOs in the nine atolls of Seenu, Gnaviyani, Gaaf Dhaal, Gaaf Alif, Laamu, Meemu, Baa, Raa and Haa Dhaal deployed 118 accredited observers. Transparency Maldives received over 700 text messages to the online complaints database during the election process. Transparency Maldives' volunteers observed voting at 242 of 399 ballot boxes, where 2/3rds of the electorate were registered.

Most of observers from the Presidential Election 2008 participated in the domestic observation of the Parliamentary Election 2009. This means that most of the observers underwent four rounds of training, two trainings for each of the elections. The initial training of observers was funded by AusAID under the "I Choose" to Vote project and the final trainings as well as the domestic observation effort was supported by the UNDP and the Royal Embassy of Switzerland based in Colombo.

The observation was coordinated centrally by Transparency Maldives staff in Malé. The observation was overseen by Project Coordinator Mr. Aiman Rasheed. Malé observation was coordinated by Executive Director Ms. Ilham Mohamed and Project Coordinator Mr. Thoriq Hamid with help from Project Officer Shyma Shameem, Administrative Assistant Mariyam Vidhadha, and volunteers Jailam Mujthaba and Azlan Zahir. Observation for the atolls/ islands was coordinated by Aiman Rasheed. Media enquiries and the online complaints were handled by Thoriq Hamid. The information for this report was collected from official sources, such as the Elections Commission, checklists from Transparency Maldives' observers and interviews conducted with political parties, media outlets, candidates, observers in the islands and complaints sent to the online complaints database. This report is written by Aiman Rasheed.

Transparency Maldives and observers were in contact and worked with the Commonwealth Observer Group, the expert team of the Delegation of the European Commission to Sri Lanka and the Maldives, observers from diplomatic missions based in Colombo that were supported by the European Commission, European Union Election Expert Mission and the expert team from UNDP.

2. Executive Summary

The Parliamentary Election 2009 was the first multi party parliamentary election in the Maldives, and the second election under Maldives' current constitution, popularly known as the reform constitution ratified on 8 August 2008.

The Parliamentary Election 2009 did not meet the constitutional deadline of February 15 when the sitting parliament went into recess without passing the Parliamentary Elections Act and the Electoral Constituencies Act. The Electoral Constituency Act and the Parliamentary Elections Acts were ratified on 10 February 2009 and 15 February 2009 respectively. The Elections Commission then declared May 9 as the day of election.

455 candidates contested the election for 77 constituencies, of which 246 candidates ran as independent candidates and 209 ran on party tickets. 14 women candidates, including seven independent women candidates contested the election. The ruling Maldivian Democratic Party (MDP) fielded 75 candidates, followed by the opposition Dhivehi Rayyithunge Party (DRP) that fielded 59 candidates. The Dhivehi Qaumei Party (DQP), People's Alliance (PA, in alliance with DRP) and Jumhooree Party (JP) fielded 21, 18, and 17 candidates respectively. 19 candidates from six smaller parties contested on party tickets.

The Dhivehi Rayyithunge Party (DRP) in coalition with People's Alliance (PA) fell short of securing an absolute parliamentary majority by just four seats. The Dhivehi Rayyithunge Party (DRP) and People's Alliance won 28 and seven seats respectively. The minority party in parliament is Maldivian Democratic Party (MDP) with 25 seats. Independent candidates secured 13 seats, Dhivehi Qaumei Party (DQP) won two seats and Republican (Jumhooree) Party (JP) won just one seat. Of the 21 female candidates who contested the election, five were successful in winning the seat for their constituency.

The first sitting of the Parliament convened without a member from the contested Thaa Thimarafushi constituency on 28 May 2009. Revote for two ballot boxes in Thaa Thimarafushi constituency took place on 11 July 2009, when the High Court ruled that the environment in the contested constituency was not conducive to a free and fair election on 9 May 2009 after deliberating on reports from the Human Rights Commission of the Maldives and Transparency Maldives. Maldivian Democratic Party (MDP) candidate Mohamed Musthafa won the seat for Thaa Thimarafushi by defeating his opponent Gassan Maumoon of Dhivehi Rayyithunge Party (DRP) constituency with a difference of 52 votes.

Unlike elections held under the previous constitution, the parliamentary election and the October presidential election were conducted in a very transparent manner. However, due to prevailing problems in the pre election environment remaining largely unresolved, the complexity of the operations, some of the candidates failing to adhere to the code of conduct for campaigning and ad hoc decisions made by the Elections Commission on the Election Day led the public to protest and question the credibility of the electoral process.

Voter education was inadequate given that the Parliamentary Election 2009 was conducted under a completely different electoral system with the recent overhaul of Maldives' governance systems. Despite this, the voter turnout at 79% was high. Voter education was carried out largely by the Elections

Commission, Human Rights Commission of the Maldives and Transparency Maldives in collaboration with the state media and some private media. The state media provided free air time worth over MRF 2.2 Million, of which MRF 1.14 Million was for airing of debates between candidates and MRF 1.07 worth of airtime was provided to the Elections Commission.

The Elections Commission had over three months to conduct voter registration for the parliamentary election, as compared to the presidential election, where the first round of election was conducted within the month of passage of the General Elections Act and the Presidential Elections Act. The effort to clean the voter registry by the Elections Commission was commendable, given that the efforts were hampered by unclear responsibility and poor coordination between the departments and ministries handling national registration, including the registering of deaths and residency.

The Election Day proceeded calmly, except for the registration issues and the lethargic complaints mechanism. The decision made by the Elections Commission at 1930 hrs to extend voting by 2200 hrs, just 30 minutes before the pre-planned deadline for voting led to confusion and officials applying the message inconsistently throughout the country. To add to the confusion, the Elections Commission made a decision at 2200 hrs to proceed with closing all the ballot boxes “with no issues” while the National Elections Complaints Bureau was still issuing documents for eligible voters to vote. As a result, the Elections Commission had to place extra ballot boxes to accommodate for the people who were allowed to vote beyond the initial deadline. Amidst the confusion, protests were staged throughout the night and riot police were employed to control the protests.

Issues such as the secrecy of the ballot being compromised, unclear campaign financing, allegations of abuse of power and misuse of state resources remaining unaddressed resulted in loss of public trust in the electoral system. Furthermore, inconsistent messages by the Elections Commission regarding announcement of results, filing of over 40 cases at the High Court and the passive manner in which the commission responded to these cases caused deterioration of the credibility the Elections Commission has enjoyed following the Presidential Election 2008.

Despite all this, the Parliamentary Election 2009 was a credible election and reflected the will of the voter. The election owes its credibility to the inclusiveness and the transparency of the process, high public participation and the acceptance of the results by the political parties.

To increase credibility in the electoral process and institutions, it is important that all stakeholders work together to create a coherent legal framework to define clearer roles and responsibilities which conform to international standards for democratic elections. Improvement to the legal framework should include protection of the secrecy of the ballot. The Elections Commission should take decisive action and be pro-active in electoral issues of public interest. Voter education should be continued to address issues such as bribe giving and taking. Elections Commission should make consistent communications and ensure better mechanisms for complaints and coordination. Lastly, to build on the success of the Parliamentary Election 2009 and the Presidential Election 2008, the Elections Commission should ensure that future actions by the commission are transparent and inclusive.

3. Specific recommendations

Recommendations made by Transparency Maldives following the Presidential Election 2009 were taken into account by the Elections Commission. However, failure to act on key recommendations led to the prevalence of the same issues in both the presidential and parliamentary elections. Much of the recommendations were communicated to the Elections Commission via the National Advisory Committee for the election, which is the highest statutory advisory body for the election. Transparency Maldives sits in the committee as civil society representative. Though there was consensus between the institutions responsible for the election administration to implement some of the recommendations, the institutions were constrained by the short time period between the two elections, legal framework and in some cases, political will. Therefore, much of the recommendations made by Transparency Maldives following the Presidential Election 2008 hold true after the Parliamentary Election 2009 and ahead of the local election.

3.1 Legal Framework

1. All stakeholders should work to strengthen the electoral legal framework to ensure that the legal framework conforms to international standards and best practices to avoid circumstances such as the secrecy of the ballot being compromised.
2. The Elections Commission should pro-actively engage with all those concerned to prevent and take corrective action against electoral violations in the interest of the public in a timely manner without waiting for individuals, parties or organisations to come forward with evidence.
3. Political party laws and other related legislations should be amended to conform to international standards, to prevent prevalence of pseudo political parties, and to provide for proper oversight mechanisms for campaign and party financing.
4. The electoral laws should be amended to make clear distinction between observers (civil society and independent individuals), party representatives (agents or monitors) and media reporters.
5. The electoral laws should be amended to incentivise voters to report election irregularities. The laws should be amended so that a voter is not criminalized for taking bribes, but bribe taking is not to be condoned. This is to encourage all voters to lodge formal complaints and vote of their own will.
6. The standard for validating/ invalidating ballots should be based on the principle that the ballot be considered valid if the ballot reflects the will of the voter. The General Elections Act and other regulations should be amended to reflect this principle.
7. The relevant laws should be amended for maintenance of an updated and reliable National Registry by clearly defining roles and responsibilities between the Ministry of Gender and Family, Department of National Registration (under Ministry of Home Affairs), Island and Atoll Offices, Maldivian Embassies abroad and local hospitals.

3.2 Election Administration

8. The Elections Commission should coordinate with all state institutions (Maldives Police Service, Prosecutor General's Office, Anti Corruption Commission, Human Rights Commission of the Maldives and others) to avoid "passing the buck" when dealing with complaints relating to the election.
9. In addition to strengthening training on procedures and electoral laws, the election officials should be given more training with emphasis on the principles, standards and best practices of a free and fair election.
10. Negligence and incompetence by election officials should not be tolerated by the Elections Commission and appropriate action should be taken where electoral laws or code of conduct is breached.
11. The Elections Commission should set up mechanisms to ensure better coordination between the National Elections Complaints Bureau, Island and Atoll Coordination Committees and the Maldives Police Service to ensure addressing of issues in a timely manner.
12. The Elections Commission should physically display election deadlines in a tabulated form in Malé and islands to improve communication between the electorate and the Elections Commission.
13. The Elections Commission should make consistent communications to the public, media and other stakeholders. The Elections Commission's decisions should be made after thoughtful deliberation and should not change with political pressure.
14. The Elections Commission must set up functioning complaints mechanisms before the start of campaigning to address issues that arise during the campaign and election period.
15. The complaints mechanism should be revised to reflect cost efficiency, relevancy and effectiveness. Elections Commission should allocate sufficient resources, ensure proper documentation mechanisms within the complaints bureaus and make arrangements to expedite resolving complaints on Election Day.
16. The Elections Commission should employ new technology to reduce costs, maintain stability and ensure ease of access to Elections Commission by others. For example, a fax server could be set up to replace over thirty fax machines that receive communication from the islands.

3.3 Voter Registration

17. Elections Commission should conduct a fresh registration for each election to stimulate public participation, avoid miscommunication and compile a relatively flawless voter registry.
18. The Elections Commission should engage with NGOs and local clubs to help create awareness about voter registration and check the voter registry for flaws.

3.4 Voter Education and Media

19. The Elections Commission should continue voter education in preparation for the upcoming local council election so that issues relating to the election are clearly communicated in advance to the public.
20. Comprehensive media monitoring should be undertaken by the Elections Commission to avoid politicization of media, ensure that all media outlets perform according to the established laws/regulations and all candidates get equal treatment.
21. In conducting voter education, the Elections Commission should emphasize more on the “why” of voting and voter responsibilities in addition to the focus on the procedures of voting. Election Commission should - in collaboration with all stake holders - conduct a long term voter education program to combat the culture of giving and accepting bribes.

4. General Context and Political Background of the Parliamentary Election 2009

4.1 System Change

The Parliamentary Election 2009 was conducted in the wake of the Presidential Election 2008. Both elections were conducted under a completely new governance system.

The Parliamentary Election 2009 was held under the new constitution ratified on 8 August 2008. The new constitution brought a host of changes, including separation of powers and a comprehensive Bill of Rights. Independent institutions such as the Auditor General's Office, Anti Corruption Commission, Human Rights Commission, Prosecutor General's Office, Judicial Service Commission, Civil Service Commission and Elections Commission were formed following the ratification of the "Reform Constitution."

Under the 2008 constitution, the previous system of 52 member parliament of two member constituencies was repealed to a 77 member parliament of single member constituencies. The new parliament was completely elected and the constituencies were demarcated based on population as opposed to the previous parliament, which allowed for eight presidential appointees and cabinet ministers to contest parliamentary seats. Though Maldives adopted a presidential system of government, salient characteristics of a parliamentary system – such as substantial authority in blocking executive decisions – feature in the constitution.

4.2 Political Background

Maumoon Abdul Gayoom, who ruled the country for 30 years, was defeated by the incumbent President Mohamed Nasheed in October 2008. The Presidential Election 2008 was the country's first ever multi party presidential election.

President Nasheed came second with 25% percent of the valid votes cast in the first round of Presidential Election 2008. His opponent, the then incumbent, President Gayoom won over 40% of the votes. Nasheed, a human rights/ political activist managed to garner support to form a loose coalition of the larger opposition parties for the run-off round of election. President Mohamed Nasheed won the run off round with 54% of the vote.

The incoming government was saddled with a USD 444 million budget deficit, low foreign reserves and high government debt. Governments economic woes, coupled with the global recession affecting tourism, led President Nasheed to introduce austerity measures to combat the economic downturn.

Citing the reason that the 28,000 strong civil service was loyal to Ex-President Gayoom, President Nasheed appointed Atoll and Island Councillors to 20 administrative atolls and 192 islands respectively. Appointment of Councillors remains a contentious issue with the opposition claiming that appoint was unconstitutional.

Gayoom remains a force in Maldivian politics as he is still the single most popular candidate, winning over 40% of the valid votes in the first round of the election. Gayoom's Dhivehi Rayyithunge Party (DRP) is the biggest party with 30,000 members, which is almost a third more than the ruling Maldivian Democratic Party. Gayoom's involvement in politics has created uncertainty within the political sphere. The formation of a Presidential Committee to investigate corruption has further aggravated the situation between the pro Gayoom people and the government. A case has been lodged in court challenging the legality and mandate of the presidential commission. Senior members of the coalition have left the government after making public derogatory comments, raising the question of stability within the coalition.

4.3 Confidence in the Electoral System

The public's perception that an election is credible is paramount to acceptance of results and stability following an election. Well ahead of the Presidential Election 2008, Transparency Maldives published An Assessment of the Maldivian Electoral System during July 2008. The report highlighted the concerns of the public regarding the ability of the nation's institutions to hold a free and fair election.

Following the Presidential Election 2008, due to the transparency and the inclusiveness of the process, public perception of the electoral system improved. The new governance system and a system of checks and balances instilled further trust in the electoral system.

However, the credibility that the electoral administration has enjoyed post Presidential Election 2008 has declined after the Parliamentary Election 2009. This is in part due to the politicization of the independent commission, inconsistent communications made by the commission that created a perception of incompetency.

4.4 Establishment and Proliferation of Political Parties

At the time of the Parliamentary Election 2009, a total of 13 political parties had been registered. When political parties were first legalized in 2005, two main political parties emerged; the opposition Maldivian Democratic Party (MDP) and the ruling Dhivehi Rayyithunge Party (DRP). Political parties in Maldives are centered around charismatic figures rather than on political philosophy.

Over the years, however, divisions within the parties gave rise to more political parties and in some cases pseudo political parties, which in essence were extensions of main parties. This was evident in instances such as submission of names for the Elections Commission by all registered political parties. Of the 13 registered political parties 11 political parties – except Maldivian Social Democratic Party (MSDP) and Peoples Party (PP) – fielded 209 of 455 candidates.

Table 1. List of political parties registered in order of registration, prior to the Parliamentary Election 2009

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. Peoples Party (PP)	December 2007
8. Social Liberal Party (SLP)	May 2008
9. Republican (Jumhooree) Party (JP)	August 2008
10. Peoples Alliance (PA)	August 2008
11. National Unity (Gaumee Itthihaad or GI)	September 2008
12. Poverty Reduction Party (PRP)	September 2008
13. Dhivehi Qaumee Party (DQP)	Dec 2008

5. Legal Framework

The Constitution of Maldives lays the basic legal framework for the Parliamentary Election 2009. The Constitution stipulates that all legislation making power rests with the parliament (Chapter 3, Article 70).

In addition to legislative functions, the Constitution empowers the parliament to:

- Amend the constitution;
- Hold the government to account;
- Endorse and pass the state's annual budget and supplementary budgets;
- Make decisions on issues regarding independent positions and institutions according to the law; and
- Initiate public referendums on issues of national interest.

The tenure of the parliament is five years, commencing from the date of the first sitting of the parliament (article 79). Article 296 of the Constitution stated that the Parliamentary Election 2009 shall be held before 15 February 2009 and the first sitting shall take place on 1 March 2009. However the constitutional deadline was not met when the sitting parliament went into recess on 25 December 2009 as per the Standing Orders of the Parliament. In the ensuing public outcry, concerned lawyers submitted a petition to the High Court requesting a ruling to state that the parliamentary recess violated the constitution as the recess made it impossible for timely passage of the Constituencies Act and the Parliamentary Elections Act. Upon rejection from the High Court, the lawyers appealed to the Supreme Court. The Supreme Court ruled on 14 January 2009 that the constitution must be upheld, but refrained from ruling on the legality of the parliamentary recess. The parliament reconvened on 19 January 2009.

5.1 Electoral Laws and Regulations

The Maldives has ratified or acceded to the 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).

The legal framework that formed the basis for the Parliamentary Election 2009 were:

Political Parties	Passage date	Ratification/ Adoption date
Constitution of Maldives	26 June 2008	7 August 2008
Elections Commission Act	24 August 2008	25 August 2008
General Elections Act	15 September 2008	15 September 2008
Electoral Constituencies Act	9 February 2009	10 February 2009
Parliamentary Elections Act	10 February 2009	15 February 2009
Regulation on Political Parties 2005		June 2005
Parliamentary Elections Regulations		18 February 2009

5.2 Compromising the Secrecy of the Ballot

The legal framework is for the most part consistent with the international standards for conducting a free and fair election. However, the provision in the Constitution (Article 171 b) that stipulated counting of ballot papers at the voting centres threatened to compromise the secrecy of the ballot. This situation arose when few voters are registered to vote at a ballot box of another constituency. Since the constitution states counting must take place at the ballot stations, this means that choice of voters is revealed during the counting process. The Election Commission revealed that more than 3,200 single voters' secrecy of the ballot would be compromised, with additional 4,017 voters registered to vote at ballot boxes away from their original constituencies being affected.

President Nasheed submitted an amendment to the article 20(a) of the General Elections Act, seeking to give the Elections Commission authority to take measures to guarantee the secrecy of the ballot. The amendment passed by a small margin on 29 April 2009. The amendment was watered down to say that the Elections Commission should inform the voter to vote at a polling station where the secrecy of his/her ballot can be ensured if the Elections Commission believes that a person is registered at a ballot box where the person is subject to compromising of the secrecy of the ballot.

5.3 Vague Campaign Finances

The General Elections Act specified the management of campaign and candidate finances. The Act stipulates that each candidate should open a bank account which reflects expenditure and donations. The General Elections Act also stated a candidate can only spend MRF 1,500 per eligible voter. The average population of a constituency is approximately 4,000 of which 3,000 are eligible to vote. This amounts to multiple candidates each being able to spend MRF 4.5 million per constituency. To put the numbers in perspective, President Nasheed spent MRF 30 million for the whole electorate in the presidential campaign.

In addition to this, the electoral laws did not account for party spending on candidates or in-kind donations. Though the electoral regulations does stipulate that candidates cannot bribe voters, the legal framework fails to draw clear lines in what constitutes campaigning, social activities and humanitarian assistance. This caused a multitude of complaints to be raised but the electoral complaints mechanism failed to address these issues.

Unless the legal framework is amended to address these issues, there is room for political manoeuvring and abuse of the system for personal or party gain.

5.4 Prevalence of “Pseudo-Political Parties”

Political party formation is governed by a presidential decree on June 2005. The outmoded presidential decree left holes in the legal framework pertaining to the formation, establishment, governance and financial oversight of political parties. The legislation failed to ensure that political parties are distinct legitimate groups.

According to the decree, Elections Commission is responsible for the registration of political parties. 3,000 valid and unique signatures of persons not belonging to another political party is needed to initiate the process of registration, and a meeting of no less than 300 members of the party to complete the process. The regulation does not oblige political parties to maintain 3,000 members beyond registration.

The open publication of party rolls by the Elections Commission earlier this year revealed duplicate names and forged signatures when submitting members for registration of political parties. Many people complained to the Elections Commission to have their names removed from party registries as they were added to party registries without their knowledge.

Elections Commission earlier in the year publicised that at least three of the registered political parties did not have 3,000 registered members. Furthermore, Auditor Generals' reports have revealed gaps in the governance structures and oversight mechanisms for functioning of political parties, prompting the Anti Corruption Commission to initiate investigation into fraud and financial mismanagement into a number of registered parties, including MSDP and PRP.

5.5 Criminalization of Accepting Bribes

The election rules and regulations criminalize giving as well as accepting bribes. This prevents people from lodging complaints and fails to incentivise voters to report cases of bribe giving. Transparency Maldives received various complaints of bribe giving and taking, with some voters interviewed from islands reporting personal experience of bribe giving and taking.

The penal code in parliament should be brought in line with international standards to give incentives for voters to come forward with bribe giving by decriminalizing acceptance of bribes. However, acceptance of bribes is not to be condoned.

There were allegations of bribery against almost all parties and candidates during the campaign period. The inability of the legal and complaints system to handle these allegations and respond to them undermined the credibility of the system.

6. Election Administration

The Parliamentary Election 2009 was administered by the five member Interim Elections Commission constituted on 4 September 2008. Article 170 of the Constitution and the General Elections Act empowers and mandates the Elections Commission to: conduct and supervise elections (presidential, parliamentary, local council) and referendums; and ensure elections and referendums are held in a free and fair manner.

The interim Elections Commission was formed to conduct the Presidential Election 2008 and Parliamentary Election 2009 under the new constitution. Members for the commission were proposed to the parliament by registered political parties. The upcoming local council's election will be undertaken by a new commission proposed by the President and endorsed by the Parliament.

6.1 The Interim Elections Commission

Two members of the interim Elections Commission, Ali Faiz and Ahmed Shahid (Saabé) left in December 2008 and March 2009 respectively. Ali Faiz was appointed as Chairperson of MIFCO, a government owned enterprise and Ahmed Shahid resigned citing a conflict of interest as his spouse was contesting in the Parliamentary Election 2009. Members of the interim Elections Commission are:

Name	Capacity
Mohamed Ibrahim	President
Hussain Siraj	Vice President
Mohamed Mahir	Member of EC
Fuwad Thowfeeq	Member of EC
Hussain Shah	Member of EC

The Elections Commission was remarkably transparent and consultative in the administration of the Parliamentary Election 2009.

6.2 Administrative Structure

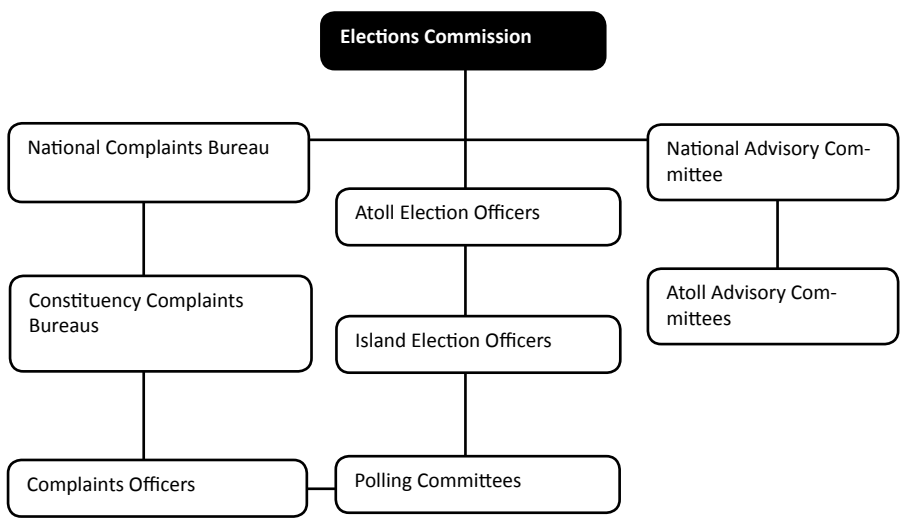
The Elections Commission adopted a four-tiered structure to administer the election comprising of the Elections Commission, National Advisory Committee, National Elections Complaints Bureau, 60 Constituency Complaints Bureaus, 20 Atoll Election Officers, 192 Island Election Officers, and 398 Polling Committees.

The election officials were trained on electoral procedures and electoral regulations prior to the election.

To ensure neutrality and non partisan administration of the election, Elections Commission gave preference to select civil servants to man the polling stations and the complaints bureaus as the Civil

Service Act enacted during early 2008 limited active participation of the said category of persons in politics. Though the opposition claimed that civil servants were subjected to political influence, the issue was largely sidelined by the more contentious issue of political appointees (Atoll and Island Councillors). The Atoll and Island Councillors were directly appointed by the President.

Figure 1: Structure of Parliamentary Election 2009



6.2.1 The National Advisory Committee and Atoll Advisory Committees

The National Advisory Committee was established in March 2009 to offer advice to the Elections Commission. The National Advisory Committee consisted of a Human Rights Commission member, a police officer appointed by Maldives Police Service, a representative from civil society, and a representative each from registered political parties. Transparency Maldives Project Coordinator, Mr Aiman Rasheed was the civil society representative in the National Advisory Committee. The National Advisory Committee acted as the main platform for communication between political parties, NGOs, Maldives Police Service and the Elections Commission. For example, Political Parties were allowed to express their views on personnel being selected in the administration of the election via the National Advisory Committee.

The National Advisory Committee and the Atoll Advisory Committee functioned purely as consultative bodies, where the electoral administration was responsible for the end decision. The advisory committees’ function was to provide counsel on matters relating to the election. The committee’s role was essential for the transparent and participatory manner in which the election was executed.

6.2.2 National Complaints Bureau, Constituency Complaints Bureaus and Complaints Officers

The complaints structure for the election was set up so that it would function with minimal administrative effort on the Elections Commissions part. The National Complaints Bureaus were given authority to investigate all election related offenses. The slow speed of addressing complaints cemented public perception of the Bureaus as incompetent and ineffective.

Following the Presidential Election 2009, a Complaints Officer attached to the Constituency Complaints Bureau was present at the polling station. This change in structure made the complaints mechanism more accessible to the public, though anecdotal evidence suggests that the presence and visibility of the officers were low.

6.2.3 Atoll/Island Election Officers and Polling Committees

The appointment of all election officials were at the discretion of the Elections Commission. The Elections Commission appointed 20 Atoll Election Officers and 192 Island Election Officers from the civil service. The Atoll Elections Officers and Island Elections Officers were the focal points for the Elections Commission in matters pertaining to operation of the election including screening candidates for the Polling Committees and complaints bureaus.

The Atoll and Island Election Officers played an important role in the voter registration process and in channelling complaints before the establishment of the Constituency Complaints Bureaus and the appointment of the Complaints Officers.

The Polling Committees were each responsible for one of the 398 ballot boxes. The Polling Committees were selected and finalized during May 2009 and had eight to ten members. The Elections Commission gave preference to appoint civil servants to the Polling Committees as the Civil Service Act limited civil servants' active participation in politics. However, in cases where qualified civil servants were unavailable or not interested, the Elections Commission resorted to employing from the public and in some cases even political party membership. Concerns of bias of Polling Committees persisted prior to the election. The officials were largely perceived to be non-partisan following the election.

6.2.4 Delineation of Constituencies

The Electoral Constituencies Act was passed on 9 February 2009 and ratified on 10 February 2009. This Act formed the legal basis for demarcation of constituencies. Under the new Maldivian Constitution members are elected to the Parliament based on "first past the post" (FPTP) system. This means that the candidate with the most votes amongst all contesting candidates rather than a majority of votes is elected.

The Electoral Constituencies Act empowered the Elections Commission to demarcate constituencies

based on population. The act also gave room to the Elections Commission to vary the population number within an administrative unit (atoll) by a margin of 15% to avoid splitting of islands/communities and preserve the “age-old” towns or villages.

Article 71 of the Constitution stipulates that each administrative unit with 5,000 or less than 5,000 registered residents be awarded two MPs, with an extra MP awarded for each extra 5,000 registered residents. The first report released by the Elections Commission regarding the demarcation of constituency lines revealed 77 constituencies. The constituency is named by the island that has the highest number of registered residents. In case where islands are split, traditional name of the area coupled with the geographic direction of constituency is used.

6.3 Accreditation of Observers

The Elections Commission streamlined procedures for accreditation of observers based on experience of the Presidential Election 2009 and recommendations from Transparency Maldives, international observer groups and technical experts attached to the Elections Commission.

As opposed to the Presidential Election 2008 where each and every observer was accredited by the electoral administration, the Elections Commission accredited political parties, NGOs and media organisations. The organizations were responsible for and maintenance of the observers roster. All observers were obliged to sign a pledge to adhere to the Constitution of Maldives, electoral laws and regulations, and observer’s code of conduct.

This freed resources for the Elections Commission and gave flexibility to the organizations hosting observation. Overall, the changes brought to the accreditation process made organizing and maintaining observers relatively easy.

The new observer accreditation procedures required the submission of proposed number of observers and their respective polling stations. Each party requesting for accreditation was provided with one observer card per polling station, with a single person allowed entry to the polling station area at a given time. Over 1,400 observers were accredited by the Elections Commission.

7. Candidate Registration and Campaigning

The candidate registration period lasted from 7-22 March 2009. During this period, a total of 472 persons applied for candidacy. The Elections Commission approved and registered 465 candidates. An additional seven candidates withdrew their candidacy and a further three candidates' registrations were revoked when the Elections Commission found that the said three had unsettled debts with banks registered in Maldives. A total of 455 candidates contested the election for 77 constituencies, of which 246 candidates were registered as independent and 209 on party tickets. 21 women candidates (seven independent and 14 from political parties) were also registered.

Table 1. Breakdown of numbers of registered candidates

Contesting Capacity	Number of Candidates
1. Independent	246
2. Maldivian Democratic Party (MDP)	75
3. Dhivehi Rayyithunge Party (DRP)	59
4. Dhivehi Qaumee Party (DQP)	21
5. Peoples Alliance (PA)	18
6. Republican (Jumhooree) Party (JP)	17
7. Islamic Democratic Party (IDP)	5
8. National Unity (Gaumee Itthihaad or GI)	5
9. Adhaalath Party (AP)	4
10. Maldivian National Congress (MNC)	2
11. Social Liberal Party (SLP)	2
12. Poverty Reduction Party (PRP)	1

To prevent too many candidates from applying while not restricting the ability to contest, candidates were required to deposit MRF 5,000 with the Elections Commission. The deposit is returned if the candidate wins more than 10% of the votes from his/her constituency. A pre-requisite for registration for independent candidates included submission of 50 signatures from the constituency from which they intended to contest. The Civil Service Act (Article 51) states that civil servants must resign from their posts six months before an election. Registration for candidates was called just a little over two months prior to the Parliamentary Election 2009, making it unrealistic for civil servants to resign before six months.

7.1 Candidate Eligibility

Article 8 (a) of the Parliamentary Elections Act stipulated the candidate eligibility criteria. The Act stated that a candidate must:

- Be a Maldivian Citizen;
- Not be a citizen of a foreign country;
- Be a Muslim of the Sunni sect;

- Be 18 years of age; and
- Be of sound mind.

Foreign citizens are eligible to contest five years after attaining citizenship of Maldives, and must be resident in Maldives.

Article 8 (c) of the Parliamentary Elections Act stated the grounds where a person cannot contest the election and cases where registration could be revoked. According to Article 8 (c) persons are disqualified if: a person is not paying a decreed debt as per a court verdict; a person is convicted of a criminal offence and is serving a sentence of more than 12 months; three years has not passed since a person convicted of a criminal offence for a period of 12 months has finished serving his/her sentence or been pardoned; and being a member of judiciary.

If the Elections Commission rejects a person's candidacy, the person may present a case to the Supreme Court.

7.2 Campaign Period

The Constitution, General Elections Act, Parliamentary Elections Act and the Parliamentary Elections Rules and Regulations formed the legal framework for campaigning. The Constitution guarantees Maldivian citizens freedom of association, assembly and expression. The General Elections Act stipulated that candidates can campaign by holding peaceful assemblies, using the media, displaying and distributing promotional materials. The Parliamentary Elections Rules and Regulations detailed a code of conduct for campaigning. The legal framework allowed for at least 30 days of formal campaigning. The General Elections Act prohibits campaigning beyond at 1800 hrs on the day (8 May 2009) before the election. There was no clear start date of campaigning and most candidates had commenced their campaigns weeks before they were officially registered as candidates.

7.3 Election Campaign Issues

Campaigning was mainly centred on the opposition and government attempting to discredit each other with the independents taking a middle ground claiming that they won't be sold to any party. Issues at the forefront were related to the development, economy, society and religion. The government's strategy was based on a collective campaign aimed at convincing the electorate that a parliamentary majority was critical for delivering the presidential campaign pledges. The opposition campaigned on a platform of holding the executive to account via the parliament.

Contentious issues surrounding the election were: atoll and island councillors influencing the civil service and using state resources to campaign; vague campaign finances for candidates; allegations of abuse of power; and allegations of bribe taking and bribe giving. Much of the allegations pertaining to the Parliamentary Election 2009 remained unresolved. In interviews with Transparency Maldives, political parties alleged that in some islands Atoll and Island Councillors impeded campaigns of opposition candidates.

8. Voter Registration and Voter Registry

The voter registry proved to be the root factor in most of the problems that the Elections Commission encountered on the Election Day in the Presidential Election 2008 as well as the Parliamentary Election 2009. During both elections, the voting was extended beyond the scheduled deadline by the Elections Commission to franchise voters left off the voter roll due to administrative and other errors. However, in comparison to the Presidential Election 2008, the voter registry for the Parliamentary Election 2009 was greatly improved.

Elections Commission's figures showed that 212,560 voters were eligible to vote in the Parliamentary Election 2009. Approximately 54,550 voters were registered at ballot boxes away from their permanent (registered) place of residence.

Voter registry was made accessible through the Elections Commissions website and was physically displayed at island offices in the islands. Candidates and parties were provided copies of the voter registry on request. The voter registry was published on 8 March 2009, and the public was allowed to register location of voting from 12 March to 16 April 2009. All Maldivian citizens aged 18 and above are eligible to vote. Maldives Police Service, Department of Penitentiary and Rehabilitation Services and the Elections Commission coordinated to allow voting in detention facilities.

8.1 Compilation of Voter Registry

The Elections Commission is mandated by law to maintain and update the voter registry. Information for the voter registry is gathered via official sources (Department of National Registration [DNR], Island and Atoll offices and Malé Municipality). The voter registry is then opened for public scrutiny to amend faulty entries etc. Faults in the voter registry were in part due to voters' apathy to participate in reporting errors in the registry.

Compiling an accurate voter roll proved to be a challenging task as the data at local administrations (island/ atoll offices) and at central authorities (DNR and Malé Municipality) did not match. The Elections Commission undertook trips to all administrative atolls in an attempt to clear the voter registry of flaws. This successful exercise eliminated errors in the island voter rolls. Observers from the islands reported almost no flaws in the voter registry compared to number of voter registry flaws recorded in Malé. Arrangements were made for voters to register via fax, email, and in person at voter registration centres.

8.2 Voter Registry Issues

The passive manner in which the voter registry is compiled, the complex communications that the Elections Commission made regarding voter registration, flawed systems to maintain the national

registry and voter apathy towards checking the voter roll were the main issues that affected the quality of the voter roll.

By default, voters were registered at their place of permanent (registered) residence. However, those who voted away from their registered residence in the second round of the Presidential Election 2008 were not required to register if they did not wish to vote elsewhere. The voters who voted in industrial islands (including airport islands) were de-registered. According to the Elections Commission, this decision was made to make it easier for voters so that a majority do not have to register to vote again. However, these decisions confused voters, and according to the National Complaints Bureau, a majority of the voter registry related complaints on the Election Day arose from miscommunication.

To combat these issues, Transparency Maldives recommends the Elections Commission to undertake a more active approach towards voter registration, where all eligible electors wishing to vote are obligated to register at their preferred voting stations. This exercise could be undertaken with already existing facilities and infrastructure and resources.

8.3 Voter Registry and “Dhaftharu”

Some 9,000 people from the atolls who moved to Malé are registered in the “Dhaftharu” (special list). Some persons registered in the Dhaftharu had moved to their original island of residence and some to other islands. Citizens registered under the Dhaftharu had no permanent residence on paper, raising confusion as to which constituency they would be allowed to vote.

The persons registered in the Dhaftharu were distributed and registered amongst the 11 Malé constituencies.

9. Media Environment

Various media including the state television and radio, private television and radio stations, print media, posters and flyers were employed by candidates and parties during the campaign process. Transparency Maldives lacked the resources to conduct media monitoring of the Parliamentary Election 2009. No other group conducted media monitoring, making it difficult to assess election coverage, media bias, and equality of opportunity to all candidates. Anecdotal evidence suggests that private media picked their favourites in the election, and was apparent in the reporting of contentious issues surrounding the Thaa Thimarafushi constituency and campaigning and revote in the constituency.

9.1 Legal Framework for Media

The law allowed for media to sell or provide airtime on an equitable basis. The legal framework for the Parliamentary Election 2009 did not allow for provision of free air time as in the Presidential Election 2008. Article 30 of the General Elections Act prohibited selling or providing airtime to one candidate/party in excess of 10% of the time provided to other candidates/ parties. The Act also prohibits use of foreign media to campaign. The unclear line between providing time for parties and candidates proved to be a point for heated debate. Political parties alleged that parties with stronger finances were able to secure a stronger media presence and by extension, the media was not equitable in providing media time for campaigning.

It was alleged that the state media were biased in the run up to the Parliamentary Election 2009. Ahead of the election, the Maldivian Democratic Party's (MDP) government announced new developmental projects and policies and President Nasheed and officials of government travelled to the islands to campaign. This led to allegations of misuse of state resources and reporting of these events was seen to be biased on part of the state media.

It was perceived that after the adoption of the Constitution, media would be regulated through legislation. However, the Broadcasting Act and Freedom of Expression Act are yet to be passed by parliament. The legislation on print media is also archaic and in need of amendments.

9.2 Access to State Media

Airing of voter education programs on state media commenced during mid January 2009. Television Maldives and Voice of Maldives signed agreements with candidates to air the candidate debate. All candidates were invited to participate in the programs. The candidate debates were the most looked forward for programs during the campaign period and became a platform for voters to become aware of candidates' stand on various important issues.

9.3 Shutdown of Media Outlets After Presidential Election 2008

The beginning of the reform period witnessed proliferation of media, especially the print media. A multitude of daily newspapers and weekly and monthly magazines went into print. However, many newspapers and magazines, most notably Minivan Daily newspaper stopped printing as the prevailing conditions ceased to exist when a Maldivian Democratic Party (MDP) government came to power. Change of priorities for the financiers/ owners of the newspapers are believed to be the main factor behind the reason of shutdown of media outlets.

Media outlets including established media are reporting difficulties in the economic recession with the new start-ups facing major financial challenges.

10. Voter Education

Voter education was inadequate given that the Parliamentary Election 2009 was conducted under a completely different electoral and governance system. Voter education for the Parliamentary Election 2009 commenced in January and lasted throughout the Election Day. The Elections Commissions Act mandates the commission to conduct voter education. The Elections Commission, Transparency Maldives, Human Rights Commission of the Maldives, and the state and private media participated in conducting voter education programs. Free airtime worth over MRF 3.3 million was provided by the state media.

Much of the voter education programs were centered on procedural issues of the election as opposed to the principles and standards of a democratic election. Transparency Maldives feels that the electoral process, the role of the Parliament and its powers were not understood well by the electorate. Voter education programs should be adjusted to reflect the principles and standards of a democratic election, the role of Parliament and the “why” of an election.

10.1 Elections Commission’s and Transparency Maldives’ Voter Education Programs

The state media provided the Elections Commission airtime worth MRF 2.2 million to conduct voter education programs. The Elections Commission’s hourly programs were aired every night for nearly three months prior to the Election Day. The programs featured call-ins and panel discussions. The Human Rights Commission of the Maldives and Transparency Maldives participated in most of the programs.

Transparency Maldives, in partnership with Television Maldives (TVM) produced a program named “Madhanee Fendaa” (Civil Panel) in the final week before the Parliamentary Election 2009. This program was completely separate from the Elections Commissions’ programs and sought to discuss critical issues in a citizen’s perspective. The Human Rights Commission was invited to “Madhanee Fendaa” by Transparency Maldives and provided assistance in airing the program.

10.2 Candidate Debates

Candidate debates were organized by the state media through the course of two months prior to the Parliamentary Election 2009. The program brought together candidates from each of the 77 constituencies and was aired live twice daily. The candidates were questioned on how well they knew their constituencies, their future plans for the constituency and why they chose to contest the election.

11. Election Day, 9 May 2009

Transparency Maldives coordinated the only non-partisan domestic observation that covered voting of over 2/3rds of the electorate. 118 observers were deployed in Malé, Hulhumalé, Villingili and to nine atolls in seven provinces. Sixteen partner NGOs in the nine atolls of Seenu, Gnaviyani, Gaaf Dhaal, Gaaf Alif, Laamu, Meemu, Baa, Raa and Haa Dhaal helped coordinate the domestic observation effort.

11.1 Overview of Voting

The voting was conducted on 9 May 2009 in Malé and the atolls. Voting concluded at all ballot boxes by late evening of 9 May 2009 and early morning of 10 May 2009. Only two ballot boxes went for a revote (in the contentious Thaa Thimarafushi constituency) upon a High Court verdict that ruled that the atmosphere in the island was not conducive to a free and fair election on the day of the election. The ruling gave weight to the report by the Human Rights Commission of Maldives and Transparency Maldives' post election statement. The National Elections Complaints Bureau received over a 1,500 complaints, of which 1,312 were registry related. The Elections Commission issued documents for 327 people to vote as they had been omitted due to administrative error on the Commissions part.

The voter turnout at 79% was high, but was low in comparison to the Presidential Election 2008 where voter turnout was at 85.4% and 86.6% in the first and second round of election respectively.

Efforts by the Elections Commission to improve on the experience of the past Presidential Election 2008 was evident as voting generally proceeded smoothly all over the nation. 65% of the observers reported that voting progressed with no issues. Officials appeared to be better trained and adept at handling issues. All observers reported that officials were at their stations well ahead of time and all ballot stations had adequate materials needed for voting. However, though to a lesser degree than previous election, the orderly progression of the election on 9 May 2009 was hampered by faults in the voter registry, readiness of the Elections Commission to handle issues with regard to allegations of campaigning and intimidation on the Election Day, and the ineffective National Elections Complaints Bureau (NECB). Four serious violent disturbances were reported by Maldives Police Service.

Towards the pre notified deadline (2000 hrs) closure of ballot boxes, it became apparent that eligible voters disenfranchised due to administrative errors would not be able to join the voting queues on time. To allow for voting, the Election Commission made a decision at 1930 hrs to keep ballot boxes open until the registration issues were solved. Though this decision protected the right to vote, it created confusion amongst the polling officials and the message was not applied consistently due to the delay in relaying the communication to the polling officials. The situation was further aggravated by an ad hoc decision made at 2200 hrs to close all ballot boxes with "no issues" while documents to vote were being issued for eligible voters to vote by the Elections Commission. Two extra ballot boxes were placed in Aiminiya School to accommodate these voters.

In the ensuing confusion, voters closed these ballot boxes and staged protests. The situation was brought under control by employing riot police during the early hours of 10 May 2009. Counting of the additional ballot boxes was overseen by Vice President of the Elections Commission, Hussein Siraj.

11.2 Voting Procedures

Voting was scheduled to commence at 0900 hrs and conclude at 2000 hrs at all , with voters in queue at prescheduled time of closing allowed to vote. Voters were in queue early in the morning. Elections Commissions streamlined procedures for voting queues, identifying voters and ballot boxes as soon as a voter joined the queues meant that the process was smoother and faster. In stark contrast to previous elections and Presidential Election 2008, few (7.8%) observers reported that voters were allowed to vote beyond the voting deadline.

The officials were better trained with 94.2% of observers reporting that polling officials acted impartially and 95.1% of observers said that officials attended to issues promptly. 93.2% observers reported that polling officials ensured the orderliness of the polling station vicinity.

Overwhelmingly, observers found that police were professional in their capacity to ensure the security of the ballot box and the area.

In the locations where 'Transparency Maldives' observers were stationed, party agents were present at 92.2% of polling stations. Observers reported that other observers/ party agents/ media reporters acted according to the rules (80.6%). Media presence was also high at 63.1% of the locations observed.

However, 16.5% and 8.7% observers reported that persons present (party agents/ voters etc) in the polling station acted in a manner that could intimidate voters and observers respectively.

11.3 Counting

Only a fifth (21.4%) of observers found that ballot boxes closed on time, though only 7.8% of observers reported that voting took place after the original closing time (2000 hrs).

Observers and party agents were able to observe counting of ballots, with observers reporting no issues in observing the counting process. Compared to other elections, due to the large number of candidates contesting in the election, and the high number of constituencies, the counting was a long-drawn-out process at most polling stations. 93.2% of observers reported that counting proceeded smoothly.

11.4 Announcement of Results

Interim results were announced at the polling stations and were posted at the location. Copies of the results were provided to observers and party agents where such facilities were available. All result sheets were then faxed to the Elections Commission where the sheets were verified and entered into the database.

Elections Commission first announced that preliminary results for all constituencies were to be announced on the afternoon of 11 May 2009. The Elections Commission later delayed the announcement of provisional results twice more. The Elections Commissions' website was hacked late evening of 10 May 2009. Elections Commission reassured that no data was lost as the database was hosted in the Commissions' secure servers.

The repeated delays in announcement of provisional and final results caused loss of public confidence in the Election Commission. Two separate protests were staged by the Dhivehi Rayyithunge Party (DRP) and the Maldivian Democratic Party (MDP) over delays in announcement of the results. In both cases, riot police had to be employed to control and prevent the situation from escalating.

In a bid to restore public confidence in the system, the National Advisory Committee for the Elections held a press conference three days after the election, assuring that no fraud was going on within the Elections Commission. Due to missing result sheets, security envelopes (containing the original documents) for 16 ballot boxes were opened in the presence of the National Advisory Committee to locate and verify results.

The final results for the Election was announced on 17 May - on the day of the legal deadline for announcement of results – without the result for the Thaa Atoll Thimarafushi constituency. The High Court ordered to halt the announcement of the results due to a case lodged at court by the DRP candidate Gassan Maumoon (former president Maumoon Abdul Gayoom's son).

Contesting Capacity	No. of Candidates	No. of seats secured
1. Independent	246	13
2. Maldivian Democratic Party (MDP)	75	25
3. Dhivehi Rayyithunge Party (DRP)	59	28
4. Dhivehi Qaamee Party (DQP)	21	2
5. Peoples Alliance (PA)	18	7
6. Republican (Jumhooree) Party (JP)	17	1
7. Islamic Democratic Party (IDP)	5	-
8. National Unity (Gaamee Itthihaad or GI)	5	-
9. Adhaalath Party (AP)	4	-
10. Maldivian National Congress (MNC)	2	-
11. Social Liberal Party (SLP)	2	-
12. Poverty Reduction Party (PRP)	1	-

12. Annulment of Two Ballot Boxes in Thaa Thimarafushi

High court ordered for a revote in Thaa Thimarafushi on 11 June, with voting to take place within a month. The court ruling also stated that the election should be monitored by the Human Rights Commission of the Maldives and Transparency Maldives.

The results of the two ballot boxes were annulled on the grounds that the environment in Thaa Thimarafushi was not conducive to a free and fair election. The case was highly politicized and suspected cases of arson and intimidation remained unaddressed in relation to the case.

12.1 Revote in Thaa Thimarafushi, 11 July 2009

During the campaign for the revote, the candidate for Dhivehi Rayyithunge Party (DRP) was prevented from campaigning in Thaa Thimarafushi on several occasions, where Maldivian Democratic Party (MDP) candidate Mohamed Musthafa is highly popular. On 26 June 2009, two campaign launches of the candidate, with eight MPs were at sea for 18 hours when they were prevented from coming onto Thaa Thimarafushi.

Prior to the annulment of the two ballot boxes, Mohamed Musthafa led by 99 votes.

The revote in Thaa Thimarafushi took place in a highly charged atmosphere. Five observers from Transparency Maldives spent three days in Thimarafushi. Observers reported that police conduct was excellent. Early concerns about the high number of assisted voting were solved with stricter vigilance on deciding whether the person qualifies for assisted voting.

The process was transparent with results being counted live on state TV. Maldivian Democratic Party candidate, Mohamed Musthafa won by a margin of 52 votes.

Table 3. Election Results for Thaa Thimarafushi

Constituency (results are for the main two candidates from the DRP and MDP)

Candidate	Number of votes	Difference
1. Mohamed Musthafa (MDP)	1440	52
2. Gassan Maumoon (DRP)	1388	

Annex I

Pre Election Statement (8 May 2009) – Transparency Maldives

For Immediate Release

NB: Transparency Maldives is issuing this press release as a pre-election environment assessment statement. Transparency Maldives will release a preliminary statement at the end of the election (May 10, 2009) and will later publish a final report on the 2009 Maldivian Parliamentary Election.

”Transparency Maldives commends the Elections Commission, and other stakeholders involved in the process and raises concerns about constraints to exercise the free will of the voter”

Transparency Maldives is coordinating a nation-wide domestic election observation of the 2009 Maldivian Parliamentary Election. The observation will cover Male’, Hulhumale, Villingili and nine atolls in all seven provinces. Sixteen partner NGOs in the nine atolls of Seenu, Gnaviyani, Gaaf Dhaal, Gaafu Alifu Laamu, Baa, Raa, Meemu and Haa Dhaal will be deploying over 120 accredited observers. Transparency Maldives will be receiving complaints to its online complaints database via internet and SMS short code 567 throughout the election period. The observation effort will cover about a third of all the ballot boxes, which is approximately 2/3rds of the electorate.

As part of the observation effort, Transparency Maldives conducted a pre-election environment assessment. To gather information, political parties, media, independent candidates, community-based organizations, partner NGOs and individual observers were interviewed and information from Transparency Maldives’ online complaints database was utilized.

Transparency Maldives commends the Elections Commission, police, media and other stakeholders taking part in the election for the transparency and inclusiveness of the electoral process. Transparency Maldives highlights the positive and pro active role the media, civil society and independent institutions, especially Human Rights Commission of the Maldives have played in voter education, the efforts the Elections Commission put into cleaning the voter registry and the fairness and equality of the candidate registering/ vetting process, and the advance preparation by the police to ensure adequate security and provide support to the Elections Commission ahead of the election. Moreover, administrative processes and the mechanisms that the Elections Commission has put in place to ensure the transparency of the process for the day of election is an impressive feat.

However, Transparency Maldives identified three main issues in the electoral process. They are uninvestigated allegations of bribery (vote buying and vote selling) and uninvestigated allegations of exertion of undue influence (threats to civil servants, exertion of undue influence by political appointees, abuse of power by influential persons and hindering campaigns of candidates by others)

and circumstances arising in which the secrecy of the ballot is compromised.

The gaps in the legal framework, specifically in defining and drawing clear lines in what constitutes exertion of influence and bribery has affected the relevant institutions reacting to such cases.

Moreover, Transparency Maldives notes the legal gaps in ensuring the secrecy of the vote for some estimated 3,000 plus people voting in Maldives and abroad.

Transparency Maldives notes that the mentioned issues could mar the electoral process and constrain the exercise of free will of the voter.

The domestic observation will assess the conduct of the election in accordance with the Maldivian electoral laws and international standards for democratic elections. Transparency Maldives' observers are in contact with the Commonwealth Observer Group, UN Elections Assessment Mission and observers from diplomatic missions based in Colombo that are coordinated by the European Commission. A final report with recommendations will be published within one month of conclusion of the election.

Annex II

Post Election Statement (18 May 2009) – Transparency Maldives

For Immediate Release

NB: Transparency Maldives is issuing this press release at the conclusion voting of the Parliamentary Election 2009. A final report with recommendations will be issued within a month.

”Transparency Maldives commends the Elections Commission, and other stakeholders involved in the election process and raises concerns about deteriorating public perception of trust and integrity of the electoral system”

Malé, Maldives – 18th May 2009 – Transparency Maldives coordinated a nation-wide domestic observation mission during the first ever multi party parliamentary election. The observation effort covered Malé, Hulhumalé, Villingili and nine atolls in seven provinces. Sixteen partner NGOs in the nine atolls of Seenu, Gnaviyani, Gaaf Dhaal, Gaaf Alif, Laamu, Meemu, Baa, Raa and Haa Dhaal deployed 118 accredited observers. Transparency Maldives received over 700 text messages to the online complaints database during the election process. Transparency Maldives' volunteers observed voting at 242 of 399 ballot boxes, which is approximately 2/3rds of the electorate.

Transparency Maldives commends the Elections Commission for conducting the Parliamentary Election 2009 in a transparent and inclusive manner. The electoral administration had improved from the Presidential Election 2008. Transparency Maldives notes that the Elections Commission took on board many of 'Transparency Maldives' recommendations from the presidential election to ensure a free and fair election. Transparency Maldives appreciates the professional manner in which Maldives Police Service maintained security of the election.

The electoral process was transparent and polling proceeded smoothly on the day of election. Transparency Maldives identified two main issues on election day. They are, campaigning on the day of election and the cumbersome complaints process that led to registration and other issues remaining unaddressed in a timely manner.

As in the presidential election, the Elections Commission with consultation from the National Advisory Committee decided to extend voting time from 2000 hrs to 0100 hrs of the next day. A further decision was made by the Elections Commission at 2130 hrs to seal ballot boxes with "no issues." While the decision allowed disenfranchised voters to vote, it also led to placement of an extra ballot box at Aminiya School and created confusion and public mistrust towards the commission.

Conflicting messages from the Elections Commission regarding the announcement of preliminary results, the disputed ballot box in Thaa Atoll Thimarafushi, the change of decisions of the Elections Commission on administrative matters due to pressure, poor communication and the prevalence of unaddressed issues from the pre election period caused deterioration of the trust that the Elections Commission has enjoyed since the presidential election.

Though there are issues that need to be addressed, and constraints to exercise the free will of the voter, Transparency Maldives acknowledges that the election is credible and reflects the will of the voter, except in the contentious Thaa Atoll Thimarafushi constituency, where gross electoral violations are reported.

Domestic Observation of the
PRESIDENTIAL ELECTION
2008



Transparency
Maldives

Contents

1. Introduction	5
2. Executive Summary	7
3. Specific Recommendations	11
4. General Context of the 2008 Presidential Election	15
4.1 Democratic Reform Since 2004	
4.2 The Rise of Political Parties	
4.3 The Presidential Election: 1998 Constitution Versus 2008 Constitution	
4.4 Lack of Confidence in the Electoral System	
5. Legal Framework.....	17
5.1 Electoral Laws and Regulations	
5.2 Negative Impact of Constitutional Deadline on Legal Framework	
5.3 Issues With Laws and Regulations on Political Party Registration	
5.4 Undefined Campaign Period and Campaign Finances	
5.5 Standard for Validating and Invalidating Ballots	
5.6 Criminalisation of Taking Bribes for Votes	
6. Election Administration	20
6.1 Interim Elections Commission	
6.2 Administrative Structure and Auxiliary Institutions	
6.3 Election Complaints and Appeals System	
6.4 Accreditation of Observers	
7. Candidate Registration and Campaign Period	24
7.1 Qualifications for the Presidency	
7.2 The Six Presidential Candidates and Campaigning	
7.3 Court Challenges to Candidate Eligibility	
7.4 Campaigning During the Interval Period	
8. The Voter Registry and Voter Registration	27
8.1 Compilation of Voter Registry	

8.2 Publication of Draft Registry for Initial Verification	
8.3 Active Voter Registration and Late Publication of Official Register	
8.4 Voter Registration for the Second Round	
9. Media Environment.....	29
9.1 Proliferation of Media During the Reform Period	
9.2 Access to State-Run Media	
10. Voter Education	30
10.1 Elections Commission's Voter Education Programme	
10.2 Civil Society Initiatives	
10.3 The Presidential Debate and Government-Sponsored Campaigns	
10.4 Media-Sponsored Programmes	
11. First Round, 8 October 2008	32
11.1 Overview of Voting	
11.2 Voting Procedures	
11.3 Incomplete Voter Lists and Defective Indelible Ink	
11.4 Immature Administrative Structure and Complaints Mechanisms	
11.5 Disenfranchisement of Prisoners	
11.6 Counting	
11.7 Results	
12. Second Round Run-Off Election, 28 October 2008	36
12.1 Second Round Overview	
12.2 Voting Procedures	
12.3 Missing Names of First Round Voters From Run-Off Voter Registry	
12.4 Barring of Accredited Observers	
12.5 Counting	
12.6 Results	

1. 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 8 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 52 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.

4.4 Lack of Confidence in the Electoral System

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

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\$ 6.5 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 Emmen) 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 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-Off Voter 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 (Gaumee 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%			

