

Presidential Election 2023 – Interim Report

Election Day Observation

Election day administration was well managed by the Elections Commission (EC). TM observers were present at 311 polling stations – representing 56.86% of all ballot boxes. Polling stations were selected based on a random sample. TM observers collected information using two forms, one to observe the opening of the polls, and the second to observe the voting, closing and counting processes.

F1: TM’s observation found that the opening of the polls went smoothly. 85.4% of polling stations were open within the first 10 minutes of the official opening time. All EC officials were present at nearly all of the polling stations, and the materials required for voting were also made available. Candidates were well represented at polling stations.

F2: TM’s observation found that in general, election day processes went well. There was no concern of mass voter fraud, or any issues which could significantly affect an accurate vote count result. While the election day proceedings generally went well, there were on the day issues which were observed and reported by TM observers, as well as directly to TM via other stakeholder and the general public. Details of these concerns are detailed below:

Voter Secrecy:

Following lobbying by political parties and candidate representatives at the National Advisory Committee, EC decided to change the layout of the polling station in the Presidential election resulting in the open end of the voting booth to be placed in view of the room to ensure that voters would not be able to photograph the ballot paper, or cast an illegal vote by submitting more than one ballot per voter. The change in this layout was announced and gazetted by ECM on 5th September 2023, 4 days before the election date.

According to EC, the guidelines upheld at the polling station are:

1. Monitors, observers, and candidate representatives cannot go within a 10ft radius of the polling booth when a voter is using it.
2. Monitors may not capture footage or pictures of the voting booth that would affect voter secrecy under any circumstance.
3. Persons violating the rules mentioned in 1 and 2 may be dismissed with or without warning by the head of the polling station.

However, TM observers noted that these rules were not consistently upheld within the polling station which led to the secrecy of votes being violated at some polling stations. While the layout of the polling stations was uniform, the difference in the size of spaces used as polling centres meant that some polling stations were arranged closer together, with observers, monitors, candidate representatives and other voters able to see the ballots being marked at the voting booth.

Campaign Environment

TM has trained and mobilized 32 Long-Term Observers (LTOs) across the country in 19 Atolls since July 2023. LTOs observed the political landscape and developments in each of these atolls. These LTOs were requested to send bi-weekly reports on the campaign environment and electoral events in their regions.

This section will examine issues identified during the official campaign period of the election:

- Voter Information

Reports collected from LTOs indicate weaknesses in voter education efforts conducted by the EC especially when it comes to the regional coverage. While we recognise the efforts by the Elections Commission to provide accessible information closer to the voting day through their social media platforms, the reach of this information across the country cannot be guaranteed.

- Electoral Violations

Through reports submitted by our LTOs, as well as information gathered from the media, TM noticed multiple campaign related incidents and violations of various scale in different parts of the country. Multiple campaign locations were vandalised. A candidate was also attacked during a campaign rally, although no injuries were sustained. Another candidate reported that he received death threats. Candidates and political parties also reported threats on social media platforms.

- Fundamental Freedoms

TM remains concerned regarding the restrictions to freedom of assembly, especially the heavy police presence at opposition protests as well as the arrest and detainment of opposition protestors, especially during the incumbent's campaign trail.

- Abuse of State Resources

During the run up to the election, TM raised concerns regarding the continued abuse of state resources. Without a clear delineation between official duties and campaign activities, the incumbent administration could abuse state resources. Additionally, the scope and scale of development projects and socio-economic policies were changed during the campaign period, in a way which does not correspond to a sustainable development strategy, nor a long-term national development plan. All of this makes a level-playing field in terms of garnering support and campaigning difficult for other candidates.

In addition to this, as already highlighted by our 2023 Pre-Election Presidential Assessment, abuse of state resources through State-Owned Enterprises (SOEs) is a key issue. Moving forward, the associated governance risks pose to the electoral system and the Maldivian democracy in general. There is a risk that a patronage or clientelist system will be entrenched because of the way SOEs are currently utilised. This includes offering job opportunities, building of SOE infrastructure in islands, and awarding of projects to SOEs.

Transparency Maldives calls on the Elections Commission to meaningfully address the challenges to ensuring the secrecy of vote and continue the efforts to increase public confidence in the election day proceedings. We also call on all relevant stakeholders to support the efforts of the Commission, to ensure the smooth and effective functioning of electoral processes. As such, we call on the Commission and relevant stakeholders to:

- Expedite the appointment process for the currently vacant position of the Elections Commissions to ensure that the Commission is fully capacitated to efficiently carryout their responsibilities.
- Ensure all EC officials are provided the necessary trainings and guidance ahead of the second round of voting to enforce procedural matters in a harmonised manner across all polling stations.
- Ensure the adoption of the new layout adopted by the EC at all polling stations in a manner that guarantees the secrecy of the ballots. Amend the layout of the polling stations to ensure the secrecy of ballots are guaranteed – this includes changing the location of voting stations, especially where the space allocated for polling stations are insufficient to ensure that the required distance between the voting booth and personnel at the stations, including observers and other voters are maintained.
- Strictly ensure monitors present at polling stations do not take video footage or photographs of voters marking their ballots.
- Ensure that only the allowed number of observers, monitors, and representatives as per the electoral guidelines are present at polling station from each party/observer group/stakeholder.
- Consistently enforce electoral guidelines across voting centres to avoid confusion and ensure EC officials have the necessary information.

TM also received a few complaints via observers and voters regarding delays in receiving identification cards from the Department of National Registration ahead of the election. Applications were submitted well in advance of voting day. While we only received a few complaints, which only reflects a very small percentage of the total voting population, this nonetheless has resulted in the disenfranchisement of voters. We call on the Department of National Registration to address any delays in supplying identification cards to ensure no voters are disenfranchised, and unable to exercise their right to vote due to delays in renewing their identification documents.

Lastly, while electoral legal framework provides the minimum standards to allow for free and fair elections to be conducted in the country, drastic changes need to be brought to strengthen the electoral system and bring it in-line with internationally accepted best practices. While these changes cannot be brought immediately during an electoral cycle, we call on all relevant stakeholders to prioritise the following amendments to the legal framework:

- Changes to law to close any loopholes in campaign expenditure and increase transparency in campaign finance.
- Introduce a clear timeframe for announcement and inauguration of development projects, job announcements and key policy changes ahead of an election, including freezing announcement and inauguration of new projects.
- Introduce comprehensive rules and procedures for electoral dispute resolution to address challenges in identifying and resolving major electoral issues.