



## **2019 Maldivian People's Majlis Elections**

### *Study Mission Report*

#### **Organization Profile**

The Asian Network for Free Elections (ANFREL) was established in 1997 to promote and advance electoral democracy in Asia. Since then we have observed 62 elections across Asia, including the recently-concluded 2019 Maldivian Election Study Mission. While our main instrument to promote democratic principles is through the deployment of election observation missions, we also conduct capacity building for civil societies and election management bodies, research, and advocacy lobbying. Through its stakeholder consolidation efforts, the organization has produced landmark documents<sup>1</sup> which professional Asian election monitoring organizations refer to as the regional election standard. ANFREL is a membership-based organization with 28 members across 17 countries, including its member in the Maldives, Transparency Maldives, the country's premiere election monitoring group.

#### **Introduction**

ANFREL congratulates the Maldivian people on the successful and credible conduct of the 2019 People's Majlis Elections. The success of this monumental endeavor can only be attributed to the unflinching trust of the voters on the ballot, the active participation of civil society and media, and the transparent management of the Elections Commission of Maldives. Credit should also be given to the political parties who conducted the campaigns in a peaceful manner. We hope that the success of this polls will catalyze further developments and reforms to address some minor issues various stakeholders experienced.

The 2019 People's Majlis Elections is ANFREL's first engagement in the Republic of Maldives. The organization deployed 4 election experts, headed by Mr. Rohana Hettiarachchie of Sri Lanka<sup>2</sup>, within a limited period of one week, to study the polling process and witness the election environment. The study visit aims to present a limited assessment of the country's electoral process, as well as craft a set of recommendations which will set ANFREL's future engagement focus in the Maldives.

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<sup>1</sup> These are: the Bangkok Declaration on Free and Fair Elections, the Dili Indicators of Democratic Elections, Bali Commitments, and the Colombo Plan to Promote and Defend Democracy in Asia

<sup>2</sup> Other members of the team are Ms. Chandanie Watawala (ANFREL Executive Director), Ms. Kristina Gadaingan (ANFREL Electoral Analyst), and Mr. Karel Jiaan Antonio Galang (ANFREL Campaign and Advocacy Program Officer)

The 2019 Maldives Elections was held on April 6, to elect the 87 seats in the country's unicameral legislature called the People's Majlis. Of the 264,442 registered voters, 212,079 participated in the voting process, registering a very high 81.2% turnout rate. The polls went peacefully and with minor issues, with the complex counting system and tabulation of votes posing as the only bottleneck in an otherwise smooth election process. This impressive feat was reflective of the people's desire and a conscious community effort to ensure a credible poll, with stakeholders working together to create an electoral environment conducive to the free movement of voters, media, political parties, and civil society. The Elections Commission of Maldives (ECM) has also exhausted all means to ensure the transparency of the polls by providing access for all stakeholders in most of the poll's stages.

While the election day process presented itself to be organized and transparent, ANFREL's preliminary assessment, which was formed through literature reviews, dialogues with Maldivian stakeholders, and random polling place visits, revealed some issues which need to be addressed to further promote democratization in the country. For instance, the weak enforcement of campaign finance regulation heavily tilted the playing field towards candidates privileged with financial and political resources. Furthermore, the country's process of out-of-constituency voting registration and voting process may expose voters to some vulnerabilities especially with regard to the secrecy of their votes.

While the study mission would like to refrain from issuing a sweeping statement on whether the 2019 Majlis Election was free and fair due to the limited nature of ANFREL's engagement in Maldives, the members of the team are unanimous in their very positive perception of the elections and sees that the current conditions in the country are opportune to enable positive developments and reforms.

### **Voter Participation and (Re)registration Process**

According to the ECM, voting in the Maldives treats voting as a duty, and consequently, inclusion in the voters' list is automatic once a person reaches 18 years of age. While the country treats voting as an obligation, any voter who declines to participate in the process will not incur any penalties. However, voters can be "exempted" from voting if they are "convicted of a criminal offence and sentenced to imprisonment for a period of more than 5 years and who is serving that sentence."<sup>3</sup> The process of voter enlistment and maintenance of voters' list, also known as the Register of Electors, is governed by Section 8 to 12 of the "Elections (General) Act."<sup>4</sup> All voter data comes from the Department of National Registration, which was collected by the ECM on April 6, 2019. In total, there were 264,224 registered voters for the 2019 Elections according to the statistics released by the ECM.

ANFREL observers heard no complaints from any stakeholder regarding the Register of Electors. Stakeholders interviewed by the mission expressed their trust on the veracity of the voter list. The

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<sup>3</sup> Section 5 (b) of the Elections (General) Act, 2008

<sup>4</sup> Act No: 11/2008

team's examination of the document found it to be detailed, containing even the name of the household, address, national ID number, and other details which can effectively prevent any electoral fraud relating to identity from occurring. Such excellently maintained voter list is one of the best ANFREL has seen to date.

In the Maldives, voters can only vote in the constituencies corresponding their registered permanent address. Unless they go through the process of changing their permanent residence on their national ID card<sup>5</sup>, voters cannot cast a ballot for the constituency in which their current domicile is located. Thus, in order to vote, Maldivian voters, especially students and workers, should re-register to vote in a polling station near their current residence, but they still have to vote for candidates in their "home" constituencies. According to the data given by the ECM, there are 19,564 voters who re-registered for the 2019 election.

ANFREL mission members met numerous voters residing in Male for more than a decade who expressed that the current system of deprives them of "real representation" since they elect representatives who do not actually represent them. The current process of re-registration also exposes these voters to certain vulnerabilities. According to some civil society members, political parties are the only stakeholders aside from the ECM who can collect the re-registration forms. They noted that the re-registration process may indicate the level of support a party has -- the more re-registration forms a party receives, the more support it has. Thus, some saw the practice as an avenue to directly influence voter behavior, by giving incentives for voters upon submission of forms, thus projecting that the party received more forms and is therefore more supported by the public, thus creating a bandwagon.

Another issue that resulted from this registration system is the complicated situation of counting and tabulation of votes. Due to the fact that voters can re-register in any of the 501 polling stations, oftentimes, a polling station is host to voters from numerous constituencies. This is most observable in Male, where citizens from other islands migrate to study or work. In Fonadhoo, an island in the south of the Maldives, ANFREL observers visited a polling station which accommodates voters from more than 60 constituencies, with most constituencies having only one or two voters each. The counting process took time due to the fact that the polling officers have to segregate the ballots, count the votes, and fill out forms for each constituency. The process also violated the secrecy of the ballots from those constituencies with only one re-registered voter, since polling officers still announced the votes during the counting.

Regardless of these issues, ANFREL is happy to witness the voters' interest to participate, which translated to a very high turnout of 81.2%. Furthermore, the mission also witnessed active participation from civil society organizations, media, and political parties.

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<sup>5</sup> A citizen's permanent address can only be changed upon marriage, acquisition of land with a title under own name and subsequent establishment of a new household, or upon agreement of a landowner and a tenant to use the address of the rented space which oftentimes is subject to numerous requirements.

## Election Day

On election day, ANFREL observers visited 3 polling stations for opening, 39 polling stations for the voting process, and 3 polling stations for the closing of polls from a total of 7 islands in the country, namely: Male, Fonadhoo, L. Gan, Dharavandoo, Maalhos, Kihadhoo, and Dhonfanu.

The team saw a peaceful election day environment that is highly favorable to holding free elections. The entire process from opening to closing was carried out in a transparent and efficient manner with the election procedure implemented in a mostly uniform manner in the polling stations the mission visited. Election observers, political party representatives, and media representatives were welcome to either observe or monitor<sup>6</sup> the entire process from opening to counting which added to the largely transparent administration of polls.

Moreover, the polling officers have demonstrated professionalism, impartiality, and dedication to their task for the day. With the exception of the capital city Male', there were no long queues observed in most polling stations visited by ANFREL's observers. All voters were able to cast their vote freely without difficulty. The polling stations were also set up in a manner complying to the layout prescribed in the general instructions provided by the ECM.

During the voting process, voters were given queue numbers and were provided with seats while waiting for their turn to cast their vote. This fosters an encouraging condition for voters to participate in the process and also allows for polling station officers to carefully check the identity of voters before issuing a ballot paper.

The proper administration and transparency of the process contributed to the high level of trust of the voting population to the election commission. As such, most voters expressed confidence that the 2019 parliamentary election is credible and free from fraud.

The process of allowing out-of-constituency voting is a positive characteristic of this election as it provides a more inclusive mechanism for voters residing outside of their permanent address to fully participate in this democratic exercise. However, the election commission is also encouraged to find alternative ways to implement the process so that vote secrecy will not be compromised.

Meanwhile, the election process allows for assisted voting, providing accessibility for persons with disabilities or the elderly to be able to cast their vote. Nevertheless, it will be worth looking at other means to allow them to independently cast their votes such as the use of braille for the visually impaired, or ensuring appropriate physical infrastructure for those with limited physical mobility.

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<sup>6</sup> The Election Commission of Maldives (ECM) defines Observers to be individuals identified by political parties, candidates, or non-government organizations registered in the Maldives, and individuals identified by international organizations or individuals who are accredited to be election observers. Meanwhile, Monitors are individuals identified by new media outlets. Only Monitors are permitted to take photos inside the polling station.

For the closing of polls, it was extended from 16:00 to 18:00 to give more time for voters to exercise their voting rights. The closing process was observed to be smooth, transparent, and trustworthy. In all the polling stations observed, the prescribed procedures for closing were implemented. Counting also immediately took place after closing and the team saw a significant number of enthusiastic voters monitoring the counting as well. The consolidation of the overall results was done after the transmission of polling station results through the use of a digital application. The ECM provided polling officers with computer tablets in order to do this, in the event that the App fails to perform, the contingency plan was carried out by using other messenger applications.

While ANFREL commends the fair and open process, it has also noted the elaborate and seemingly slow counting of ballots. In the polling stations observed, the counting of out-of-constituency votes slowed down the process as some polling stations had to count for more than 50 other constituencies. A review of the current counting method would help accelerate the process and improve future ballot counting.

ANFREL applauds the well-administered election day process while it calls on all electoral stakeholders to work together in order to address the areas that need to be improved and review policies that need to be amended.

## **Campaigns and Campaign Finance**

A vibrant campaign environment characterized the 2019 Parliamentary Election in the Maldives. Colorful posters painted the streets of the capital and in the communities in the various islands visited by ANFREL observers. Door-to-door campaigns, public rallies, mobile vehicles were also observed to be used to advance the candidates' candidacy.

While campaigning is an essential feature of elections, it is also important to look into the money used by candidates and political parties to finance their campaign activities. It is imperative to review the regulations that govern the use of money in an electoral exercise to protect the integrity of the process while ensuring that money does not determine the outcome of an election.

In the Maldives, the legal framework governing campaign and campaign finance is enshrined in a number of laws and regulations. Among them are the Elections (General) Act (11/2008), Parliamentary Elections Act (2/2009), and the Regulation on Political Parties under General Regulations Act (6/2008).

Under the Elections (General) Act, all candidates are required to submit a financial report to the Election Commission within 30 days from the date of the election. The report should contain all expenditures incurred during the candidate's electoral campaign, details of persons and amount of contributions made, and receipts, invoices, bills, and other documents to support their report. On the other hand, political parties are required by the Regulation on Political Parties Act to submit

an audited report annually to the election commission. The report should detail all income and assets received, including the sources of these, and detailed expenditure of the party.

Under the same law, every candidate is required to open a bank account under his/her own name wherein all financial contributions received should be deposited in the account. Meanwhile, the law sets the limit of expenditure to 1,500 rufiyaa (approx. USD 100) per eligible voter in the electoral constituency where the candidate is standing for elections.

Failure to comply to the above mentioned regulations, including overspending and receiving contributions from prohibited individuals or groups, subjects the candidates to sanctions provided for by law. They can be convicted to imprisonment between 6 months and 2 years, or a fine between 6,000 rufiyaa to 24,000 rufiyaa to be determined based on the gravity of the offense.

To have existing measures to control the use of financial resources in an electoral exercise is a good way to ensure transparency, such as having full disclosure of contributions and expenditures among candidates in order to help curb corruption once a candidate is elected in public service. ANFREL also deems that setting the expenditure limits is an important measure intended to control the abuse of money in elections. It is also designed in order to level the playing field, allowing candidates with lesser resources to be able to contest fairly.

However, most stakeholders interviewed by ANFREL's team expressed concern over the excessive use of money during the election, in particular the widespread allegations of vote buying. Although many of those interviewed mentioned that there has been a significant decrease of vote buying compared to past elections, the practice remains prevalent in the country. However, it is challenging for observers to collect substantial and tangible evidence to prove such allegations as these activities are said to be done quietly and in a clandestine manner.

Meanwhile, ANFREL observers noted that during the campaign and even during election day itself, there were food and refreshments given to the public. Most voters find it to be an acceptable practice associating it to tea parties that are commonly held in their communities. During election day, tables from different political parties were found to be set up just right outside the polling stations. These tables were seen to also provide some refreshments. But stakeholders interviewed about this matter think that it is difficult to penalize candidates for such practices. Often times, candidates will justify that supporters or community members bring the food and refreshments in any kind of gathering, including campaign rallies, as it is a community event where they socialize and interact with community members.

While recognizing local practices and traditions, these incidents need to be reviewed especially with respect to the presence of political party desks outside the polling stations. Their presence can still be regarded as a form of campaigning as it provides the opportunity to influence the voters as they walk into the polling stations.

It is important for the election commission to ensure compliance of political parties and candidates to the existing laws and regulation. These laws should be fully and fairly implemented, monitored, and enforced in an impartial manner.

## **Recommendations**

While ANFREL's experience in the 2019 Maldivian Majlis Elections has been positive, the mission would like to present a set of recommendations to further improve and strengthen the electoral process of the country. These are:

### *Regarding Reforms and Awareness Raising*

- Maldivian stakeholders should continue collaborative activities, especially with regard to the review of existing electoral framework to identify reform agenda.
- To strictly enforce campaign finance regulations by developing a monitoring mechanism to monitor contributions and expenditures of candidates and political parties.
- To raise democracy awareness among political parties and the people to understand the need to level the playing field, while voters must be educated that the use of excessive money by candidates may directly affect governance and delivery of public service.
- Craft civil education programs for youth and women to encourage them in further engaging in political affairs of the country.

### *Regarding the Electoral Process*

- To continue the efficient, inclusive and detailed voter registration system.
- To create alternative methods of voting for out-of-constituency voters to ensure the secrecy of their votes and to streamline the counting and tabulation process. One method that can be considered is advance postal voting.
- Ensure the digital security of any communication methods used by the ECM to transmit the reports from the polling stations up to the national tabulation center.
- The ECM should build its capacity to handle the re-registration process on its own. Otherwise, civil society and independent media could help in this regard to minimize the voters' exposure to undue influence of political parties at this stage of the electoral process.

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