

Maldives

<p>Background</p>	<p>Name of EMB: Status: Number of commissioners: Number of full-time EMB staff:</p>	<p>Elections Commission of Maldives (ECM) Independent Four commissioners and the chairperson. At present, 48 permanent staff employed (excluding the commissioners and Secretary-General).</p>
<p>Establishment of the EMB</p>	<p>Constitutional and/or legislative provisions for establishment of the EMB:</p>	<p>The Elections Commission of Maldives is established under Article 167 of the Constitution, which states: a. <i>There shall be an Elections Commission of the Maldives.</i> b. <i>The Elections Commission is an independent and impartial institution. It shall exercise its duties and responsibilities in accordance with the Constitution and laws enacted by the People's Majlis.</i> c. <i>The Elections Commission shall function as provided by the statute governing the Elections Commission. Such statute shall specify the responsibilities, powers, mandate, qualifications, and ethical standards of members.</i></p>
	<p>EMB's mandate:</p>	<p>The Elections Commission's responsibilities and powers include the following: a. to conduct, manage, supervise and facilitate all elections and public referendums, to ensure the proper exercise of the right to vote, and to ensure that all elections and public referendums are conducted freely and fairly, without intimidation, aggression, undue influence or corruption; b. to prepare, maintain, and update electoral rolls, and to make all arrangements for holding elections and public referendums; c. to hold and declare the results of those elections and public referendums within periods prescribed by law; d. to compile the register of voters in each constituency, to revise it at such periods as shall be determined by law and to provide for publication of the register in the Government Gazette; e. to fix, vary, demarcate and continuously review the boundaries and names of constituencies or voting units in all elections in accordance with principles specified by law and to provide for publication of any amendments in the Government Gazette; f. to register political parties, and to perform those actions relating to political parties as specified by law; g. to educate and create awareness among the general public on the electoral process and its purpose; h. to perform such additional functions as may be prescribed by law.</p>

	<p>EMB model:</p> <p>What standards are established in the Constitution or other legislation for democratic legitimacy?</p>	<p>Independent</p> <p>The commissioners are selected and appointed as per Articles 168 and 169 of the Constitution, which states as follows:</p> <p>Article 168</p> <p>a. <i>The Elections Commission shall comprise of at least five members including the Chairman of the Commission.</i></p> <p>b. <i>The President shall appoint to the Elections Commission those persons approved by a majority of the People's Majlis from the names submitted to the People's Majlis as provided for in the statute governing the Elections Commission.</i></p> <p>Article 169</p> <p><i>To be qualified for appointment to the Elections Commission, a person shall possess the educational qualifications, experience and recognized competence necessary to discharge the functions of the Elections Commission. Members of the Elections Commission shall not engage in any other employment.</i></p> <p>The commission appoints a Secretary-General on merit basis, upon which other senior staff and employees are recruited on public announcements, on a merit basis.</p>
<p>Appointment, tenure and removals</p>	<p>Provisions for the appointment of commissioners:</p> <p>Political status of commissioners:</p> <p>Chair qualifications:</p> <p>Commissioner qualifications:</p> <p>Tenure of chair and commissioners:</p>	<p>Section (b) of Article 168 of the Constitution:</p> <p><i>The President shall appoint to the Elections Commission those persons approved by a majority of the People's Majlis from the names submitted to the People's Majlis as provided for in the statute governing the Elections Commission.</i></p> <p>Appointments are based on knowledge, expertise, experience and political balances.</p> <p>To be qualified for appointment to the Elections Commission, a person shall possess the educational qualifications, experience and recognised competence necessary to discharge the functions of the Elections Commission. Members of the Elections Commission shall not engage in any other employment.</p> <p>As above.</p> <p>Commissioners are appointed for a term of five years, on a renewable basis.</p>

	<p>Provisions for the removal of commissioners:</p>	<p>Article 177 of the Constitution states: <i>A member of the Elections Commission shall be removed from office only for the reasons specified in article (a), and in the manner specified in article (b):</i> a. <i>on the ground of misconduct, incapacity or incompetence; and</i> b. <i>a finding to that effect by a committee of the People's Majlis pursuant to article (a), and upon the approval of such finding by the People's Majlis by a majority of those present and voting, calling for the member's removal from office, such member shall be deemed removed from office.</i></p>
	<p>Provisions for the appointment of EMB senior staff:</p>	<p>The commission appoints a Secretary-General on merit basis, upon which other senior staff are recruited on public announcements, on a merit basis.</p>
	<p>Tenure of EMB senior staff:</p>	<p>The Secretary-General is appointed for a term of five years; others are permanent staff.</p>
	<p>Provisions for the removal of EMB senior staff:</p>	<p>The Secretary-General and other staff are dismissed on a performance appraisal basis.</p>
<p>Funding arrangements</p>	<p>Setting and control of EMB's budget:</p>	<p>ECM sets its own budget (autonomous), submits it to the Ministry of Finance and Treasury, and this will then be sent to parliament; here it is discussed and parliament will approve the budget. The approved budget will be sent back to ECM, upon which it is executed as approved.</p>
	<p>Financial autonomy:</p>	<p>Autonomous budget</p>
	<p>Legal provisions for financial autonomy:</p>	<p>None specified</p>
<p>Electoral system</p>	<p>Number of chambers/houses within the legislature:</p>	<p>Unicameral: The People's Majlis</p>
	<p>Voting system:</p>	<p>Majoritarian (FPTP)</p>
	<p>Amendments to electoral laws:</p>	<p>The Elections Commission itself can propose; otherwise a Member of Parliament or the Attorney-General can propose an amendment.</p>
	<p>Drafting of electoral regulations:</p>	<p>The Elections Commission can draft and send amendments to any law in its mandate via the Attorney-General to the parliament.</p>

<p>Electoral disputes</p>	<p>Electoral dispute resolution mechanisms:</p>	<p>The electoral dispute resolution mechanism is explained in Articles 62 to 64 of the Elections General Act 2008. It states:</p> <p>62. <i>The Elections Commission shall in accordance with the regulation made under this Act, establish a mechanism to receive and expeditiously deal with complaints from individuals, wishing to raise complaints regarding the elections, during the duration of the election.</i></p> <p>63. <i>The following persons have the right to raise election s related complaints under section 62 of this Act:</i></p> <ul style="list-style-type: none"> a. <i>Every individual having the right to vote in the election.</i> b. <i>Every candidate contesting in the election.</i> c. <i>Political parties.</i> d. <i>Election observers and election monitors approved under this Act by the Elections Commission.</i> e. <i>Elections officials.</i> <p>64. a. <i>Where any person does an act in contravention of this Act or regulations made hereunder, or the specific law pertaining to an election or regulations made thereunder, or a person is dissatisfied with a decision of the Elections Commission pursuant to a complaint raised under section 62 of this Act, or is dissatisfied with the results of the election, the dissatisfied person can file a petition with the High Court.</i></p> <p>b. <i>Every individual mentioned in section 63 of this Act has the right to file a petition with the High Court pursuant to subsection (a). However, where an individual commits a criminal offence in contravention of this Act or regulations made hereunder, or the specific law pertaining to the election or regulations made thereunder, only the Elections Commission has the discretion to refer the matter for judgment to the High Court through the Prosecutor General.</i></p> <p>c. <i>Where a petition is to be filed with the High Court pursuant to subsections (a) or (b), the reasons for the petition, and details of the claim including evidence should be submitted to the High Court of the Maldives within not more than fourteen (14) days of the announcement of the formal results of the election.</i></p>
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<p>Other issues: Secretariat</p>	<p>Administrative autonomy: Women in senior positions: Administrative structure:</p>	<p>Yes</p> <p>All five commissioners are men; seven out of the 12 senior staff are women.</p> <p>The commissioners are the policy-making body of the commission. The Secretariat is headed by the Secretary-General. The overall functioning of the commission Secretariat is divided into four divisions headed by division heads. Under each division there are sections headed by the section head. Division heads report directly to the Secretary-General, whereas section heads report to the respective division head. The structure is as follows:</p> <ol style="list-style-type: none"> 1. Commissioners 2. Secretary-General <ol style="list-style-type: none"> a. Commissioners Bureau b. Legal Affairs and Political Parties Regulation Section 3. Division heads <ol style="list-style-type: none"> a. Human Resource and Operations Division <ul style="list-style-type: none"> • Human Resource and Professional Development Section • Administration Section • Procurement Section b. Planning and Finance Division <ul style="list-style-type: none"> • Planning, Statistics and Archives Section • Finance Section c. Elections Coordination and Civic Education Division <ul style="list-style-type: none"> • Elections Coordination Section • Civic and Voter Education Section d. Registration and ICT Division <ul style="list-style-type: none"> • Registration Section • ICT Section
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