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PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

PRESIDENTIAL ELECTIONS (AMENDMENT)
ACT, No. 16 OF 1988

[Certified on 24th May, 1988]

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*The Presidential Elections (Amendment)
Act, No. 16 of 1988*

[Certified on 24th May, 1988]

L. D.—O 20/88.

**AN ACT TO AMEND THE PRESIDENTIAL ELECTIONS ACT, NO. 15
OF 1981**

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Presidential Elections (Amendment) Act, No. 16 of 1988. Short title.

2. Section 2 of the Presidential Elections Act, No. 15 of 1981 (hereinafter referred to as the “principal enactment”) is hereby amended in subsection (1) of that section as follows:— Amendment of section 2 of Act No. 15 of 1981.

- (1) in paragraph (a) of that subsection, by the substitution, for the words “less than sixteen days and not more than one month”, of words “less than sixteen days and not more than twenty-one days”;
- (2) in paragraph (b) of that subsection, by the substitution, for the words “not less than one month and not more than two months”, of the words “not less than four weeks and not more than six weeks”.

3. Section 8 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution of the following subsection therefor:— Amendment of section 8 of the principal enactment.

“(2) No deposit made—

- (a) by a candidate or any other person on his behalf shall be accepted unless it is made within the time prescribed by subsection (1); or
- (b) by a candidate referred in paragraph (b) of subsection (1) or any other person on his behalf shall be accepted unless it is accompanied by a certificate under the hand of the Secretary-General of Parliament to the effect that such candidate is, or has been, an elected member of the legislature”.

4. Section 13 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words and figures “hours of 8 a.m. and 11 a.m.”, of the words and figures “hours of 9 a.m. and 11 a.m.”. Amendment of section 13 of the principal enactment.

Amendment
of section
14 of the
principal
enactment.

5. Section 14 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words and figures "between 8 a.m. and 11.30 a.m.", of the words and figures "between 9 a.m. and 11.30 a.m."

Amendment
of section
22 of the
principal
enactment.

6. Section 22 of the principal enactment is hereby amended as follows:—

(1) by the repeal of subsection (1) of that section and the substitution of the following subsection therefor:—

" (1) If, after the adjournment of an election for a poll to be taken, a candidate nominated by the recognized political party or any other political party or an elector dies before the poll has commenced, the Commissioner shall on being satisfied of the fact of such death, direct the secretary of any such party or such elector to nominate another candidate within three days of such direction. Such nomination shall be substantially in Form A set out in the First Schedule to this Act :

Provided however, that if such recognized political party, political party or elector fails to nominate a candidate, within the time allowed therefor, then—

(a) if is only one remaining candidate, such candidate shall be declared elected to the office of President ;

(b) if there are more than one remaining candidate, the poll shall be taken as specified in the notice under section 21, as if the name of the deceased candidate were deleted from the ballot papers and all other documents relating to the election." ; and

(2) by the repeal of subsection (3) of that section.

Amendment
of section
23 of the
principal
enactment.

7. Section 23 of the principal enactment is hereby amended in paragraph (a) of subsection (2) of that section, by the substitution, for the words "Department of Police, Sri Lanka Government Railway", of the words "Department of Police, Department of Prisons, Sri Lanka Government Railway".

8. Section 31 of the principal enactment is hereby amended as follows:—

Amendment
of section
31 of the
principal
enactment.

(1) in subsection (3) of that section, by the substitution, for the words “the name and address of such agent”, of the words “the name, the number of the national or other identity card issued by a government department or public corporation, and address of such agent”; and

(2) in subsection (4) of that section, by the substitution for the words “his name and address declared”, of the words “his name, the number of the national or other identity card issued by a government department or public corporation and address declared”.

9. Section 32 of the principal enactment is hereby amended as follows:—

Amendment
of section
32 of the
principal
enactment.

(1) in subsection (1) of that section, by the substitution, for the words “the name and address of each such authorized agent”, of the words “the name, the number of the national or other identity card issued by a government department or public corporation and address of each such authorized agent”;

(2) in subsection (2) of that section, by the substitution, for the words “the name and address of each such divisional agent”, of the words “the name, the number of the national or other identity card issued by a government department or public corporation and address of each such divisional agent”; and

(3) in paragraph (a) of subsection (3) of that section, by the substitution, for the words “the names and addresses of the persons appointed”, of the words “the names, the numbers of the national or other identity card issued by a government department or public corporation and addresses of the persons appointed”.

Amendment
of section
49 of the
principal
enactment.

10. Section 49 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution of the following subsection therefor :—

“(2) Notice in writing stating the names, the numbers of the national or other identity card issued by a government department or public corporation and addresses of the persons appointed under subsection (1) shall be given by such authorized agent to the counting officer before the counting of votes commences. The counting officer may refuse to admit to the counting centre any counting agent whose name, the number of the national or other identity card issued by a government department or public corporation and a dress has not been so given and who does not produce a letter from the returning officer authorising him to be present at that counting centre.”

Amendment
of section
66 of the
principal
enactment.

11. Section 66 of the principal enactment is hereby amended by the insertion, immediately after paragraph (c) of that section, of the following paragraph :—

“(cc) wilfully displays a marked ballot paper inside a polling station ; or”

Amendment
of section
110 of the
principal
enactment.

12. Section 110 of the principal enactment is hereby amended as follows :—

(1) in subsection (1) of that section, by the substitution, for the words “leave without loss of pay”, of the words “leave, in writing, without loss of pay” ;

(2) by the insertion immediately after subsection (1) of that section, of the following subsection :—

“(1A) Every employer shall prepare a statement setting out—

(a) the names of the persons applying for leave under subsection (1) ; and

(b) the names of the persons granted leave under that subsection and the periods for which such person have been granted such leave,

and shall cause such statement to be conspicuously exhibited at the place of employment.” ; and

(3) in subsection (2) of that section, by the substitution, for the words and figure “subsection (1) shall be”, of the words and figures “subsection (1) or subsection (1A) shall be”.

13. Section 114 of the principal enactment is hereby amended as follows:—

Amendment
of section
114 of the
principal
enactment.

- (1) in subsection (1) of that section, by the substitution for the words “the seventh day before the day of the poll”, of the words “the tenth day before the day of the poll”; and
- (2) by the insertion immediately after subsection (1) of that section, of the following subsection:—

“(1A) No such postal communication as is referred to in subsection (1) shall be accepted for delivery by the Postmaster-General or any person acting under his authority, after the tenth day before the day of the poll or be delivered by him to an elector, after the fifth day before the day of the poll.”.

14. Section 117 of the principal enactment is hereby amended as follows:—

Amendment
of section
117 of the
principal
enactment.

- (1) in subsection (1) of that section, by the substitution, for the words “Director-General of Broadcasting”, of the words “Chairman of the Sri Lanka Broadcasting Corporation and the Chairman of the Sri Lanka Rupavahini Corporation”;
- (2) by the repeal of subsections (2) and (3) of that section and the substitution of the following subsections therefor:—

“(2) In the allocation of broadcasting time during the period referred to in subsection (1) to any candidate who makes an application in that behalf, the Chairman of the Sri Lanka Broadcasting Corporation and the Chairman of the Sri Lanka Rupavahini Corporation shall ensure that each such candidate shall be permitted, without payment, to use—

- (a) in the case of radio broadcasting, a total period not exceeding ninety minutes which may be used on one occasion and not more than three occasions, the use on each such occasion being for not less than fifteen minutes and not more than thirty minutes;

*The Presidential Elections (Amendment)
Act, No. 16 of 1988*

(b) in the case of television broadcasting, a total period not exceeding ninety minutes, which may be used on one occasion or not more than three occasions, the use on each such occasion being for not less than fifteen minutes and not more than thirty minutes.

(3) Where two or more candidates agree to debate any matter of national importance over the radio or television, it shall be the duty of the Chairman of the Sri Lanka Broadcasting Corporation or the Chairman of the Sri Lanka Rupavahini Corporation to afford facilities for that purpose, on payment made therefor. The period allocated to any candidate for that purpose on radio or television shall not exceed forty-five minutes, which shall be in addition to the period allocated to the use of such candidate under subsection (2).” ;

(3) in paragraph (b) of subsection (4) of that section, by the substitution for the words “ Director-General of Broadcasting ”, of the words “ Chairman of the Sri Lanka Broadcasting Corporation and the Chairman of the Sri Lanka Rupavahini Corporation ” ; and

(4) by the addition at the end of that section, of the following new subsections:—

“ (6) The Commissioner may permit every candidate to use, without payment and in addition to the periods allocated to such candidate under subsections (2) and (3), broadcasting facilities on radio and television for such equal periods as may be determined by the Commissioner having regard to the principals set out in subsection (2).

(7) The Chairman of the Sri Lanka Broadcasting Corporation and the Chairman of the Sri Lanka Rupavahini Corporation shall ensure, that except as provided in the preceding provision of this section, no material is broadcast over the radio or the television, during the period commencing on the day of nomination and ending on the date of declaration of the result, which will have the effect of promoting, directly or indirectly, the candidature

of any candidate at the election. The Chairman of the Sri Lanka Broadcasting Corporation and the Chairman of the Sri Lanka Rupavahini Corporation shall act in consultation with the Commissioner in implementing the provision of this subsection.”.

15. The following new sections are hereby inserted immediately after section 119, and shall have effect as sections 119A and 119B, of the principal enactment :—

Insertion of
new section
119A and 119B
in the
principal
enactment.

“ Police to
assist
Commissioner.

119A. Every police officer shall ensure the orderly conduct of an election held under this Act, and shall comply with any direction given to him in that regard, by the Commissioner.

Procedure
for casting
vote where
there is a
reasonable
fear of an
inability to
cast vote at
a given
polling
station.

119B. (1) Notwithstanding the provisions of any other law, any registered elector who reasonably fears that due to conditions prevailing in the area within which his polling station is situate, that he is unable to cast his vote a such polling station, may make an application to the Commissioner of Elections within one week of the notice of nomination, requesting that he may be allowed to cast his vote at another polling station determined by the Commissioner, in his absolute discretion.

(2) The Commissioner shall within a week of receipt of an application, inform such elector whether such application is accepted or rejected. The decision of the Commissioner shall be final and conclusive and shall not be questioned in any court of law.

(3) Where such vote is cast, such vote shall be counted along with the votes of the electoral district where such elector is registered.”.

8 *The Presidential Elections (Amendment)*
 Act, No. 16 of 1988

Amendment
of the
Second
Schedule to
the
principal
enactment.

16. The Second Schedule to the Principal enactment is hereby amended as follows :—

(1) in Form A of that Schedule—

(a) by the substitution for the words “the serial number, the polling division and the polling district”, of the words “the serial number, the name of the street or village, the polling division and the polling district” ;

(b) by the substitution for the words “as an officer or servant in the Department of Police/Sri Lanka Government Railway”, of the words “as an officer or servant in the Department of Police/Department of Prisons/Sri Lanka Government Railway” ;

(2) in Form B of that Schedule, by the omission of the cages appearing at the back of that Form.

Amendment
of the
Third
Schedule
to the
principal
enactment.

17. The Third Schedule to the principal enactment is hereby amended by the omission of the cages appearing under paragraphs (1) and (2) of that Schedule.

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