

Date Printed: 12/31/2008

JTS Box Number: IFES_18

Tab Number: 13

Document Title: LOCAL AUTHORITIES ELECTIONS (AMENDMENT)
ACT, NO. 25 OF 1990

Document Date: 1990

Document Country: SRL

Document Language: ENG

IFES ID: EL00105



* E D 5 7 E 2 9 1 - A E 2 E - 4 7 F 9 - A A 5 6 - 5 A D E C B 1 2 7 4 F 3 *



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**LOCAL AUTHORITIES ELECTIONS
(AMENDMENT)
ACT, No. 25 OF 1990**

[Certified on 29th June, 1990]

Printed on the Orders of Government

**Published as a Supplement to Part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of June 29, 1990**

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Price : 90 Cents. F Clifton White Resource Center Postage: Re. 1.00
International Foundation for Election Systems

90

Local Authorities Elections (Amendment)
Act, No. 25 of 1990

[Certified on 29th June, 1990]

L.D.—O 26/90

AN ACT TO AMEND THE LOCAL AUTHORITIES ELECTIONS
ORDINANCE

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

1. This Act may be cited as the Local Authorities Elections (Amendment) Act, No. 25 of 1990. Short title.

2. Section 9 of the Local Authorities Elections Ordinance, as last amended by Act No. 24 of 1987 (hereinafter referred to as the “principal enactment”) is hereby further amended by the repeal of paragraph (dd) of subsection (1) of that section and the substitution of the following paragraph therefor :— Amendment of section 9 of Chapter 262.

“(dd) is a member of Parliament, a member of a Provincial Council established by the Constitution or a member of any other local authority ;”.

3. Section 28 of the principal enactment, as last amended by Act No. 24 of 1987, is hereby further amended as follows :— Amendment of section 28 of the principal enactment.

(1) by the insertion immediately after subsection (1) of that section of the following new subsections :—

“(1A) Notwithstanding any provisions to the contrary in this Act, in each nomination paper submitted in respect of an election for the electoral areas of a local authority, not less than forty *per centum* of the total number of candidates nominated in such nomination paper shall consist of youth.

(1B) The Commissioner shall by notice published in the *Gazette*, specify the number of youth candidates to be nominated in respect of each local authority. Where the total number of youth candidates to be nominated is such, that forty *per centum* of that number would be an integer and a fraction, the nearest integer to that integer and fraction shall be deemed to be the forty *per centum* for purposes of this subsection.”; and

- (2) in subsection (2) of that section by the substitution for the words "elected for that local authority increased by three.", of the words "elected for that local authority increased by six or by one-third of such number of members, whichever is less." ;

- (3) by the insertion immediately after subsection (4) of that section, of the following new subsection :—

“(4A) A certified copy of the birth certificate of every youth candidate whose name appears in the nomination paper or an affidavit signed by such youth candidate, certifying his date of birth shall be attached to such nomination paper.”.

Amendment
of section 30
of the
principal
enactment.

4. Section 30 of the principal enactment, as amended by Law No. 24 of 1977, is hereby further amended in subsection (4) of that section by the substitution for the words “is elected and where the number of votes polled by such independent group does not exceed one-eighth of the total number of votes polled at that election, the deposit made”, of the words “is elected, the deposit made”.

Amendment
of section
31 of the
principal
enactment.

5. Section 31 of the principal enactment, as amended by Act No. 48 of 1983, is hereby further amended as follows:—

- (1) in subsection (1) of that section by the insertion immediately after paragraph (b) of that subsection of the following paragraphs :—

“(bb) that does not contain the total number of youth candidates as required to be nominated under subsection (1A) of section 28 ; or

(bbb) where, as required by subsection (4A) of section 28, a certified copy of the birth certificate of a youth candidate or an affidavit signed by such youth candidate, has not been attached to the nomination paper ; or” ;

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

“(1A) Objections to a nomination paper may be made to a returning officer between twelve noon and one-thirty O'clock in the afternoon of the last day of the period of nomination and no such objections shall be entertained by the returning officer after one-thirty O'clock in the afternoon of that day.”.

6. Section 35 of the principal enactment is hereby amended in the proviso to subsection (3) of that section by the substitution for the words "it shall be lawfull for the Minister to nominate" of the words "it shall be lawful for the Minister taking into consideration the provisions contained in subsection (1A) of section 26 to nominate".

Amendment
of section
35 of the
principal
enactment.

7. Section 36 of the principal enactment, as last amended by Act No. 24 of 1987 is hereby further amended in paragraph (b) of subsection (1) of that section as follows:—

Amendment
of section
36 of the
principal
enactment.

(1) by the substitution for the words "by the returning officer, then—", of the words "by the returning officer then the returning officer shall forthwith prepare a single list containing the names of candidates as indicated by the candidates, but placed in alphabetical order of their names in Sinhala, of such recognized political party or independent group and then—";

(2) by the substitution in sub-paragraph (i) of that paragraph for the words "whose names appear as first and second in such nomination paper", of the words "whose names appear as first and second in such single list";

(3) by the substitution in sub-paragraph (ii) of that paragraph for the words "appear in such nomination paper,", of the words "appear in such single list,".

8. Section 38 of the principal enactment, as last amended by Act No. 24 of 1987, is hereby further amended in paragraph (b) of subsection (1) of that section by the substitution for the words "the names of the candidates (as indicated by the candidates) placed in alphabetical order in Sinhala, of ", of the words "a single list containing the names of the candidates as indicated by them, but placed in alphabetical order of their names in Sinhala, of ".

Amendment
of section
38 of the
principal
enactment.

9. Section 47 of the principal enactment, as amended by Act No. 24 of 1987, is hereby further amended in paragraph (a) of that section by the substitution for the words from "placed in serial order," to the end of that paragraph, of

Amendment
of section
47 of the
principal
enactment.

the words "placed in one or more rows in serial order, as is equal to the number of members to be elected to the local authority increased by six or by one-third of such number of members whichever is less, with provision to mark three preferences and such preferences shall be marked on one or more of the cages enclosing a serial number or on any one or more of the blank cages appearing on the right hand side of a cage enclosing a serial number, ".

Amendment
of section
63 of the
principal
enactment.

10. Section 63 of the principal enactment, as last amended by Act No. 24 of 1987, is hereby further amended by the repeal of subsection (6B) of that section.

Amendment
of section
65 of the
principal
enactment.

11. Section 65 of the principal enactment, as last amended by Act No. 24 of 1987, is hereby further amended in subsection (2) of that section as follows :—

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

‘ (a) The total number of valid votes polled by all political parties and independent groups are hereinafter referred to as “relevant number of votes”.;

(2) by the repeal of paragraph (b) of that subsection ;

(3) by the substitution in paragraph (d) of that subsection, for the words “and independent group (other than those parties and groups disqualified under paragraph (a) beginning with”, of the words “and independent group beginning with” ;

(4) by the substitution in paragraph (g) of that subsection, for the words “whose name appear next in the nomination paper submitted by such party or group.” of the words “whose name appear next in the single list prepared under paragraph (b) of subsection (1) of section 38.”.

Amendment
of section
75 of the
principal
enactment.

12. Section 75 of the principal enactment, as last amended by Act No. 24 of 1987, is hereby further amended by the substitution for the words “candidate for whom he has indicated a preference”, of the words “candidate or candidates for whom he has indicated a preference or preferences”.

13. Section 78 of the principal enactment is hereby amended in subsection (1) of that section, by the insertion, immediately after paragraph (a) of that subsection, of that following new paragraph:—

Amendment
of section
78 of
the principal
enactment.

“(aa) Any person who signs an affidavit, for the purposes of subsection (4A) of section 28, knowing any statement contained therein to be false ; or”.

14. Section 89 of the principal enactment, as last amended by Act No. 24 of 1987, is hereby further amended by the addition immediately after the definition of “town”, of the following definition :—

Amendment
of section
89 of the
principal
enactment.

“youth” means a person not less than eighteen years of age as at first June of the year in which the revision of the operative electoral register commenced under the Registration of Electors Act, No. 44 of 1980 and not more than thirty-five years of age as on the last day of the nomination period specified under this Ordinance in respect of the election at which he seeks to be a candidate.”.

15. First Schedule to the principal enactment, as last amended by Act No. 24 of 1987 is hereby repealed and the following Schedule substituted therefor :—

Replacement
of First
Schedule
to the
principal
enactment.

‘FIRST SCHEDULE

[Section 28 (2)]

FORM OF NOMINATION PAPER

.....Council/Pradeshiya Shabha.

The Party, being a recognized political party/independent group of candidates [of which (in the case of an independent group)..... is the group leader], hereby nominates the following persons as candidates for election of members of theMunicipal Council/Urban Council/Pradeshiya Sabha.

Group I —Candidates

1	2	3	4
Name	Address	Occupation	Signature signifying consent of candidate

6 *Local Authorities Elections (Amendment)*
Act, No. 25 of 1990

Group II—Youth Candidates

1	2	3	4	5
Name	Address	Date of birth	Occupation	Signature signifying consent of youth candidate

I do hereby certify that all the youth candidates whose names appear in this nomination paper are within the age stipulated in section 89 of the Ordinance.

Signature of Secretary of recognised political party/group leader.

Name :

Address :

Signed by the above named

Secretary of recognized political party group leader in my presence aton thisday of.....,19.....

.....
Justice of the Peace or Notary Public."

Amendment
of the Second
Schedule
to the
principal
enactment.

16. Second Schedule to the principal enactment as last amended by Act No. 24 of 1987, is hereby further amended by the substitution for the words from "independent group, by placing a cross" to the words "each such candidate.", of the words "independent group, by placing a cross or crosses (thus "X") on one or more of the cages enclosing a serial number corresponding to the serial number assigned to each such candidate or any one or more blank cages appearing on the right hand side of a cage enclosing such serial number."

17. Third Schedule to the principal enactment, as amended by Act No. 24 of 1987 is hereby repealed and the following Schedule substituted therefor:—

Replacement
of the Third
Schedule
to the
principal
enactment.

THIRD SCHEDULE

FORM OF FRONT OF BALLOT PAPER

Counter Foil No.

PARTY "A" SYMBOL

PARTY "B" SYMBOL

PARTY "C" SYMBOL

"INDEPENDENT GROUP" 1 SYMBOL

"INDEPENDENT GROUP" 2 SYMBOL

"INDEPENDENT GROUP" 3 SYMBOL

1			28		
2			29		
3			30		
4			31		
5			32		
6			33		
7			34		
8			35		

9			36		
10			37		
11			38		
12			39		
13			40		
14			41		
15			42		
16			43		
17			44		
18			45		
19			46		
20			47		
21			48		
22			49		
23			50		
24			51		
25			52		
26			53		
27			54		

Amendment
of Ninth
Schedule
to the
principal
enactment.

13. Ninth Schedule to the principal enactment is hereby amended in "BACK OF FORM" appearing in the Schedule to those regulations as follows:—

- (1) in subparagraph 3 of paragraph A, by the substitution for the words from "by placing a cross" to the end of that sub-paragraph, of the words "by placing a cross or crosses (thus "X") on one or more of the cages enclosing a serial number corresponding to the serial number assigned to each such candidate or on any one or more blank cages appearing on the right hand side of a cage enclosing such serial number.";

- (2) in sub-paragraph 4 of paragraph B, by the substitution for the words from "by placing a cross" to end of that subparagraph, of the words "by placing a cross or crosses (thus "X") on one or more of the cages enclosing a serial number corresponding to the serial number assigned to each such candidate or on any one or more blank cages appearing on the right hand side of a cage enclosing such serial number."

19. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala
text to
prevail in
case of incon-
sistency.

Annual subscription of Bills and Acts of the Parliament Rs. 177 (Local),
Rs. 236 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS
BUREAU, COLOMBO 1, before 15th December each year in respect of the year
following.