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Local Authorities Elections Ordinance

(Chapter 262)

[Incorporating Amendments up to 31st March, 1989]

1989

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
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LOCAL AUTHORITIES ELECTIONS ORDINANCE

(Chapter 262)

THIS reprint of the Local Authorities Elections Ordinance incorporates all amendments up to March 31, 1989. It is, however, not a statutory reprint. It is issued only for the convenience of users.

R. K. CHANDRANANDA DE SILVA,
Commissioner of Elections.

CHAPTER 262

LOCAL AUTHORITIES ELECTIONS

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE ELECTION OF MEMBERS OF LOCAL AUTHORITIES.

Ordinance

No. 53 of 1946.

Acts

Nos. 5 of 1949,
25 of 1953,
22 of 1955,
60 of 1961,
9 of 1963,
15 of 1965,
30 of 1970,
9 of 1972.

Laws

Nos. 24 of 1977,
35 of 1978.

Acts

Nos. 48 of 1983,
20 of 1987,
24 of 1987.

(10th February, 1947)

1. This Ordinance may be cited as the Local Authorities Elections Ordinance.

Short title.

2. The provisions of this Ordinance shall apply to every Municipal Council, Urban Council and Pradeshiya Sabha constituted or to be constituted under the provisions of any written law applicable in that behalf.

Application of Ordinance.

§ 2, 24 of 1977
§ 2, 20 of 1987]

3. Every Municipality, town, or Pradeshiya Sabha area shall be an electoral area for the purposes of this Ordinance.

Electoral areas.
[§ 3, 20 of 1987]

PART I

SUPERVISING STAFF

4. (1) There may be appointed, by name or by office, for each district in Sri Lanka, a fit and proper person to be, or to act, as *returning officer and one or more persons to be, or to act, as *assistant returning officers.

Officers and staff.

§ 2, 24 of 1987]

* Every reference to "election officer" or "assistant elections officer" shall, after May 15, 1987, be read and construed as a reference respectively, to the returning officer appointed under section 4, for the district within which the electoral area is situated and to the assistant returning officer appointed, under that section, for the district within which the electoral area is situated--[See section 34 of Act No. 24 of 1987].

(2) There may also be appointed such clerical and minor staff as may be necessary to assist the aforesaid officers in the performance of their duties under this Ordinance.

(3) Every person appointed under the preceding provisions of this section shall be deemed for all purposes to be a public servant and shall be paid such salary and allowances out of the Consolidated Fund as may be determined or approved by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Powers and duties of officers. [§ 2, 9 of 1963]

5. (1) In the exercise or performance of the powers or duties conferred or imposed by this Ordinance each elections officer shall be subject to the general supervision and control of the Commissioner.

[§ 3, 9 of 1963]

(2) Subject to the general supervision and control of the Commissioner—

*(b) each assistant elections officer may exercise or perform the powers or duties conferred or imposed by this Ordinance upon an elections officer.

PART II

QUALIFICATIONS OF VOTERS AND MEMBERS, AND VACATION OF OFFICE BY MEMBERS

QUALIFICATIONS OF VOTERS

Disqualification of voters. [§ 5, 24 of 1977]

6. No person shall be qualified to vote at any election under this Ordinance of a member of a local authority unless his name is entered in any parliamentary register for the time being in operation.

Insertion of names in electoral lists of electoral areas. [§ 6, 24 of 1977]

7. (1) Every person—

(a) whose name is entered in any parliamentary register for the time being in operation for any electoral district ; and

* Paragraph (a) is repealed—See § 3, 24 of 1987.

(b) who was, on the first day of June in the year of the commencement of the preparation or revision of that parliamentary register, ordinarily resident in any electoral area which is situated wholly or partly within the electoral district

shall be entitled to have his name entered in the electoral list of that, electoral area.

(2) In the determination of any question as to a person's residence on the first day of June in any year, particular regard shall be had to the purpose and other circumstances, as well as to the fact of his presence at, or absence from, the address in question, and in particular his absence from such address in the performance of any duty accruing from, or incidental to, any office, service or employment, held or undertaken by him.

[§ 2, 15 of 1965]

(3) The address at which person was ordinarily resident in any electoral area on the first day of June in any year is hereafter in this Ordinance referred to as his "qualifying address".

[§ 6, 24 of 1977]

8. Every person who is not disqualified as provided by section 9 shall be qualified at any time for election as a member of any local authority if—

General
qualifications
for membership.
[§ 7, 24 of 1977]

(a) he was, on the date of the commencement of the preparation or revision of the parliamentary register for the time being in operation for any electoral district in which that electoral area or any part thereof is situated, qualified to have his name entered in that register ; and

(b) he was, on the first day of June in the year of the commencement of the preparation or revision of that register, ordinarily resident in that electoral area.

*Disqualification for membership.

9. (1) No person shall, at any time, be qualified to be elected under this Ordinance, or to sit or to vote, as a member of any local authority, if such person at that time—

(a) is not a citizen of Sri Lanka, or if he is by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to any foreign power or state ; or

[§ 2, 30 of 1970]

(b) is less than eighteen years of age ; or

†(d) is—

(i) a judicial official, or

(ii) a member of the Armed Forces, or

(iii) a police officer, or

(iv) a peace officer exercising police functions under the Code of Criminal Procedure Act, or

[§ 2, 48 of 1983]

(v) a public officer in any Government Department holding—

* (1) A person shall be deemed not to have been disqualified from being elected as a member of a local authority by reason only of the fact that such person was, on the date of such election, being a date after January 01, 1982, and prior to December 08, 1983—

(a) a public officer in a Government Department holding an office the initial of the salary scale of which is Rs. 6,720 per annum or over ;

(b) an officer in any public corporation holding an office the initial of the salary scale of which is Rs. 7,200 per annum or over ; or

(c) a member of the Local Government Service, holding a post the initial of the salary scale of which is Rs. 6,720 per annum or over.

(2) Subject to the provisions of paragraph (3), a member of a local authority shall be deemed not to have been, or to be, disqualified from sitting or voting as a member of such local authority, by reason only of the fact that he was at any time during the period commencing on January 01, 1982, and ending on the date of commencement of Act No. 48 of 1983 (December 08, 1983).

(a) a public officer in any Government Department holding an office the initial of the salary scale of which is Rs. 6,720 per annum or over ;

(b) an officer in any public corporation holding an office the initial of the salary scale of which is Rs. 7,200 per annum or over ; or

(c) a member of the Local Government Service, holding a post the initial of the salary scale of which is Rs. 6,720 per annum or over.

(3) Nothing in paragraph (2) shall be deemed to have affected, or to affect, the appointment, prior to December 08, 1983, of any person as a member of a local authority to fill any vacancy in such local authority arising by reason of the operation of section 9 (1) (d) (v) or (vi) or section 9 (1) (j) read with section 10 of this Ordinance—(See section 7 of Act No. 48 of 1983).

† Paragraph (c) is repealed by section 4 of Act, No. 15 of 1965.

- (A) any office created prior to November 18, 1970, the initial of the salary scale of which was, on November 18, 1970, not less than Rs. 6,720 per annum or such other amount per annum as would, under any subsequent revision of salary scales, correspond to such initial; or
- (B) any office created after November 18, 1970, the initial of the salary scale of which is, on the date of the creation of that office, not less than the initial of the salary scale applicable, on that date, to an office referred to in item (A) or such other amount per annum as would, under any subsequent revision of salary scales, correspond to the first-mentioned initial.
- (vi) an officer in any public corporation holding— [§ 2, 48 of 1983]
- (A) any office created prior to November 18, 1970, the initial of the salary scale of which was, on November 18, 1970, not less than Rs. 7,200 per annum or such other amount per annum as would, under any subsequent revision of salary scales, correspond to such initial; or
- (B) any office created after November 18, 1970, the initial of the salary scale of which is, on the date of creation of that office, not less than the initial of the salary scale applicable on that date to an office referred to in item (A) or such other amount per annum as would, under any subsequent revision of salary scales, correspond to the first-mentioned initial.
- (dd) is a member of any other local authority or of a Development Council established under the Development Councils Act, No. 35 of 1980 ; or [§ 4, 24 of 1987]
- (e) is an officer or servant of such authority in actual employment by and in receipt of a salary from such authority, or is a person whose employment by such authority was terminated within a period of one year before the date of the election of members to such authority ; or [§ 2, 9 of 1972]
- (f) directly or indirectly, himself or by any other person whatsoever in trust for him or for his use or benefit or on his account, holds or enjoys, in the whole or in part, any contract or agreement or commission made or entered into with or accepted from any person for or on account of such authority :

Provided that nothing herein contained shall extend to any pension or gratuity granted by such authority in respect of past service, nor to any contract, agreement or commission entered into or accepted in its corporate capacity by any incorporated trading company in which such person may be a member or a shareholder ; or

(g) is, under any law in force in Sri Lanka, found or declared to be of unsound mind ; or

(h) is an uncertificated or undischarged bankrupt or insolvent; or

(i) is serving a sentence of imprisonment for an offence punishable with imprisonment for a term exceeding twelve months or is under sentence of death or is serving a sentence of imprisonment awarded in lieu of execution of a sentence of death ; or

§ 2, 9 of 1972] (j) is a member of the Local Government Service constituted by the* Local Government Service Act, No. 18 of 1969 :

§ 2, 48 of 1983]

Provided that nothing herein contained shall extend to a person who holds a post the initial of the salary scale of which is—

(i) in the case of a post created prior to November 18, 1970, less than Rs. 6,720 per annum, on that date, or such other amount per annum as would, under any subsequent revision of salary scales, correspond to any such initial ; or

(ii) in the case of a post created after November 18, 1970, not less than the initial of any salary scale applicable, on the date of creation of that post, to a post referred to in paragraph (i) or such other amount per annum as would, under any subsequent revision of salary scales, correspond to the first-mentioned initial,

if he seeks election to a local authority under which he is not employed at the time of the election in question, or under which he was not employed during a period of one year immediately preceding such election ; or

(k) is disqualified from being elected, or from sitting or voting, as a member of any local authority by reason of the operation of subsection (2) of this section or section 83 of this Ordinance ; or

* Repealed and replaced by the Local Government Service Law, No. 16 of 1974.

(l) is disqualified by section 5 of the Public Bodies (Prevention of Corruption) Ordinance, from being elected, or from sitting or voting, as a member of a public body as defined in that Ordinance, by reason of a conviction, or of a finding of a commission of inquiry, referred to in that section ; or

(m) is serving, or has during the period of five years immediately preceding completed the serving of, the whole or part of a sentence of imprisonment of either description for a term of three months or any longer term on conviction of any crime within the meaning of the Prevention of Crimes Ordinance.

(1A) No person shall be qualified to be elected under this Ordinance or to sit or to vote as a member of any local authority if such person's name appears as a candidate in more than one nomination paper for the same general election. § 8, 24 of 1977

(2) A person shall, at any time, be disqualified from being elected under this Ordinance, or from sitting or voting, as a member of any local authority if such person at that time—

(a) is incapable under any provision in that behalf in the Ceylon (Parliamentary Elections) Order in Council, 1946, of being elected as a Member of Parliament, by reason of any conviction referred to in such provision, or by reason of the report of an Election Judge in accordance with that Order ; or

(b) is disqualified by sub-paragraph (g) of paragraph (1) of Article 91 of the Constitution of the Democratic Socialist Republic of Sri Lanka, for being elected as a Member of Parliament, or for sitting or voting in Parliament by reason of an adjudgment referred to therein.

(3) Without prejudice to the generality of the provisions of subsection (1) and subsection (2), no person who, at any time after the appointed date, is removed from the office of Mayor or member of a Municipal Council, Chairman or member of any Development Council or any Urban Council or any Pradeshiya Sabha, by Order published under section 277 of the Municipal Councils Ordinance or section 63 of the Development Councils Act or section 184 of the Urban Councils Ordinance or section 185 of the Pradeshiya Sabhas Act, as the case may be, shall be qualified for a period of five years from the date of such removal from office to be elected under this Ordinance, or to sit or vote as a member of any local authority. § 3, 24 of 1987

- [§ 2,30 of 1970] * (5) For the purposes of this section—
- (a) “judicial officer” means a person holding judicial office within the meaning of the Constitution of the Democratic Socialist Republic of Sri Lanka, and shall not include—
- (i) a Justice of the Peace ;
 - (ii) a Justice of the Peace and Unofficial Magistrate ;
 - (iii) a Commissioner for Oaths ; and
 - (iv) an inquirer appointed under section 108 of the Code of Criminal Procedure Act ;
- (b) “police officer” means a member of the police force established under the Police Ordinance ;
- (c) “armed forces” means the Sri Lanka Army, the Sri Lanka Navy, and the Sri Lanka Air Force ; and
- (d) “Government Corporation” means a Corporation the capital of which is wholly or partly subscribed by the Government.

VACATION OF OFFICE

Vacation of
membership.

10. (1) Where any member of a local authority is, by reason of the operation of any of the provisions of section 9, disqualified from sitting or voting as a member of such authority, his seat or office shall *ipso facto* become vacant.

(2) Where the seat or office of a member of a local authority becomes vacant by reason of the operation of the provisions of subsection (1), the provisions of the enactment by or under which such authority is constituted shall apply for the purpose of filling up the vacant seat or office in like manner as they would have applied if such member had resigned his seat or office.

Vacation of
office on ceasing
to be member of
recognized
political party.
[§ 9,24 of 1977]

10A. (1) If the elections officer of the district in which a local authority area is situated, is satisfied that any person whose name has been included as a candidate for election as a member of that local authority, in the nominator paper of a recognized political party, has ceased to be a member of that party, the elections officer shall, subject to the provisions of subsection (2), by notice published in the Gazette declare that such person—

- (a) has vacated his office of member, if he had been elected as a member of that local authority ; or
- (b) has forfeited his rights to have his name retained in the nomination paper of that recognized political party for filling any casual vacancy, and thereupon such person

* Subsection (4) is repealed—See section 8 of Law No. 24 of 1977.

shall vacate his office as member of that local authority or the name of such person shall be expunged from the nomination paper of that recognized political party, as the case may be, as from the date on which such declaration is published in the Gazette.

(2) The elections officer shall not publish the notice referred to in subsection (1) except after—

- (a) notice to such person and such recognized political party ;
and
- (b) expiry of a period of twenty-one days from the date of such notice.

Every such notice shall be sent by registered post.

(3) Whenever any person whose name has been included in the nomination paper of a recognized political party ceases to be a member of such party the secretary of that party shall furnish such information to the elections officer of the district in which the local authority, to which that nomination paper relates, is situated.

11. Every person who knowingly acts in the office of a member of any local authority, after his seat or office becomes vacant under the provisions of section 10, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees in respect of each day on which he so acts as a member.

Penalty for acting member after office is vacated.

PART III

DIVISION INTO POLLING DISTRICTS AND PREPARATION OF ELECTORAL LISTS

[§ 10, 24 of 1977]

DIVISION INTO POLLING DISTRICTS

12. (1) Each parliamentary polling district for the time being in force in any local authority area shall be deemed to be a polling district for the purpose of elections to that local authority :

Parliamentary polling district deemed to be polling district for local elections.

Provided, however, that the elections officer may for the purpose of local elections by notification published in the Gazette alter or modify any such parliamentary polling district.

[§ 11, 24 of 1977]

(2) Where a parliamentary polling district comprises parts of more than one local authority area, each such part shall be deemed to be a polling district for the purpose of the general election of the members of the local authority of that area.

(3) Unless the elections officer considers it necessary or expedient in the special circumstances of any case to provide a separate polling station for the female voters there shall be for each polling district one polling station and no more.

Polling
districts
and polling
stations.

[§ 12, 24 of 1977]

12A. (1) Notwithstanding the provisions of section 12, where an order constituting a new local authority or altering the administrative limits of a local authority is made the election officer of the district in which that local authority is situated may—

(a) divide the electoral area of that local authority into polling districts in accordance with such directions as may be issued by the Commissioner ;

(b) assign to each such polling district a distinguishing letter or letters ;

(c) determine with respect to each such polling district the village or other area within which the polling station or stations for that polling district will be situated ; and

(d) publish in the Gazette a notice specifying—

(i) the polling districts into which that electoral area has been divided ;

(ii) the distinguishing letter or letters assigned to each such polling district ; and

(iii) the village or other area within which the polling station or stations for each such polling district will be situated.

(2) Unless the Commissioner otherwise directs, the division of an electoral area into polling districts shall be so made that each polling district, at the time of such division contains not more than one thousand five hundred voters.

(3) Subject to the provisions of subsection (2), the division of an electoral area into polling districts may be altered by the elections officer as occasion may require and upon any such alteration being made he shall publish in the Gazette a notice specifying, in relation to that electoral area, particulars mentioned in paragraph (d) of subsection (1) and the date on which such alteration shall come into effect.

(4) A notice published in the Gazette under subsection (1) or subsection (3) may from time to time be amended, in the particulars in paragraph (d)(iii) of subsection (1) required to be specified in that notice, after notifying the proposed amendments to the public in such manner as the Commissioner may determine and after giving an opportunity to the public for making representations in regard to the proposed amendments.

(5) Unless the elections officer considers it necessary or expedient in the special circumstances of any case, to provide a separate polling station for female voters there shall be for each polling district, one polling station and no more.

PREPARATION OF LISTS

[§ 13, 24 of 1977]

12B. For the purpose of a general election of members of any local authority for any electoral area, the elections officer shall prepare and certify an electoral list in Sinhala and Tamil and such list shall comprise the operative parliamentary register or registers or part of a register or parts of a register or any combination of them as correspond to the electoral area of such local authority.

Parliamentary registers to be used for local elections.
[§ 14, 24 of 1977]

12D.* Upon the certification of the electoral list under section 12B the list or copies thereof shall forthwith be open for inspection, free of charge, during office hours at the office of the local authority of the electoral area to which the list relates. A notice to the effect that the list is so open for inspection shall be published by the elections officer. The electoral list of any electoral area prepared and certified under section 12B shall come into force on the date of such certification.

Electoral list open for inspection.
[§ 14, 24 of 1977]
[§ 3, 35 of 1978]

12E. Nothing in this Ordinance shall be deemed to prohibit an elections officer, before certifying any electoral list, from correcting any clerical error which appears to him to have been made therein.

Elections officer to correct clerical errors.
[§ 14, 24 of 1977]

12F. Where the Minister is of opinion that the alteration of the limits of the electoral area of any local authority is such that it is necessary that a new electoral list should be prepared, he shall by Order published in the Gazette direct that the electoral list to be used for the election of members of that local authority to be held immediately after the publication of such Order shall be prepared in compliance with the succeeding provisions of this Ordinance.

Application of provisions relating to preparation of lists.
[§ 14, 24 of 1977]

*Section 12c is repealed by Law No. 35 of 1978.

[§ 18, 24 of 1977]

NOTICE OF COMPLETION OF PREPARATION OF LISTS

Notice of completion of preparation of electoral lists.

[§ 19, 24 of 1977]

16. An elections officer shall, on the completion of the preparation of the electoral list of any electoral area, publish a notice in Sinhala and Tamil stating that such preparation has been completed. The list or copies thereof shall be open for inspection, free of charge, during office hours at the office of the local authority of such area and the notice aforesaid shall contain a statement to the effect that the list is so open for inspection.

CLAIMS AND OBJECTIONS

Claims and objections.

[§ 20, 24 of 1977]

17. (1) Upon the publication of a notice under section 16 in respect of the electoral list of any electoral area—

(a) any person who claims to be entitled, under this Ordinance, to have his name entered in any such list and whose name is not so entered, may apply to have his name entered therein ;

(b) any person whose name is entered in any such list and who objects to the name of any other person appearing therein, may apply to have the name of such other person erased therefrom.

Every application under paragraph (a) (hereinafter referred to as a "claim") and every application under paragraph (b) (hereinafter referred to as an "objection") shall be made in writing to the elections officer of the district in which the area is situated not later than fourteen days from the date of the publication of the notice.

(2) No claim or objection shall be entertained by the elections officer unless it is made within the time specified by subsection (1).

Publication and hearing of claims and objections.

[§ 21, 24 of 1977]

18. (1) Upon the expiry of a period of fourteen days from the date of the publication of the notice under section 16 in respect of the electoral list of any electoral area, the elections officer of the district in which the area is situated shall, if any claim or objection has been duly made in respect of the list, publish a notice—

(a) setting out each claim or objection so made ;

* Sections 13, 14 and 15 repealed—See Sections 15 and 17 of Law No. 24 of 1977.

(b) indicating that at a time and date specified in such notice he will attend at the office of the local authority of the area or at such other place as he may specify in such notice for the purpose of hearing each such claim or objection ; and

(c) calling upon every claimant and every person who desires to oppose any claimant, every objector and every person in regard to whom an objection has been made, to appear before him at the date and at the time and place so indicated.

(2) (a) The elections officer shall attend on the date, and at the time and place, indicated in the notice and shall decide each claim or objection set out in the notice after such summary inquiry as he may deem necessary, either on that date or within the period of ten days next succeeding that date.

(b) Before deciding any claim or objection under this section, the elections officer shall give the claimant and every person who desires to oppose the claim or the objector and the person in regard to whom the objection is made, as the case may be, an opportunity of being heard.

(c) The elections officer shall keep a record in writing of all proceedings taken by him under this section for the purpose of deciding any claim or objection.

(3) For the purpose of deciding any claim or objection, the elections officer may administer an oath or affirmation, and any person knowingly making any false statement upon such oath or affirmation shall be guilty of an offence and shall be liable to the penalties prescribed by the Penal Code for the offence of giving false evidence in a judicial proceeding.

(4) The decision of the elections officer under this section on every claim or objection shall, subject to the provisions of sections 20 and 21, be final and conclusive.

(5) The elections officer shall, after deciding all the claims and objections made in respect of the electoral list, make such amendments in the list as he may deem necessary to give effect to any such decision.

[§ 21, 24 of 1977]

(6) Every person who wilfully makes a false statement or declaration in any claim or objection or at any inquiry held in connection therewith shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees.

(7) The elections officer shall keep order at any inquiry held under this section into any claim or objection, and shall regulate the number of persons to be admitted at a time, and may exclude all persons, except the claimant and persons who desire to oppose the claim or, as the case may be, the objector and the person in regard to whom the objection is made, the police officers on duty, and other persons officially employed for the purposes of the inquiry.

(8) If any person misconducts himself at any inquiry held under this section into any claim or objection, or falls to obey the lawful orders of the elections officer, the elections officer may cause him to be removed forthwith from the place at which the inquiry is being held by any police officer or by any other person authorized in writing by the elections officer.

(9) Any person removed from a place at which an inquiry is being held under this section—

- (a) shall not, except with the permission of the elections officer be allowed to enter that place again during the inquiry ; and
- (b) may, if he is charged with the commission of any offence in that place, be kept in custody until he can be brought before a Magistrate.

19. (1) No person shall be entitled to have his name entered or retained—

- (a) in the electoral list of more than one electoral area ; or
- (b) more than once in the same electoral list under different qualifying addresses, notwithstanding that he may be qualified to have his name so entered or retained.

(2) (a) Where it appears that a person is qualified to have his name entered or retained—

- (i) in more than one electoral list ; or
- (ii) more than once in the same electoral list under different qualifying addresses,

Special provision regarding the appearance of a person's name in the electoral lists.
[§ 5, 15 of 1965]
[§ 22, 24 of 1977]

an elections officer shall cause notice to be served upon that person requiring him to specify, within seven days of the date of service of such notice, the electoral list in which he desires to have his name entered or retained, or the qualifying address under which he desires to have his name entered or retained in the same electoral list, as the case may be.

(b) Any notice referred to in paragraph (a) of this subsection may be served upon any person by sending it by ordinary letter post to such person or by delivering it to him or to an adult member of his household.

(3) Where, in compliance with a notice under paragraph (a) of subsection (2), a person specifies— [§ 22,24 of 1977]

(a) the electoral list in which he desires to have his name entered or retained, and the elections officer of the appropriate district is satisfied that such person is qualified to have his name entered or retained in that list, his name shall be entered or retained in that list and in no other electoral list ; or

(b) the qualifying address under which he desires to have his name entered or retained in the same electoral list, and the elections officer of the district in which the electoral area to which that list relates is situated is satisfied that such person is qualified to have his name entered or retained in that list under that address, his name shall be entered or retained under that address in that list and under no other address in that list.

(4) Where a person fails to comply with a notice under paragraph (a) of subsection (2),—

(a) the appropriate elections officer shall, if the notice required such person to specify the electoral list in which such person desires to have his name entered or retained, determine which one of the electoral lists in which such person is qualified to have his name entered or retained shall be the electoral list in which such name shall be entered or retained, and such name shall be entered or retained in the electoral list determined by such officer and in no other electoral list ; or

(b) the appropriate elections officer shall, if the notice required such person to specify the qualifying address under which he desires to have his name entered or retained in the same electoral list, determine which one of the qualifying

addresses in the same electoral list under which such person is qualified to have his name entered or retained shall be the address under which such name shall be entered or retained in that list, and such name shall be entered or retained under the qualifying address in that list determined by such officer and under no other qualifying address in that list.

(5) The failure of any person to comply with any notice served under paragraph (a) of subsection (2), or the failure of an elections officer to comply with the provisions of subsection (4) in respect of that person, or the fact that upon such compliance his name is not entered or retained in any electoral list, or under any qualifying address in the same electoral list, specified by such person, shall not affect or prejudice his right to have his name entered or retained, subject to the provisions of subsection (1) and section 82, in any electoral list, or under any qualifying address in the same electoral list, as the case may be, in or under which he is qualified to have his name entered or retained.

APPEALS

Appeals from
decision of
elections
officer.
[§ 23,24 of 1977]

20. (1) If any claimant or objector or person in regard to whom an objection has been made is dissatisfied with the decision of any elections officer on any claim or objection relating to the electoral list of any electoral area he may, not later than ten days from the date of such decision, appeal therefrom to the Court of Appeal on any question of law involved in such decision but not on any other grounds.

(2) Every appeal under this section shall be preferred by means of a petition bearing a stamp or stamps to the value of five rupees. The petition of appeal shall be filed with the elections officer, who shall forward it forthwith to the Registrar of the Court of Appeal together with the record of the proceedings to which the appeal relates.

(3) The appellant in his petition shall name a respondent to the appeal, and such respondent shall—

- (a) if the appellant is a claimant, be the elections officer ;
- (b) if the appellant is an objector, be the person in regard to whom the objection is made ;
- (c) if the appellant is a person in regard to whom an objection is made, be the objector.

***(4)** The appellant shall, within three days of the filing of the petition with the elections officer, serve a copy of the petition on the respondent either personally or by leaving the copy at the last known place of abode of the respondent and shall, within five days of the service of the copy, file with the Registrar of the Court of Appeal an affidavit stating the time, place, and circumstances of such service.

21. At the hearing of any appeal duly preferred in respect of any claim or objection under this Ordinance, the Court of Appeal shall, after giving the appellant and the respondent or their respective attorneys-at-law an opportunity of being heard, make such order as to the claim or objection, and as to the payment of the costs of the inquiry as it thinks just ; and such order if it directs the insertion or erasure of any name in the electoral list shall forthwith be complied with by the elections officer by whom the list was prepared.

Order of the
Court of appeal.
[§ 24, 24 of 1977]

CERTIFICATION OF LISTS

22. (1) In the case of each electoral area, the electoral list prepared or revised in any year and amended, where necessary, in accordance with the provisions of section 18 or section 19 or section 21, shall be certified by the elections officer of the district in which the area is situated.

Certification
of electoral
list.
[§ 25, 24 of 1977]

(2) The elections officer may certify the electoral list under this section during the pendency of any appeal preferred under section 20 in respect of the list and shall thereafter, if the order made by the Court of Appeal on such appeal so directs, insert or erase any name in the list.

(3) Upon the certification as herein before provided of the electoral list, the list or copies thereof shall forthwith be open for inspection, free of charge, during office hours at the office of the local authority of the electoral area to which the list relates. A notice to the effect that, that list is so open for inspection shall be published by the elections officer, and if any appeals are pending before the Court of Appeal in respect of the list, the notice aforesaid shall include a statement setting out particulars of every such appeal.

(4) Nothing in this Ordinance shall be deemed to prohibit an elections officer, before certifying any electoral list, from correcting any clerical error which appears to him to have been made therein.

*Subsection (5) is omitted as Article 146 (2) (ii) of the Constitution requires this appellate jurisdiction to be exercised by two Judges of the Court of Appeal.

Date on which electoral list come into force. [§ 26, 24 of 1977]

23. The electoral list of any electoral area, prepared and certified under section 22, shall come into force on the date of such certification subject to such alterations as may subsequently be made therein in accordance with section 22.

PART IV
ELECTIONS

ELECTIONS

Elections to be held under this Ordinance. [§ 27, 24 of 1977]
Date of holding elections. [§ 5, 24 of 1987]

24. Every general election of the members of a local authority shall be held in the manner hereinafter provided by this Ordinance.

25. Every general election of the members of a local authority shall be held within a period of six months preceding the date on which the term of office of the members who are to be elected is due to commence.

NOTICE OF NOMINATIONS

Notice of nomination period. [§ 29, 24 of 1977]
[§ 6, 24 of 1987]

26. Whenever a general election of the members of a local authority is due to be held in any year, the elections officer of the district in which the electoral area of such authority is situated shall publish a notice of his intention to hold such election. The notice shall specify the period (hereinafter referred to as the "nomination period") during which nomination papers shall be received by the returning officer during office hours at his office. Such nomination period shall commence on the fourteenth day after the date of publication of the notice and shall expire at twelve noon on the twenty-first day after the date of the publication of the notice. The notice shall also specify the date, time and place at which the approved symbols, and, where there is more than one independent group, a distinguishing number, will be allotted.

APPOINTMENT OF RETURNING OFFICERS

Appointment of returning officers. [§ 7, 24 of 1987]

27. (1) For the purpose of every general election of the members of a local authority, for an electoral area, the Commissioner shall nominate a public officer, as returning officer and such number of public officers as are necessary, as assistant returning officers, for that electoral area, to exercise, perform or discharge, in respect of that electoral area, the powers, duties and functions, conferred or imposed on, or assigned to, a returning officer or an assistant returning officer, as the case may be, in respect of an election.

(2) Where any returning officer appointed under subsection (1), is by reason of sickness or other cause, unable to exercise, discharge, and perform, the powers, functions and duties vested in, assigned to, or imposed on, him by, or under, this Ordinance such returning officer may delegate such powers, duties and functions to another public officer. Every such delegation shall, as soon as possible, be reported to the Commissioner, who may confirm or disallow the delegation, without prejudice to the validity of anything already done by the public officer to whom such powers, duties and functions have been delegated.

(3) Any returning officer appointed under section 4 may exercise, perform or discharge in any electoral area in his district, the powers, functions and duties vested in, assigned to, or imposed on, a returning officer by this section.

RECOGNIZED POLITICAL PARTIES

[§ 31, 24 of 1977]

27A. (1) Every political party which is treated as a recognized political party under the Parliamentary Elections Order in Council shall so long as that political party continues to remain as so treated under that Order shall be deemed to be a recognized political party for the purpose of local elections.

Recognized political parties.
[§ 32, 24 of 1977]

(2) Where a political party is deemed by virtue of the operation of the provisions of subsection (1) to be a recognized political party for the purpose of local elections, the approved symbol allotted to the candidates of such party under the Parliamentary Elections Order in Council shall be deemed to be the approved symbol allotted to that party until the date on which it ceases to be so entitled under subsection (1).

(3) The Commissioner shall once in every four years publish a notice calling for applications within such period as may be specified in the notice from the secretary of any political party other than a party which is already entitled to be treated as a recognized political party for the purpose of local elections to make on behalf of that party a written application to the Commissioner that such party be treated as a recognized political party for the purpose of local elections. The application shall also specify which one of the approved symbols such party desires to be allotted to such party if so treated.

(4) Upon the receipt of an application duly made under subsection (3) on behalf of any political party, the Commissioner shall—

(a) if he is satisfied that such party has been engaged in political activity for a continuous period of at least five years prior to the making of such application make order—

(i) that such party shall be entitled to be treated as a recognized political party for a period of four years from the date of the order for the purpose of local elections ; and

(ii) allotting an approved symbol to such party being the approved symbol specified in the application or any other approved symbol determined by him in his absolute discretion, but not being the approved symbol of any other political party which is entitled to be so treated ;

(b) if he is not so satisfied make order disallowing the application.

(5) The order of the Commissioner on any application made under subsection (3) shall be final and conclusive and shall not be called in question in any court.

Power of Commissioner in case of rival sections of a recognized political party for the purpose of local elections. [§ 6, 9 of 1963] [§ 34, 24 of 1977]

27E.* (1) Where the Commissioner has reasonable cause to believe that difficulties may arise at any election which is due to be held in any electoral area by reason of the fact that there are rival sections of a recognized political party for the purpose of local elections all of whom claim to be that party, the Commissioner may, in order to remove such difficulties, issue in his absolute discretion a direction to the returning officer of that electoral area that, in the case of such election, such recognized political party is either any one such section or none of such sections. It shall be the duty of such returning officer or any other officer, at such election, to act in accordance with that direction.

(2) No suit or other proceeding shall lie against—

(a) the Commissioner by reason of his having issued a direction under subsection (1) ; or

(b) a returning officer or any other officer for any act or thing done or omitted to be done in accordance with that direction.

(3) A direction issued by a returning officer under subsection (1) shall be final and conclusive, and shall not be called in question in any court, whether by way of writ or otherwise.

(4) The preceding provisions of this section, and any direction issued thereunder, shall have effect notwithstanding anything to the contrary in any other provision of this Ordinance.

* Sections 27a, 27c and 27d repealed—See Section 33 of Law No. 24 of 1977.

NOMINATION PAPERS

[§ 35, 24 of 1977]

28. (1) Any person who is qualified, under this Ordinance, for election as a member of a local authority may be nominated as a candidate for election for the electoral area of such authority.

Nomination papers.
[§36, 24 of 1977]

(2) Any recognized political party or any group of persons contesting as independent candidates (hereinafter referred to as an "independent group") may for the purpose of election as members of any local authority submit one nomination paper substantially in the form set out in the First Schedule, setting out the names, of such number of candidates as is equivalent to the number of members to be elected for that local authority increased by three. The returning officer shall as soon as practicable make a copy of each nomination paper received by him and display such copies of nomination paper on his notice-board.

[§8, 24 of 1987]

* (4) The written consent of each candidate to be nominated by a recognized political party or an independent group shall be endorsed on the nomination paper and there shall be annexed to the nomination paper, an oath or affirmation, as the case may be, in the form set out in the Seventh Schedule to the Constitution, taken and subscribed or made and subscribed, as the case may be, by every such candidate.

[§ 3, 48 of 1983]

(5) Each nomination paper shall be signed by the secretary of a recognized political party and in the case of an independent group, by the candidate whose name appears in the nomination paper of that group and is designated therein as the group leader of that group (such candidate is hereinafter referred to as "the group leader") and shall be attested by a Justice of the Peace or by a Notary Public.

[§ 8, 24 of 1987]

Such nomination paper shall be delivered to the returning officer^f within the nomination period by the secretary or the authorized agent, in the case of a recognized political party, or the group leader in the case of an independent group.

(6) The returning officer of an electoral area shall on application made at any date after the publication of the notice under section 26 and before the expiry of the nomination period for that electoral area, supply free of charge a nomination paper in the prescribed form to any recognized political party or any independent group ; but nothing in this Ordinance shall be deemed to preclude the use of any form of nomination paper not supplied by the returning officer, so long as such form does not differ substantially from the form set out in the First Schedule.

^f Subsection (3) repealed—See Section 8, 24 of 1987.

*** (8) (a)** Where it appears to the secretary of a recognized political party or group leader that there is any omission or clerical error in a nomination paper submitted by such party or independent group he may make an application to the returning officer before the expiry of the nomination period to correct such omission or error on such paper.

(b) Where the returning officer is satisfied that such omission or error is due to inadvertence the returning officer may allow such secretary or the authorized agent or group leader to correct such omission or error in his presence.

Deposits by independent groups.

[§ 37, 24 of 1977]

[§ 9, 24 of 1987]

[§ 6, 20 of 1987]

29. (1) (a) A group leader or any person authorized by him shall, in respect of the candidates of such group, deposit in legal tender with the returning officer between the date of publication of the notice under section 26 and the submission of the nomination paper of that independent group (and in any case, not later than 12 noon on the day immediately preceding the end of the nomination period) a sum calculated as hereinafter provided in paragraph **(b)**.

(b) The deposit required by paragraph **(a)** shall, be a sum of two hundred and fifty rupees in respect of each candidate nominated by such independent group.

(2) No deposit made by a group leader or person authorized by him on behalf of a candidate of any group under this section shall be accepted by the returning officer unless it is made within the time prescribed by subsection **(1)**.

(3) Where the deposit under this section is accepted by the returning officer, such officer shall forthwith issue to the person by whom the deposit was made a receipt in writing signed by such officer acknowledging his acceptance of such deposit, and the receipt shall state—

(a) the name of the group leader by whom the deposit was made, or the authorized person by whom and on whose behalf, the deposit was made ;

(b) the number of candidates ;

(c) the amount of the deposit ; and

(d) the time and date of the deposit.

* Subsection (7) repealed—See Section 8, 24 of 1987.

30. (1) Every deposit made with a returning officer under section 29 shall forthwith be credited by such officer to a deposit account and shall be disposed of according to the provisions of the subsections next following.

Disposal of deposits.

(2) Where the nomination paper of an independent group is rejected under the provisions of section 31, the deposit shall be returned to the person who made the deposit.

[§ 38, 24 of 1977]

* (4) Where none of the candidates nominated by any independent group 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 in respect of the candidates of such group shall be declared forfeit and shall be transferred by the returning officer with whom it was made from the deposit account to the Consolidated Fund, and in every other case the deposit shall be returned to the person who made the deposit, as soon as may be after the result of the election is declared.

[§ 38, 24 of 1977]

† (6) For the purposes of this section, the number of votes polled at any election shall be deemed to be the number of votes actually counted and shall not include any votes rejected as void.

PROCEEDINGS AFTER NOMINATION PERIOD

[§ 39, 14 of 1977]

31. (1) The returning officer shall, immediately after the expiry of the nomination period, examine the nomination papers received by him and reject any nomination paper—

Rejection of nomination papers.

[§ 40, 24 of 1977]

(a) that has not been delivered in accordance with the provisions of subsection (5) of section 28 ; or

(b) that does not contain the total number of candidates required to be nominated under subsection (2) of section 28 ; or

(c) in respect of which the deposit required under section 29 has not been made ; or

(d) where the consent of one or more candidates nominated has or have not been endorsed on the nomination paper or where the oath or affirmation in the form set out in the Seventh Schedule to the Constitution of one or more candidates has or have not been annexed to the nomination paper ; or

[§ 4, 48 of 1982]

* Subsection (3) repealed—See Section 38 of Law No. 24 of 1977.

† Subsection (5) repealed—See Section 38 of Law No. 24 of 1977.

(e) where the signature of the secretary in the case of a recognized political party or of the group leader in the case of an independent group does not appear on the nomination paper or where such signature has not been attested as required by subsection (5) of section 28.

(2) Where any nomination paper has been rejected by the returning officer under subsection (1), the returning officer shall inform the secretary of the recognized political party or the group leader, as the case may be, who had submitted such nomination paper the fact of such rejection. The decision of the returning officer to reject such nomination paper shall be final and conclusive.

Procedure
where no
nomination
papers are
received.
§ 42, 24 of 1977

35.* (1) Where in the case of any electoral area the returning officer finds at the expiry of the nomination period—

- (a) that no nomination paper has been duly received on behalf of any recognized political party, or any independent group ; or
- (b) that all the nomination papers received by him have been rejected,

the returning officer shall forthwith report to the elections officer of the district in which the area is situated the fact that no nomination papers have been received or that all the nomination papers received by him have been rejected and the elections officer shall, not later than seven days after the receipt of such report, publish a notice prescribing a nomination period. The notice shall specify the period (hereinafter referred to as the “second nomination period”) during which the nomination papers are to be received by the returning officer at his office and all the provisions of this Ordinance shall thereupon apply.

(2) If during the second nomination period appointed for an electoral area no nomination papers have been received or all the nomination papers received have been rejected, the returning officer shall forthwith report the fact through the elections officer to the Commissioner and upon receipt of such report, the Commissioner shall cause a notice to be published in the Gazette, and in any such other manner as may appear to him to be best calculated to give publicity thereto, to the effect that no candidate stands duly nominated for such electoral area during the second nomination period.

* Sections 32, 33 and 34 repealed—See Section 41 of Law No. 24 of 1977.

(3) From the date of the publication of a notice under subsection (2) in respect of an electoral area, no further steps shall be taken under this Ordinance, for the nomination of candidates for the election of Mayor and Deputy Mayor and members for that local authority until the next general election of the members of that local authority :

Provided, however, that it shall be lawful for the Minister to nominate such number of persons who are eligible under this Ordinance for election as Mayor and Deputy Mayor, and members of that local authority, and the persons so nominated shall be deemed, for all purposes, to be elected under the provisions of this Ordinance.

UNCONTESTED ELECTIONS

36. (1) Where in the case of any electoral area—

Uncontested
election.
[§ 43,24 of 1977]
[§ 10,24 of 1987]

(a) not more than one nomination paper has been submitted ; or

(b) after the rejection of a nomination paper or papers, the candidates of only one recognized political party or one independent group stand nominated for election, the returning officer shall call upon the secretary of such recognized political party or the group leader of such independent group to decide, within such period as may be specified by the returning officer, which of the candidates whose names appear in such nomination paper shall be declared elected as Mayor, Deputy Mayor and other members of that local authority. If such secretary or group leader communicates his decision to the returning officer within the period specified by the returning officer, the returning officer shall declare elected as Mayor, Deputy Mayor and other members of that local authority, the respective candidates specified in such decision. If on the other hand, such secretary or group leader fails to communicate his decision to the returning officer within the period specified by the returning officer, then—

(i) the candidates whose names appear as first and second in such nomination paper shall be declared elected by the returning officer as Mayor and Deputy Mayor, respectively ; and

- (ii) such other candidates, in the order in which their names appear in such nomination paper, equivalent to the number of members to be elected to that local authority, shall be declared elected as members.

(2) The returning officer shall report the result of the election through the elections officer of the district in which the electoral area is situated to the Commissioner and upon the receipt of the report, the Commissioner shall forthwith cause a notice of the result to be published in the Gazette and in such other manner as may appear to him to be best calculated to give publicity thereto.

CONTESTED ELECTIONS

Contested
elections.
[§ 44, 24 of 1977]

37. (1) If at the expiry of the nomination period appointed for an electoral area and after the rejection of any nomination paper candidates of more than one recognized political party or of an independent group stand duly nominated for election, the returning officer of that electoral area shall forthwith allot—

- (a) to each recognized political party for the purpose of that election, the approved symbol of that party ; and
- (b) in respect of each independent group any approved symbol and where there is more than one independent group an approved symbol and a distinguishing number determined—
- (i) in the first instance by agreement among the group leaders ; or
- (ii) in the absence of such agreement by draw of lots cast or drawn in such manner as the returning officer may, in his absolute discretion, determine,

and such symbol shall be printed on the ballot paper opposite—

- (i) the name of such party ; and
- (ii) in the case of an independent group, the words "Independent Group" and the distinguishing number allotted to that group.

In this Ordinance "approved symbol" means a symbol approved by the Commissioner for the purposes of this Ordinance by notification published in the Gazette.

(2) The approved symbol of any recognized political party for the purpose of local elections shall not, whether or not such party is contesting any election, be allotted under paragraph (b) of subsection (1) of this section to any independent group.

(3) After the allocation of symbols under subsection (1), the returning officer shall forthwith—

- (a) adjourn such election to enable a poll to be taken in accordance with the provisions hereinafter set out ;
- (b) report to the elections officer of the district in which the electoral area is situated that the election is contested; and
- (c) send to such elections officer copies of the nomination papers of the recognized political parties and independent groups and a statement of the symbols allotted to each party or group and where there is more than one independent group the distinguishing numbers allotted to each group.

38. (1) Upon the receipt of a report under section 37 in respect of an electoral area, the elections officer of the district in which the area is situated shall forthwith publish a notice in the Gazette specifying—

Notice of poll.
[§ 45, 24 of 1977]

(a) the electoral area in which the election is contested ;

(b) the names of the candidates (as indicated by the candidates) placed in alphabetical order in Sinhala, of each recognized political party or independent group, the serial number assigned to each such candidate, the approved symbol allotted to such party or group, and in the case of an independent group the words “independent group” and the distinguishing number if any ;

[§ 11, 24 of 1987]

(c) the day, other than a public holiday, on which the poll will be taken, such date being not less five weeks nor more than seven weeks from the date of the publication of the notice ; and

[§ 11, 24 of 1987]

(d) the situation of the polling station or polling stations for each of the polling districts in that electoral area and the particular polling stations, if any, reserved for female voters.

(2) Where due to any emergency it is necessary that the situation of any polling station should be different from that specified in a notice published under subsection (1), the elections officer may cause the situation of that station to be altered in such manner as he may in his absolute discretion determine.

(3) Where due to any emergency the poll for the election in any electoral area cannot be taken on the date specified in the notice relating to the election published under subsection (1), the elections officer may appoint another date for the taking of such poll and such other date shall not be earlier than the twenty-first day after the publication of the notice under subsection (1).

Death of candidate after nomination.
[§ 46, 24 of 1977]

39. Whenever the death occurs of a candidate for election for any electoral area between the adjournment of the election for the purposes of the poll and the commencement of the poll, the elections officer of that district in which the area is situated shall upon being satisfied of the fact of such death, expunge the name of that candidate from the nomination paper and shall publish a notice stating the fact of such death and that, notwithstanding such death, the nomination paper with the omission of the name of the deceased candidate is valid in respect of the other candidates in that nomination paper and that a poll shall be taken as specified in the notice published under section 38(1).

[§ 12, 24 of 1987]

Notice to voter regarding his number, polling station, time of the poll, &c.
[§ 9, 9 of 1963]
[§ 47, 24 of 1977]

39A. (1) The returning officer for an electoral area in which an election is contested shall, if that electoral area is an area to which this subsection applies, send by post to each voter whose name appears in the electoral list of that area an official poll card specifying—

- (a) the name of the local authority;
- (b) the name, address and number of the voter as stated in the electoral list;
- (c) the electoral district and the polling district;
- (d) the polling station allotted to the voter; and
- (e) the date and hours of the poll.

[§ 9, 9 of 1963]

(2) An official poll card under subsection (1) shall be so sent to a voter as to reach him at least five days before the date of poll. Where a post office fails to deliver such an official poll card to the person to whom it is addressed, it shall be retained in such post office until the date of the poll and shall be delivered to the addressee if he calls for it.

[§ 9, 9 of 1963]

(3) Every person who—

- (a) without authority supplies any official poll card to any other person, or

- (b) sells or offers to sell any official poll card to any other person or purchases or offers to purchase any official poll card from any other person,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(3A) Every person,—

[§ 10, 15 of 1965]

- (a) other than a public servant acting in the course of his duty as such servant, who has in his possession the official poll card of any other person ; or

- (b) who without due authority prints any official poll card or what purports to be or is capable of being used as an official poll card at any election under this Ordinance,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(4) The Minister may, from time to time, by Order published in the Gazette, declare that with effect from such date as shall be specified in the Order, the provisions of subsection (1) shall apply to every electoral area or areas as shall be so specified.

[§ 47, 24 of 1977]

39B. (1) A person who is entitled under this section to be treated as a postal voter for the purpose of an election to any local authority may vote by post, and shall not vote in person, at such election.

Voting by post.

[§ 13, 24 of 1987]

Any person who votes in person at any election in contravention of the preceding provisions of this subsection shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

(2) An application to be treated as a postal voter at an election to a local authority may be made—

- (a) by a member of the Sri Lanka Army, Sri Lanka Navy, Sri Lanka Air Force, or an officer or servant in the Department of Police, the Sri Lanka Government Railway, the Department of Posts and the Department of Telecommunications

or the Sri Lanka Central Transport Board or any Regional Transport Board, on the ground that he is unable or likely to be unable to vote in person at the polling station allotted to him by reason of the particular circumstances of his employment as such member, officer or servant, and

(b) by any other officer or servant in the public service or of the Central Bank of Sri Lanka, or the Local Government Service on the ground of the particular circumstances of his employment on the date of the poll for a purpose connected with the election or his being likely to be employed for that purpose, and

(c) by a candidate at an election on the ground that he is unable to or likely to be unable to vote in person at the polling station allotted to him by reason of his candidature in some other electoral area.

(3) An application to be treated as a postal voter shall be made to the returning officer so as to reach him within ten days after the date of publication of the notice of nomination under section 26. Such application shall be substantially in the form prescribed for the purpose by the regulations contained in the Ninth Schedule.

(4) No application to be treated as a postal voter shall be allowed by a returning officer unless he is satisfied that the application is in accordance with the preceding provisions of this section.

(5) The returning officer may, for the purpose of the disposal of applications to be treated as postal voters, by notice require any person to give such officer any such information as is necessary for that purpose.

(6) The decision of a returning officer on an application to be treated as a postal voter shall be communicated in writing to the applicant.

(7) The decision of the returning officer to allow or disallow an application to be treated as a postal voter shall be final.

(8) Where an application to be treated as a postal voter is allowed by a returning officer, the applicant shall be a person entitled to be treated as a postal voter for the purpose of an election.

(9) The returning officer shall as soon as practicable, send by post to each person who is entitled to be treated as a postal voter, to the address furnished by such person,—

- (a) a ballot paper ;
- (b) a form of declaration of identity ;
- (c) an envelope which shall be smaller than the envelope referred to in paragraph (d) of this subsection, and which shall be marked “ ballot paper envelope ” and also with the number printed on the postal ballot paper issued to such person, and in which the postal ballot paper shall be enclosed when it is returned duly marked ; and
- (d) an envelope for the return of the aforementioned documents.

(10) The form of the ballot paper and the form of the declaration of identity which are to be used by a person entitled to be treated as postal voters, and the procedure to be followed at the proceedings on their issue shall be according to the regulations contained in the Ninth Schedule.

(11) A ballot paper issued to a person entitled to be treated as a postal voter is in this Ordinance referred to as “a postal ballot paper”.

(12) The returning officer of any electoral area where there is an election shall, as soon as practicable, prepare a list (in this Ordinance referred to as the “ postal voters list”) specifying the name, address and number on the register of electors of every person entitled to be treated as a postal voter. Such list shall be prepared in such manner as may be prescribed in that behalf by the regulations contained in the Ninth Schedule.

40. (1) For the purposes of each election for any electoral area, the returning officer of that electoral area shall appoint one or more persons (hereinafter referred to as “presiding officers”) to preside at each polling station in his electoral area. Where more than one presiding officer is appointed to any one polling station, the returning officer shall declare which one of them is to be the senior presiding officer, and the senior presiding officer shall exercise general supervision over every other presiding officer, and over all arrangements for the conduct of the poll in that election.

Appointment of
presiding
officers.
[§ 48, 24 of 1977]

(2) Where any presiding officer, is by sickness or other cause prevented from performing, any of his duties under this Ordinance at any election, and there is no time for another person to be appointed by the returning officer, the presiding officer may appoint a deputy to act for him, Every such appointment shall, as soon as

possible, be reported to the returning officer and may be confirmed or disallowed by the returning officer, but without prejudice to the validity of anything already done by such deputy.

[§ 48, 24 of 1977]

(3) The returning officer may, if he thinks fit, preside at any polling station in his electoral area, and the provisions of this Ordinance relating to presiding officers shall apply to such returning officer with the necessary modifications as to the things to be done by the returning officer in regard to the presiding officer or by the presiding officer in regard to the returning officer.

Hours of poll.
[§ 14, 24 of 1987]

41. The poll of every election for an electoral area shall be open at 7 a.m. on the date appointed for the purpose by notice under section 38 and shall close at 4 p.m. on that day.

Votes to be
given by
ballot.
[§ 50, 24 of 1977]

42. The votes at every election for any electoral area shall be given by ballot. The ballot of each voter shall consist of a ballot paper in the form and containing the particulars hereinafter prescribed.

Electoral list
to be
conclusive
evidence of
right of vote.

43. The electorate list for the time being in force for any electoral area shall be conclusive evidence for the purpose of determining whether or not a person is entitled to vote at any election for that electoral area and the right of voting of any person whose name is contained in such list shall not be prejudiced by any appeal pending before the Court of Appeal or the Supreme Court in respect of the inclusion of such person's name in the list, and any vote given by any such person during the pendency of any such appeal shall be as valid as though no such appeal were pending and shall not be affected by the subsequent decision of the appeal :

Provided that is any person, who by reason of his conviction of a corrupt practice or an illegal practise or by reason of the report of an Election Judge or by reason of his conviction of an offence under section 52 or section 53 of the Ceylon (Parliamentary Elections) Order in Council, 1946, or by reason of the operation of section 4A of that Order, is incapable of voting at any election under that Order, votes at any election under this Ordinance, he shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a period not exceeding six months ; and

Provided further that nothing in this section shall affect the liability of any person to any penalty for a contravention of any of the provisions of section 82 relating to plural voting.

44. For the purposes of each election for any electoral area, the returning officer of that area shall—

Supply of
ballot
boxes &c.
[§ 52,24 of 1977]

- (a) appoint such officers and servants as may be necessary for taking the poll and counting the votes ;
- (b) furnish each polling station in that electoral area with such number of compartments as may be necessary to accommodate a reasonable number of voters at any one time and to ensure that the voters are screened from observation when they mark their ballot papers ;
- (c) furnish each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer, may be necessary for the number of voters assigned to that polling station ;
- (d) provide each polling station with materials to enable voters to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the electoral list, for the time being in force for that electoral area or that part of the list which contains the names of voters who are assigned to that polling station ;
- (e) do such other acts and things as may be necessary for effectually conducting the election in the manner provided by this Ordinance.

45. (1) During the taking of the poll, the presiding officer at every polling station shall cause to be exhibited—

Notices
to be
exhibited at
polling stations.
[§ 53,24 of 1977]

- (a) outside the polling station and in every compartment thereof a notice substantially in the form as set out in the Second Schedule, giving directions for the guidance of voters ; and
- (b) outside the polling station a notice specifying the name of each recognized political party or in case of an independent group the words " Independent Group " for each such group and the distinguishing serial number allotted to it together with the names of the candidates (as indicated by the candidates), in alphabetical order in Sinhala of each recognized political party or independent group for election as members of the local authority, the serial number assigned to each such candidate and the approved symbol allotted to each such party or group.

[§ 15,24 of 1987]

(2) Every notice under this section shall be in Sinhala, Tamil and English.

Ballot boxes. 46. Every ballot box shall be so constructed that the ballot papers can be put therein, but cannot be withdrawn therefrom, without the box being unlocked.

Ballot papers. 47. Every ballot paper shall be substantially in the form as set out in the Third Schedule, and—

[§ 54, 24 of 1977]

(a) shall contain the names of the recognized political parties contesting the election in Sinhala, Tamil and English arranged alphabetically in Sinhala in the order of the names of such parties and with the symbol allotted to each such party set out against the name of each such party, and immediately thereafter, if there are any independent groups contesting the election, the words, “ Independent Group ” repeated for each such group and the distinguishing number in the serial order and the symbol allotted to each such group set out against the distinguishing number of such group, and immediately below this, such number of numbers, placed in serial order, as is equal to the number of members, to be elected to the local authority increased by three ;

[§ 16, 24 of 1987

(b) shall be capable of being folded up ;

(c) shall have a number printed on the back ; and

(d) shall have attached a counterfoil with the same number printed on the face.

Official mark. 48. (1) The official mark shall be kept secret.

(2) The official mark used at any election under this Ordinance shall not be used at any other election for the same electoral area until an interval of seven years has elapsed.

Appointment of polling agents.

[§ 55, 24 of 1977]

49. (1) The secretary of each recognized political party or its authorized agent and the group leader of each independent group may appoint not more than two agents (hereinafter referred to as “polling agents”) to represent such party or group at each polling station during the taking of the poll. Notice in writing of every such appointment stating the names and addresses of the persons appointed shall be given by the secretary of the recognized political party or its authorized agent and the group leader of each independent group to the presiding officer at that station before the opening of the poll or during the poll.

(2) If a polling agent appointed under subsection (1) dies or becomes incapable of acting the secretary of the recognized political party or its authorized agent or the group leader of the independent group, as the case may be, may appoint another polling agent in his place and shall forthwith give to the presiding officer notice in writing of the name and address of the polling agent so appointed. [§ 55,24 of 1977]

(3) No person who—

[§ 55,24 of 1977]

(i) holds office for the time being as a member of any local authority † or

(ii) is an officer or servant of such authority,

shall be eligible to be appointed or to act as the polling agent of any recognized political party or independent group at any polling station in the electoral area of such authority :

Provided, however, that any person holding office for the time being as a member of such authority may act as a polling agent of his recognized political party or independent group at any election at which he is a candidate.

(4) Any polling agent who has been duly appointed, and in respect of whom the notice required by this section has been given, may, during the hours of the poll, attend at the polling station to which he has been appointed.

50. (1) No person shall be admitted to vote at any polling station other than the polling station set apart for the group of voters to which he belongs.

Admission to polling station.

[§ 56,24 of 1977]

(3) *The presiding officer shall keep order in his station, and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the candidates, the polling agent or agents, the police officers on duty and other persons officially employed at the polling station.

[§ 56,24 of 1977]

(4) If any person misconducts himself in the polling station, or fails to obey the lawful orders of the presiding officer, the presiding officer may cause him to be removed forthwith from the polling station by any police officer or by any other person authorized in writing by the presiding officer or by the returning officer.

(5) Any person removed from a polling station under subsection (4)—

(a) shall not except with the permission of the presiding officer be allowed to enter the polling station again during the hours of the poll ; and

* Subsection (2) repealed—See section 56 of Law No. 24, of 1977.

(b) may, if he is charged with the commission of any offence in that station be kept in custody until he can be brought before a Magistrate :

Provided that the powers conferred by this subsection shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of voting at such station.

Sealing of ballot boxes

51. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons as may be present at the polling station so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent its being opened except by breaking the seal, shall place it in his view for the receipt of ballot papers, and shall keep it so locked and sealed.

Power to require voter to make declaration. [§57,24 of 1977]

52. (1) The presiding officer of any polling station may, and if requested so to do by a polling agent, shall, require any voter, at the time he applies for a ballot paper but not afterwards, to make and subscribe all or any of the following declarations (which shall be exempt from stamp duty), namely :—

First.—“ I, (name in full) of (address) hereby declare that I am the same person whose name appears as A.B. on the electoral list now in force for this electoral area.”

_____,
(Signature or mark of voter).

Declared before me this _____ day of _____, 19____

_____,
(Signature of Presiding Officer).

Second.—“ I, (name in full) of (address), hereby declare that I have not voted either here or elsewhere at this election for the election of a member for this electoral area.”

_____,
(Signature or mark of voter).

Declared before me this _____ day of _____, 19____

_____,
(Signature of Presiding Officer).

(2) (a) If any person refuses to make any such declaration, the presiding officer may refuse to give him a ballot paper.

(b) If any person wilfully makes a false statement in any such declaration, he shall be guilty of an offence and shall be liable upon conviction after summary trial by a Magistrate to a fine not exceeding five hundred rupees or to imprisonment of either description for any term not exceeding six months.

(3) Where a ballot paper is to be issued to any voter—

(a) the ballot paper shall be either stamped, embossed or perforated with the official mark ;

(b) the number, name, and description of the voter as stated in the copy of the electoral list shall be called out ;

(c) the number of the voter shall be marked on the counterfoil and the ballot paper detached therefrom ; and

(d) a mark shall be placed in the list against the number of the voter to denote that he has received a ballot paper, but without showing the particular ballot paper he has received.

53. The voter, on receiving the ballot paper, shall forthwith proceed into the compartment to which he is directed by the presiding officer or any person acting under that officer's authority and there secretly mark the ballot paper as near as may be in accordance with the directions given for the guidance of voters under this Ordinance and fold up the ballot paper so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up, into the ballot box in the presence of the presiding officer.

Manner of voting.

53A. (1) No ballot paper shall be delivered to any voter at any local election—

(a) if he refuses to allow the presiding officer or a person acting under his authority to make the appropriate inspection ; or

(b) if, having allowed such inspection, it discloses that such voter has not already been marked with the appropriate mark ;
or

(c) if, having allowed such inspection, it discloses that such voter has already been marked with the appropriate mark, but such voter refuses to allow such officer or person to mark such voter with the appropriate mark,

Inspection of voter and marking with the appropriate mark.
[§ 11, 15 of 1965]

and accordingly such voter shall, notwithstanding anything to the contrary in any other provision of this Ordinance, not be entitled to vote at such election.

[§ 58, 24 of 1977]

(2) The presiding officer of the polling station shall enter on a list, substantially in the form set out in the Seventh Schedule, the following particulars relating to each voter to whom a ballot paper was not delivered at such station under subsection (1) :—

- (a) the number of such voter in the electoral list of the electoral area in which the election is held ;
- (b) the name and address of such voter as it appears in such list ; and
- (c) the ground on which a ballot paper was not delivered to such voter.

Such list is in this Ordinance called the “ list of voters to whom ballot papers are not delivered under section 53A ”.

[§ 11, 15 of 1965]

(3) In this section—

- (a) the expression “ appropriate mark ” means a mark made with indelible ink ;
- (b) the term “ appropriate ”, with reference to any context connected with or relating to the inspection or marking of a voter, means—
 - (i) the little finger of his left hand or, if such finger is missing, any other finger of his left hand ; or
 - (ii) if all the fingers of his left hand are missing, the little finger of his right hand or, if such finger is missing, any other finger of his right hand ; or
 - (iii) if all the fingers of his left and right hands are missing, such extremity of his left or right hand as such voter possesses.

[§ 11, 15 of 1965]

(4) Every person who—

- (a) without due authority places an appropriate mark on any voter at any election under this Ordinance or what purports to be or is capable of being mistaken for that mark ; or
- (b) fraudulently defaces any appropriate mark placed on any voter at such election without due authority,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

54. (1) The presiding officer, or any person authorized by the presiding officer, may, if he thinks fit on the application of any voter, explain to the voter, within sight and hearing of the polling agents, if present, the method of voting specified in the directions under section 45, but in so doing he shall carefully abstain from any action which might be construed by the voter as advice or a direction to vote for any particular recognized political party or independent group.

Assistance to voters to enable them to vote.
[§ 59, 24 of 1977]

(2) The presiding officer, on the application of any voter who is incapacitated by blindness or other physical cause from voting in accordance with the directions under section 45, shall, in the presence of another member of his polling staff, mark the ballot paper of such voter in the manner directed by the voter and shall cause such ballot paper to be placed in the ballot box.

[§ 12, 15 of 1965]

55. No voter shall be entitled to vote by proxy at any election for any electoral area.

Voting by proxy forbidden.
[§ 60, 24 of 1977]
Tendered ballot papers.
[§ 61, 24 of 1977]

56. If a person, representing himself to be a particular voter named on the electoral list, applies for a ballot paper after another person has voted as such voter, the applicant shall, on making and subscribing the first declaration set out in section 52(1), be entitled to receive and to mark a ballot paper in the same manner as any other voter, but the ballot paper (hereinafter referred to as "a tendered ballot paper") shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the electoral list. The name of the voter and his number on the list shall be entered in a list to be known as "the tendered votes list". The tendered ballot papers shall be set aside in a separate packet and shall not be counted by the counting officer.

57. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (hereafter referred to as "a spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled.

Spoilt ballot papers.

CLOSURE OF POLL

Closure of poll.

58. No ballot paper shall be delivered to a voter after the hour fixed for the closing of the poll. But if at the hour aforesaid there is in any polling station any voter to whom a ballot paper has been delivered, such voter shall be allowed to record his vote.

Procedure on closure of poll. [§ 62, 24 of 1977]

59. (1) As soon as practicable after the closure of the poll, the presiding officer of each polling station shall, in the presence of the polling agents make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box used at that station together with the key of the box, each such box remaining locked as it was at the time of the opening of the poll and being sealed after the closure of the poll so as to prevent the introduction of any ballot papers thereafter ;
- (b) the unused and spoilt ballot papers, placed together ;
- (c) the tendered ballot papers ;
- (d) the marked copies of the electoral list and the counterfoils of the ballot papers ;
- (e) the tendered votes list ; and
- (f) the list of voters to whom ballot papers are not delivered under section 53A,

[§ 17, 24 of 1987]

and shall deliver the packets to the counting officer.

(2) The packets shall be accompanied by a statement (hereinafter referred to as "the ballot paper account") made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of—

- (a) ballot papers in the ballot box ;
- (b) unused and spoilt ballot papers ; and
- (c) tendered ballot papers.

Counting officers. [§ 18, 24 of 1987]

59A. (1) Subject to the general or special directions of the Commissioner, each returning officer of an electoral area shall appoint, and may revoke the appointment of a counting officer to be in charge of the counting of votes at each counting centre, and such number of assistants and clerks and other officers as may be necessary to assist such counting officer in the performance of his duties.

(2) The returning officer may, if he thinks fit, perform the duties of a counting officer and the provisions of this Ordinance relating to a counting officer shall apply to such returning officer.

60. Each recognized political party or independent group which has nominated candidates at any election for any electoral area may appoint not more than two agents (hereinafter referred to as the "counting agents") to attend at the counting of the votes at each place before the votes are counted at such election and not more than two agents to attend at the proceedings under section 65. Notice in writing of such appointments, stating the names and addresses of the persons appointed, shall be given by the secretary of such recognized party or its authorized agent, or the group leader to the counting officer or returning officer, as the case may be, before the counting or declaration of the result commences. The counting officer or returning officer, as the case may be, may refuse to admit to the place where the votes are counted or the place where the proceedings under section 65 takes place any counting agent or other agent whose name and address has not been so given.

Appointment of counting agents and other agents. [§ 63, 24 of 1977]

61. (1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as possible after the close of the poll, and shall give notice in writing of the time and counting centres at which the count of votes will be commenced, and the polling station or stations assigned to each such centre, to the secretary or the authorized agent of a recognized political party or the group leader of an independent group contesting that election.

Notice of the count and declaration of result. [§ 64, 24 of 1977] [§ 19, 24 of 1987]

(2) The returning officer shall, before he proceeds to declare the result of an election under section 65, give notice in writing to the secretary or the authorized agent of a recognized political party or the group leader of an independent group contesting that election of the time and place at which the result will be declared.

61A. The postal ballot papers in respect of any electoral area shall be counted in accordance with the regulations set out in the Ninth Schedule at a separate counting centre or such number of counting centres as may be determined by the returning officer.

Counting of postal ballots. [§ 20, 24 of 1987]

62. (1) Except with the consent of the counting officer, no person other than the counting officer, the persons appointed to assist him, and the counting agents may be present at the counting of the votes.

The count. [§ 65, 24 of 1977]

(2) Before the counting officer proceeds to count the votes, he shall, in the presence of the counting agents, open each ballot box and, taking out the ballot papers therein, shall count and record the number thereof, and then mix together the whole of the papers contained in the ballot boxes.

(3) The counting officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

Rejected
ballot papers,
[§ 66, 24 of
1977]

63. (1) Any ballot paper—

(a) which does not bear the official mark ; or

(b) on which votes are given for—

(i) more than one recognized political party ; or

(ii) more than one independent group ; or

(iii) a combination of one or more recognized political parties and independent groups ; or

(c) on which anything is written or marked by which the voter can be identified except the printed number on the back : or

[§ 21, 24 of
1987]

(d) which is unmarked or void for uncertainty, as to the recognized political party or independent group for which the vote is given,

shall be rejected by the counting officer. The counting officer shall endorse the word " rejected " on any such ballot paper.

(2) Where the counting officer is satisfied that any mark made on a ballot paper clearly indicates the intention of the voter to give his vote and the recognized political party or independent group for whom he gives his vote, the counting officer shall not reject the ballot paper under subsection (1) on the ground solely that it has not been marked in all respects in accordance with the directions given for the guidance of voters under the provisions of this Ordinance.

(3) Where the counting officer is satisfied that a ballot paper is not a forged or counterfeit ballot paper he shall not reject it solely on the ground that it is not stamped or perforated with the official mark. Before deciding not to reject a ballot paper under the preceding provisions of this subsection the counting officer shall show it to each counting agent if present and hear his views thereon.

(4) The counting officer shall not count any ballot paper which is rejected by him under subsection (1).

(5) The counting officer shall draw up a statement showing separately the number of ballot papers rejected, under each of the grounds specified in subsection (1), and shall on request allow any counting agent to copy the statement.

(6) The counting officer shall prepare a written statement, in words as well as in figures, of the number of votes given for each recognized political party and independent group, and a separate statement, in words as well as figures, of the number of preferences indicated for every candidate nominated by each such party or group, and each such statement shall be certified by the counting officer and witnessed by one of his assistants and clerks and the agents of any party or group as are present and desirous to sign. [§ 21, 24 of 1987]

(6A) The preferences indicated by a voter in his ballot paper for the candidates nominated by a recognized political party or independent group shall be disregarded if such voter has indicated preferences for more than three candidates nominated by such party or group. [§ 21, 24 of 1987]

(6B) Where a voter indicates in his ballot paper more than one preference for a candidate nominated by a recognized political party or independent group, all the preferences so indicated shall be regarded as one preference. [§ 21, 24 of 1987]

(6C) Any preference indicated by a voter in his ballot paper which is void for uncertainty as to the candidate for whom it is indicated shall be rejected. [§ 21, 24 of 1987]

(7) Before the counting officer makes a written statement referred to in subsection (6), such number of recounts may be made as the counting officer deems necessary; and a recount or recounts shall be made upon the application of a counting agent so however that the maximum number of recounts that shall be so made, on the application of any counting agent or all the counting agents, shall not exceed two.

(8) The decision of the counting officer as to any question arising in respect of any ballot paper shall be final and conclusive.

Special provisions relating to powers, duties or functions under section 62 or section 63.

[§ 67, 24 of 1977]

Closure of the count.

[§ 68, 24 of 1977]

[§ 22, 24 of 1987]

[§ 22, 24 of 1987]

Declaration of election of Mayor, Deputy Mayor and members.

[§ 69, 24 of 1977]

[§ 23, 24 of 1987]

[§ 23, 24 of 1987]

63A. Any power, duty or function of a counting officer under section 62 or section 63 may be exercised, performed or discharged for and on his behalf by any of his assistants or clerks acting under the supervision and direction of such officer.

64. (1) Upon the completion of the counting, the counting officer shall seal up in separate packets the counted and rejected ballot papers.

(2) The counting officer shall deliver the packets referred to in subsection (1) to the returning officer together with the unused and spoilt ballot papers placed together, the tendered ballot papers, the marked copies of the electoral list and the counterfoils of the ballot papers, the tendered votes lists, the list of voters to whom ballot papers are not delivered under section 53A, the ballot paper account, the written statement of the number of votes given to each recognized political party or independent group, the number of preferences secured by each candidate nominated by each such party or groups and the record of the count under subsection (2) of section 62.

65. (1) (a) After the receipt of the documents referred to in section 64, the returning officer shall determine in the manner hereinafter provided in this section the candidates to be declared elected as Mayor, Deputy Mayor and members.

(b) The returning officer shall from the statements of the number of votes and preferences given determine the number of votes given for each recognized political party or independent group and the number of preferences indicated for each candidate nominated by each such party or group.

(c) The returning officer shall alter the declarations referred to in paragraphs (d) and (e) of subsection (2), call upon the secretary of the recognized political party or the group leader of the independent group to which highest number of votes has been given, to decide, within a period to be specified by the returning officer, which of the members declared elected under paragraphs (d) and (e) of subsection (2) from that party or group shall be declared elected as Mayor and Deputy Mayor, respectively. If such secretary or group leader communicates his decision to the returning officer within the period specified by the returning officer, the returning officer shall declare elected as Mayor and Deputy Mayor, the respective members specified in such decision. If on the other hand, such secretary or group leader fails to communicate his decision to the returning officer, within the period specified by the returning officer, the

returning officer shall declare elected as Mayor and Deputy Mayor, the members declared elected from such party or group, who have secured, respectively, the highest and the next highest number of preferences.

(d) When an equality of votes is found to exist between two or more recognized political parties or two or more independent groups or two or more such parties or groups and the addition of a vote shall entitle the candidates of one such recognized political party or independent group to be elected, the determination of the recognized political party or independent group to which such additional vote shall be deemed to have been given shall be made by lot drawn in the presence of the returning officer in such manner as he shall determine.

(2) (a) Every recognized political party and independent group polling less than one-eighth of the total votes polled at the election shall be disqualified from having any candidates elected as the other member of the local authority.

(b) The votes polled by the disqualified parties and independent groups if any, shall be deducted from the total votes polled at the election and the number of votes resulting from such deduction are hereinafter referred to as the "relevant number of votes".

(c) The relevant number of votes shall be divided by the number of members to be elected at that election for that local authority reduced by two. The whole number resulting from such division (any balance votes not being taken into account) is hereinafter referred to as the "resulting number".

[§ 23, 24 of
1987]

(d) The number of votes polled by each recognized political party and independent group [other than those parties and group disqualified under paragraph (a)] beginning with the party or group which received the highest number of votes, shall be divided by the resulting number and the returning officer shall declare elected from each such party or group, in accordance with the number of preferences secured by each of the candidates nominated by such party or group (the candidate securing the highest number of preferences being declared elected first, the candidate securing elected next highest number of preferences being declared next and so on), such number of members as is equivalent to the whole number resulting from the division by the number of the votes polled by such party or group. The remainder of the votes, if any, after such division, shall be dealt with, if necessary, under paragraph (e). The party

[§ 23, 24 of
1987]

or group which received the highest number of votes shall, in addition to the number of candidates it is entitled to have declared elected as members after such division, be entitled to have two additional candidates declared elected as members ;

[§ 23, 24 o
1987]

(e) Where after the declaration of the election of members as provided in paragraph (d) there are one or more members still to be declared elected, such member or number of members shall be declared elected on the remainder of the votes referred to in paragraph (d) to the credit of such party or group after the declaration made under that paragraph and the votes polled by any party or group not having any of its candidates elected under paragraph (d), the candidate nominated by the party or group having the highest of such votes, who has secured the highest or next highest number of preferences being declared a member and so on until all the members to be elected are declared elected ;

(f) Where an equality of votes is found to exist in the balance number of votes to the credit of one or more parties and groups referred to in this subsection and the addition of a vote would entitle any candidate of such party or group to be declared elected under this subsection the determination of the party or group to which such one additional vote shall be deemed to have been given shall be made by lot drawn in the presence of the returning officer in such manner as he shall determine.

[§ 23, 24 of
1987]

(g) Where a recognized political party or independent group is entitled, under the preceding provisions of this section, to have one of the candidates nominated by it declared elected as a member but none of the candidates nominated by it or none of the candidates remaining on the nomination paper submitted by it, have secured any preferences the returning officer shall call upon the secretary of such political party or the group leader of such group to decide within a period to be specified by the returning officer, which of the candidates nominated by such party or group or which of the candidates remaining on the nomination paper submitted by it shall be declared elected as member. If such secretary or group leader communicates his decision to the returning officer within the period specified by the returning officer, the returning officer shall declare elected as member, the candidate specified in such decision. If on the other hand, such secretary or group leader fails to communicate his decision to the returning officer within the period specified by the returning officer, the returning officer shall declare elected as member, the candidate whose name appear next in the nomination paper submitted by such party or group.

(3) For the purpose of this section the number of votes polled at any election shall be deemed to be the number of votes actually counted and shall not include any votes rejected or void.

(4) For the purposes of this section and section 65A, where two or more candidates nominated for election to a local authority, by a recognized political party or independent group or two or more members elected to a local authority from recognized political party or independent group, have secured an equal number of preferences at such election and an addition of a preference shall entitle one such candidate to be elected as a member of such local authority or entitle one such member to be declared elected as the Mayor or Deputy Mayor, as the case may be, of such local authority, the determination of the candidate or member to whom such additional preference shall be deemed to have been given shall be made by lot drawn in the presence of the returning officer in such manner as he shall determine.

[§ 23, 24 of
1987]

65A. (1) If the office of Mayor or Deputy Mayor falls vacant due to death, resignation or for any other cause, the returning officer of the district shall call upon the secretary of the recognized political party or the group leader of the independent group to which the Mayor or Deputy Mayor vacating office belonged, to decide within a period to be specified by the returning officer, which of the members of that local authority, who belong to such party or group shall be declared elected as Mayor or Deputy Mayor, as the case may be. If such secretary or group leader communicates his decision to the returning officer within the period specified by the returning officer, the returning officer shall declare elected as Mayor or Deputy Mayor, as the case may be, the member specified in such decision. If on the other hand, such secretary or group leader fails to communicate his decision to the returning officer within the specified period, the returning officer shall—

Filling of
vacancies.
[§ 70, 24 of
1977]
[§ 24, 24 of 1987]

(a) where the vacancy is in the office of Mayor, declare elected as Mayor, the member of the local authority belonging to such party or group who has secured the highest number or preferences ; or

(b) where the vacancy is in the office of Deputy Mayor, the member of the local authority belonging to such party or group (apart from the Mayor) who has secured the highest number of preferences,

at the election of members for that local authority.

[§ 24, 24 of
1987]

(2) If the office of a member falls vacant due to death, resignation or for any other cause, the returning officer of the district shall call upon the secretary of the recognized political party or the group leader of the independent group to which the member vacating office belonged, to nominate within a period to be specified by the returning officer, a person eligible under this Ordinance for election as a member of that local authority, to fill such vacancy. If such secretary or group leader nominates within the specified period an eligible person to fill such vacancy and such nomination is accompanied by an oath or affirmation, as the case may be, in the form set out in the Seventh Schedule to the Constitution, taken and subscribed or made and subscribed, as the case may be, by the person nominated to fill such vacancy, the returning officer shall declare such person elected as a member of that local authority. If on the other hand, such secretary or group leader fails to make a nomination within the prescribed period, the returning officer shall declare elected as member from nomination paper submitted by that party or group the candidate who has secured the highest number of preferences at the election of members to that local authority next to the last of the members declared elected to that local authority from that party or group.

Where all the candidates whose names were in such nomination paper have been elected or where none of the candidates whose names remain on such nomination paper, have secured any preferences, the returning officer shall forthwith inform the Minister through the Commissioner. The Minister may at any stage when he considers it expedient to do so, by Order published in the *Gazette* direct the Commissioner to hold an election to fill such vacancy. The person elected to fill such vacancy shall hold office only until the expiry of the term of office of the members elected at the last preceding general election.

[§ 5,48 of 1983]
[§ 24, 24 of
1987]

(3) The provisions of this Ordinance relating to the holding of a general election of members of a local authority shall apply to, and in relation to, every election held under subsection (2) subject to the modifications set out in the Eighth Schedule.

[§ 24, 24 of
1987]

(4) Where the office of Mayor and Deputy Mayor in any local authority are vacant when an election is held under subsection (2), the returning officer shall call upon the secretary of the recognized political party or the group leader of the independent group which has a majority of the members in such local authority after such

election to decide who among such members shall be declared elected as Mayor and Deputy Mayor, and the provisions of subsection (2) shall, *mutatis mutandis*, apply thereafter to the filling of such vacancies.

(5) Where more than one recognized political party or independent group has a majority of the members in a local authority after an election held under subsection (2) to fill a vacancy in such local authority, the determination of the nomination paper of the recognized political party or independent group from which the Mayor and Deputy Mayor shall be declared elected under subsection (4) shall be made by lot drawn in the presence of the elections officer in such manner as may be determined by him.

[§ 5,48 of 1983]
[§ 24, 24 of 1987]

(6) In subsections (4) and (5) "nomination paper" in relation to a recognized political party or independent group means the nomination paper submitted by such recognized political party or independent group at the general election of members of that local authority or where the candidates whose names appear in such nomination paper have all been elected or where such recognized political party or independent group had not submitted a nomination paper at such general election, the nomination paper submitted by such recognized political party or independent group at the election held under subsection (2).

[§ 5,48 of 1983]
[§ 24, 24 of 1987]

66. (1) Upon the declaration of the result of any election of the Mayor and Deputy Mayor and members of the local authority of an electoral area, the returning officer of that electoral area shall—

Publication of results.
[§ 71, 24 of 1977]

(a) publish a notice specifying—

(i) the names of the two candidates elected as Mayor and Deputy Mayor ; and

(ii) the names of the candidates elected as members ; and

(b) report the result through the elections officer of the district in which the area is situated to the Commissioner.

(2) The Commissioner shall forthwith upon the receipt of the report of the result cause the names of the two candidates elected as Mayor and Deputy Mayor, and the names of the candidates elected as members to be published in the *Gazette*.

67. (2) *The returning officer shall forward to the elections officer of the district in which the electoral area is situated all the packets of ballot papers in his possession, together with the statements under sub section (6) of section 63, the ballot paper account,

Disposal of ballot papers, &c., after poll.
[§ 72, 24 of 1977]

* Subsection (1) is repealed—See Section 72 of Law No. 24 of 1977.

tendered votes list, packets of counterfoils and the marked copies of electoral lists sent by the counting officers endorsing on each packet a description of its contents and the date of the election to which they relate, and the names of the electoral area in which the election was held.

(3) The elections officer shall retain the packets of ballot papers and all documents forwarded to him for a period of six months reckoned from the date of the receipt thereof and shall thereafter cause the said packets and documents to be destroyed.

(4) No person shall be entitled or be permitted by the elections officer to inspect any packet of ballot papers or documents referred to in subsection (3) while it is in the custody of such officer :

Provided, however, that nothing in the preceding provisions of this subsection shall be construed or deemed to debar any competent court from ordering the production of, or from inspecting, or from authorizing the inspection of, any such packet or document at any time within the period of six months specified in that subsection.

Appointment of counting officers. [§ 73, 24 of 1977]

68. The returning officer may appoint any presiding officer of a polling station for any electoral area to count the votes polled at that polling station and a presiding officer so appointed to count the votes is referred to in this Ordinance as a counting officer.

GENERAL PROVISIONS AS TO ELECTIONS

Non-compliance with provisions of this Ordinance. [§ 15, 15 of 1965]

69. No election shall be invalid by reason of any failure to comply with the provisions of this Ordinance relating to elections if it appears that the election was conducted in accordance with the principles laid down in such provisions, and that such failure did not affect the result of the election.

Death, withdrawal or disqualification of candidate not to invalidate nomination paper of party or group. [§ 74, 24 of 1977]

69A. The death or withdrawal or disqualification under this Ordinance for election or for sitting and voting as a member, whether before or after the general election of the members of a local authority, of any person or persons nominated by a recognized political party or independent group for election at that general election shall not invalidate or in any way affect the nomination paper of that party or group, and accordingly the candidature or election of any other person nominated by the party or group on that nomination paper shall not be invalidated by reason only of the fact of the death, withdrawal or disqualification of such person or persons.

70. (1) A returning officer may use, free of charge, as a polling station any school or any portion of a school in receipt of a grant, or in respect of which a grant is made out of moneys provided by Parliament.

Use of schools as polling stations.

(2) A returning officer shall make good any damage done to and defray any expenses incurred by the persons having control over, any such school or portion thereof as aforesaid by reason of its being used as a polling station.

*72. The presiding officer of a polling station may do, by the officers appointed to assist him any act which he is required or authorized by this Part of this Ordinance to do at that polling station except ordering the arrest, exclusion, or removal of any person from the station.

Presiding officer may act through officers appointed to assist him.

73. The secretary of a recognized political party which has nominated candidates for election at any election under this Ordinance or its authorized agent, or a group leader may himself do any act or thing which a polling agent or counting agent or other agent of such political party or independent group, if appointed, would have been required or authorized to do, or may assist such agent in doing any such act or thing, but before acting under this section the secretary of the recognized political party or its authorized agent or a group leader shall make a declaration hereinafter required to be made by such agent.

Secretary of a recognized political party or group leader may act as his own agent or assist his agent. [§ 75, 24 of 1977]

74. Where under this Part of this Ordinance any act or thing which is required or authorized to be done in the presence of the agent or agents of the recognized political parties or independent groups at any election under this Ordinance the non-attendance of any agent or agents of such party or group at the time and place appointed for the purpose shall not, if that act or thing is otherwise duly done, invalidate the act or thing done.

Non-attendance of the agents of recognized political parties or independent groups. [§ 76, 24 of 1977]

75. No person who has voted at any election under this Ordinance shall, in any legal proceeding to question the election, be required to state the recognized political party or independent group for which he has voted or the candidate for whom he has indicated a preference.

Prohibition of disclosure of vote. [§ 25, 24 of 1987]

75A. Where any person designated as the group leader of an independent group dies—

Group leader. [§ 26, 24 of 1973]

* Section 71 is repealed—See section 15 of Act No. 9 of 1963.

- (a) during the pendency of an election to a local authority, the candidate whose name appears first or second, as the case may be, in the nomination paper submitted by that independent group, shall be deemed to be the group leader of that independent group ;
- (b) after an election to a local authority, the member elected to that local authority from that independent group who has secured the highest number of preferences at such election, shall be deemed to be the group leader of that that group.

Maintenance
of secrecy at
elections.

76. (1) Every returning officer, and every officer, polling agent or counting agent, authorized to attend at a polling station or at the counting of the votes at any election under this Ordinance, shall, before the opening of the poll at such election, or in the case of an agent appointed after the opening of the poll, before acting as such agent, make a declaration of secrecy substantially in the form set out in the Fourth Schedule. In the case of a returning officer the declaration shall be made in the presence of a Justice of the Peace, and in the case of any other officer or of an agent, the declaration shall be made either in the presence of a Justice of the Peace or of the returning officer or presiding officer.

(2) Every returning officer, and every officer, polling agent or counting agent in attendance at a polling station or at the counting of the votes at any election under this Ordinance shall maintain and aid in maintaining the secrecy of the voting.

(3) No person, being an officer or agent referred to in subsection (1), shall—

- (a) except for some purpose authorized by law, communicate, before the poll at any election under this Ordinance is closed, to any person any information as to—
 - (i) the name or number on the electoral list of any voter who has or has not applied for a ballot paper or voted at a polling station ; or
 - (ii) the official mark ; or
- (b) ascertain or attempt to ascertain at the counting of the vote at such election, the number on the back of any ballot paper ; or
- (c) communicate any information obtained at such counting as to the candidate for whom any vote is given on any particular ballot paper.

(4) No person, whether or not such person is an officer or agent referred to in subsection (1), shall—

(a) interfere with or attempt to interfere with a voter when recording his vote at any election under this Ordinance ; or

(b) otherwise obtain or attempt to obtain in a polling station information as to the recognized political party or independent group for whom a voter in that station is about to vote or has voted at such election ; or

[§ 77, 24 of 1977]

(c) communicate at any time to any person any information obtained in a polling station as to the recognized political party or independent group for which a voter in that station is about to vote or has voted at such election, or as to the number on the back of the ballot paper given to a voter at that station ; or

(d) directly or indirectly induce a voter at such election to display his ballot paper after he has marked it so as to make known to any person the recognized political party or independent group for or against which he has so marked his vote.

[§ 77, 24 of 1977]

(5) No person, except a presiding officer of a polling station acting for a purpose authorized by this Ordinance, or a person authorized by the presiding officer and acting for such purpose as aforesaid, shall communicate with any voter at any election under this Ordinance after such voter shall have received the ballot paper and before he shall have placed the same in a ballot box.

OFFENCES RELATING TO ELECTIONS

77. Every person who contravenes any of the provisions of section 76 shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for any term not exceeding six months, or to both such fine and such imprisonment.

Contravention of provisions regarding secrecy.

78. (1) Every person who—

(a) forge or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to a returning officer any nomination paper knowing the same to be forged ; or

Offences in respect of nomination papers, ballot papers, & c.

- (b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper ; or
- (c) without due authority supplies any ballot paper to any person ; or
- (d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person ; or
- (e) not being a person entitled under this Ordinance to be in possession of any ballot paper which has been marked with the official mark in accordance with the provisions of section 52, has any such ballot paper in his possession ; or
- (ee) wilfully dispals a marked ballot paper inside a polling station ; or
- (f) puts into any ballot box anything other than the ballot paper which he is authorized to put into that ballot box under this Ordinance ; or
- (g) without due authority takes out of a polling station any ballot paper ; or
- (h) without due authority destroys, takes, open, or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of any election under this Ordinance ; or
- (i) without due authority prints any ballot paper or what purports to be or is capable of being used as a ballot paper at such election ; or
- (j) manufactures, constructs, imports into Sri Lanka, has in his possession, supplies or uses for the purposes of such election, or causes to be manufactured, constructed, imported into Sri Lanka, supplied or used for the purposes of such election, any appliance, device or mechanism by which a ballot paper may be extrated, affected or manipulated after having been deposited in a ballot box ; or
- (k) wilfully makes a false statement in any application to be treated as a postal voter under this Orainance, or in any declaration of indentity sent to him under the regulations set out in the Ninth Schedule ; or

[§ 27, 24 of
1987]

[§ 27, 24 of
1987]

(1) without due authority, destroys, takes, opens or otherwise tampers or interferes with, any application to be treated as a postal voter, or any declaration of identity, or any covering envelope or ballot paper envelope within the meaning of the regulations set out in the Ninth Schedule, [§ 27, 24 of 1987]

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for any term not exceeding six months or to both such fine and such imprisonment.

(2) Every person who aids or abets or attempts to commit an offence specified in this section shall be liable to the punishment provided for the offence.

(3) In any prosecution for an offence in relation to the nomination papers, ballot papers, ballot boxes, and marking instruments at any election under this Ordinance, the property in such papers, boxes and instruments may be stated to be in the returning officer at such election as well as the property in the counterfoils.

79. (1) Whoever being qualified to vote, or claiming to be qualified to vote at any election under this Ordinance, accepts or obtains, or agrees to accept or attempts to obtain for himself or for any other person any gratification whatsoever as an inducement or reward for giving or forbearing to give his vote at such election, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for any term not exceeding six months or to both such fine and imprisonment. Giving or receiving gratification.

(2) Whoever gives or offers to give any gratification whatsoever to any person as an inducement or reward for giving or forbearing to give his vote in favour of any recognized political party or independent group at any election under this Ordinance, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for any term not exceeding six months or to both such fine and such imprisonment. [§ 78, 24 of 1977]

80. Any person who, at any election under this Ordinance applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or who having voted once at such election, applies at the same election for a ballot paper in his own name, shall be guilty of the offence Personation.

of personation, which shall be a cognizable offence within the meaning of the Code of Criminal Procedure Act and shall, on conviction after summary trial before a Magistrate, be liable to rigorous imprisonment for a term not exceeding one year.

[§ 16, 15 of 1965]

Undue
influence.
[§ 16, 9 of 1963]

81. Every person—

(1) who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting at any election under this Ordinance or on account of such person having voted or refrained from voting at such election, or

[§ 16, 9 of 1963]

(2) who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any voter, or thereby compels, induces, or prevails upon any voter either to give or to refrain from giving his vote at such election, or

[§ 79, 24 of
1977]

(3) who, being a member or official of a religious order or organization—

(a) denies or threatens to deny, to any member or adherent of that order or organization, or to any member of the family of such member or adherent, any spiritual ministrations, service or benefit, to which such member or adherent would in the ordinary course have been entitled ; or

(b) excludes, or threatens to exclude, such member or adherent from such order or organization,

in order to induce or compel such member or adherent to vote or refrain from voting for any recognized political party or independent group at such election, or to support or refrain from supporting any recognized political party or independent group at such election, or on account of such member or adherent having voted or refrained from voting for any recognized political party or independent group at such election, or having supported or refrained from supporting any recognized political party or independent group at such election, or

(4) who, being the employer of any other person—

[§ 79, 24 of
1977]

(a) terminates or threatens to terminate such employment;
or

(b) denies or threatens to deny to such other person any
benefit or service which such other person already
enjoyed, or would have enjoyed, in the ordinary
course of such employment,

in order to induce or compel such other person to vote or
refrain from voting for any recognized political party or
independent group at such election, or to support or
refrain from supporting any recognized political party or
independent group at such election, or on account of such
other person having voted or refrained from voting for
any recognized political party or independent group at
such election, or having supported or refrained from
supporting any recognized political party or independent
group at such election, or

(5) who, at any time during the period commencing on the day of
nomination at any election and ending on the day following
the date of the poll at such election—

[§ 79, 24 of
1977]

(a) utters at any religious assembly any word for the
purpose of influencing the result of such election or
inducing any voter to vote or refrain from voting
for any recognized political party or independent
group at such election, or

(b) for such purpose distributes or displays at any religious
assembly any handbill, placard, poster, notice, sign,
flag or banner, or

(c) holds or causes to be held a public meeting at a place
of worship for the purpose of promoting the
election of any recognized political party or
independent group at such election,

shall be guilty of the offence of undue influence and shall, on
conviction after summary trial before a Magistrate, be liable to a
fine not exceeding five hundred rupees, or to imprisonment of either
description for a term not exceeding six months or to both such
fine and imprisonment.

Prohibition of certain acts on the date of poll.

[§ 17, 9 of 1963]

[§ 18, 15 of 1965]

81A. (1) No person shall, on any date on which a poll is taken at a polling station, do any of the following acts within a distance of a quarter of a mile of the entrance of that polling station :—

(a) canvassing for votes ;

(b) soliciting the vote of any voter ;

[§ 80, 24 of 1977]

(c) persuading any voter not to vote for any particular recognized political party or independent group ;

(d) persuading any voter not to vote at the election ;

[§ 80, 24 of 1977]

(e) distributing or exhibiting any handbill, placard, poster or notice relating to the election (other than any official handbill, placard, poster or notice) or any symbol allotted under section 37 to any recognized political party or independent group.

[§ 17, 9 of 1963]

(2) No person shall, on any date on which a poll is taken at any polling station—

(a) use or operate, within or at the entrance of a polling station or in any public or private place in the neighbourhood thereof, any megaphone or loudspeaker or other apparatus for magnifying or reproducing the human voice ; or

(b) shout or otherwise act in a disorderly manner within or at the entrance of a polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll or so as to interfere with the work of the officers and other persons on duty at the polling station.

[§ 18, 15 of 1965]

(2A) No person—

[§ 80, 24 of 1977]

(a) who is a candidate nominated by any recognized political party or independent group at any election in any electoral area shall, on the day on which the poll is taken at such election, use in that area any building or structure (whether temporary or otherwise), other than the ordinary place of residence of such candidate for any purpose calculated to promote the election of the candidates of that recognized political party or independent group ; or

[§ 80, 24 of 1977]

(b) shall, at any time during the period commencing on the first day of the nomination period at any election in any electoral area and ending on the day immediately following

the date on which the poll is taken at such election, conduct, hold or take part in any procession other than a procession on May 01, in any year, or any procession for religious or social purposes ; or

(c) shall, at any procession held or conducted during the period referred to in paragraph (b) of this subsection, do any act or thing calculated to promote the election referred to in the said paragraph (b).

(3) Every person who contravenes any of the provisions of subsection (1), subsection (2) or subsection (2A) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment. [§ 17, 9 of 1963] [§ 18, 15 of 1965]

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of subsection (2) and may seize any apparatus used for such contravention. [§ 17, 9 of 1963]

(5) Every person who attempts to commit an offence specified in this section shall be liable to the punishment prescribed for that offence. [§ 17, 9 of 1963]

(6) Every offence under this section shall be a cognizable offence within the meaning of the Code of Criminal Procedure Act. [§ 17, 9 of 1963]

(7) A prosecution for an offence under this section shall not be instituted without the sanction of the Attorney-General. [§ 17, 9 of 1963]

81B. (1) During the period commencing on the first day of the nomination period of any election under this Ordinance and ending on the day following the day on which the poll is taken at such election, no person shall, for the purposes of promoting the election of any candidate of a recognized political party or independent group at such election, display— Provisions relating to display of handbills, posters, &c. [§ 17, 9 of 1963] [§ 19, 15 of 1965]

(a) in any premises, whether public or private, any flag or banner except in or on any vehicle that is used for the conveyance of a candidate nominated by a recognized political party or independent group at such election ; or [§ 81, 24 of 1977]

- (b) any handbill, placard, poster, notice or sign on any place to which the public have a right of, or are granted, access except in or on any premises on any day on which a meeting in support of a candidate nominated by a recognized political party or independent group at such election is due to be held in that premises ; or
- (c) any handbill, placard, poster, notice or sign, flag or banner, on or across any public road ; or
- (d) any handbill, placard, poster, notice or sign in or on any vehicle, except in or on any vehicle that is used for the conveyance of a candidate nominated by a recognized political party or independent group at such election.

[§ 17, 9 of 1963] (2) Every person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment.

[§ 17, 9 of 1963] (3) Every person who attempts to commit an offence specified in this section shall be liable to the punishment prescribed for that offence.

[§ 17, 9 of 1963] (4) Every offence under this section shall be a cognizable offence within the meaning of the Code of Criminal Procedure Act.

(5) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of subsection (1) and may seize and remove any handbill, placard, poster, notice, sign, flag or banner used in such contravention.

Provisions relating to transport to or from the poll. [§ 20, 15 of 1965]

81C. (1) No person shall let, lend, employ, hire, borrow or use, or aid or abet any other person to let, lend, employ, hire, borrow or use, any vehicle, vessel or animal for the purpose of conveying any voter to or from the poll.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees, or to imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.

(3) Notwithstanding anything in the preceding provisions of this section,—

(a) where a person is unable at any election under this Ordinance to reach his polling station from his place of residence without crossing the sea or a branch or arm thereof or a river, the use of a means of transport to enable him to reach his polling station shall be deemed not to be a contravention of the provisions of subsection (1) ;

(b) the conveyance of a person at his own expense to or from the poll at any election in, or the use by any person at his own expense for the purpose of the conveyance of himself to or from the poll of, any public transport service provided by the Ceylon Transport Board, the Ceylon Government Railway, or the Colombo Municipal Council, shall be deemed not to be a contravention of the provisions of subsection (1) ;

(c) where the returning officer for any electoral area is satisfied, upon written application in that behalf made to him by any person (not being a candidate nominated by a recognized political party or an independent group) so as to reach such officer seven days before the day on which a poll is taken at any election in that area, that such person is unable, by reason of any physical disability, to convey himself to and from the poll on foot or in any public transport service referred to in paragraph (b) of this subsection, the returning officer may give such person written authority, to use any vehicle, vessel or animal for the purpose of conveying himself to and from the poll, and accordingly the use of a vehicle, vessel or animal for the purpose of such conveyance by such person shall be deemed not to be a contravention of the provisions of subsection (1). [§ 82, 24 of 1977]

(4) Where at a poll taken at any election in any electoral area under this Ordinance, any vehicle, vessel or animal is being used in contravention of the provisions of subsection (1), any police officer may stop and seize such vehicle, vessel or animal, and take it to a police station and detain it therein until the conclusion of the poll.

(5) A court may, on the conviction of any person for an offence under this section, make order declaring that any vehicle, vessel or animal used in or in connection with the commission of such offence shall be forfeited to the State.

False reports in newspapers.

[§ 21, 15 of 1965]

[§ 83, 24 of 1977]

81D. (1) Where there is published in any newspaper any false statement concerning or relating to,—

- (a) the utterances or activities at any election under this Ordinance of any candidate of a recognized political party or independent group which is contesting such election ; or
- (b) the conduct or mismanagement of such election by such candidate of any recognized political party or independent group,

and such statement is capable of influencing the result of such election, then, every person who at the time of such publication was the proprietor, the manager, the editor, the publisher or other similar officer of that newspaper, or was purporting to act in such capacity, shall each be guilty of an offence unless such person proves that such publication was made without his consent or connivance, and that he exercised all such diligence to prevent such publication as he ought to have exercised having regard to the nature of his functions in such capacity and in all the circumstances.

(2) Any person who is guilty of an offence under subsection (1) shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment.

(3) In this section, the term “ newspaper ” includes any journal magazine, pamphlet or other publication.

Plural voting.

[§ 84, 24 of 1977]

82. If any person votes more than once at any general election under this Ordinance whether in the same electoral area or different electoral areas or asks for a ballot paper for the purpose of so voting, such person shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to rigorous imprisonment for a term not exceeding one year.

Incapacity for offences at elections.

83. Any person who is convicted of an offence under the provisions of any of the following sections of this Ordinance, namely, sections 77 to 82 (both inclusive), shall, in addition to any other penalty to which he may be liable for that offence, be disqualified for a period of five years reckoned from the date of such conviction, from being elected or from sitting or voting, as a member of any local authority.

PART V

MISCELLANEOUS

84. All matters connected with the preparation or revision of the electoral lists of any electoral area under this Ordinance or connected with any general election of any local authority for which no provision is made by this Ordinance or in respect of which the provisions of this Ordinance require to be supplemented or modified so as to meet unforeseen or special circumstances, may be provided for by Order of the Minister published in the Gazette ; and every such Order shall upon such publication, be as valid and effectual as if it were herein enacted.

Power to modify or supplement Ordinance. [§ 85, 24 of 1977]

84A. (1) Any person, being the employer of any other person who is entitled to vote at any election under this Ordinance shall, upon application in writing in that behalf made by such other person, grant such other person, leave, without loss of pay, for such continuous period (not less than two hours in duration) as that person may deem sufficient to enable such other person to vote at that election.

Duty of employers to grant leave to employees to vote. [§ 23, 15 of 1965]

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment.

84B. No misnomer or inaccurate description of any person or place named or described in any electoral list, notice or other document whatsoever prepared or issued under or for the purposes of this Ordinance shall in any wise effect the operation of this Ordinance as respects that person or place if that person or place is so designated in such list, notice or document as to be identifiable.

Inaccurate description of persons and places. [§ 23, 15 of 1965]

84C. (1) Where the Commissioner considers that any premises, other than any school referred to in section 70, are required for the purpose of being used as a polling station, he may requisition those premises for that purpose by order in writing addressed to and served on the person in actual possession of those premises, or where no person is in such actual possession, on the owner of such premises.

Requisitioning of premises for use as polling stations. [§ 23, 15 of 1965]

(2) Where any premises are requisitioned under subsection (1), the period of such requisition shall not extend beyond four weeks.

(3) In this section, "premises" means any land, building or part of a building and includes a hut, shed or structure or any part thereof.

Compensation
for requisitioning of
premises.
[§ 23, 15 of 1965]

84D. (1) Where any premises are requisitioned under section 84C, the Commissioner shall pay, out of moneys provided for the purpose by Parliament, compensation for such requisition to the person who was in actual possession of those premises immediately before the requisition or where no person was in such actual possession, the owner of those premises, and shall make good any damage done to those premises during the period of the requisition.

(2) The amount of compensation payable under subsection (1) in respect of any premises shall be determined by taking into consideration—

- (a) the rent payable in respect of those premises, or where no rent is so payable, the rent payable for similar premises in the locality, and
- (b) if, in consequence of the requisition of those premises, the person who was in actual possession of those premises immediately before the requisition was compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

(3) Where any person entitled to compensation under this section is aggrieved by the decision of the Commissioner in regard to the amount of the compensation, that person may appeal in writing to the Minister from that decision. Upon such appeal being made, the Minister shall appoint an arbitrator and shall refer such appeal to him for determination; and the determination of the arbitrator on such appeal shall be final.

Publication
of notices.

85. Save as otherwise expressly provided, every notice required to be published by this Ordinance shall—

- (a) be in the Sinhala and Tamil languages together with translation thereof in the English language; and
- (b) be exhibited at the office of the local authority of such area, and otherwise published in such manner as the officer responsible for the publication thereof may consider best calculated to give publicity thereto.

Destruction,
&c. of
notices or
documents.
[§ 24, 15 of 1965]

85A. Every person who, without lawful authority, destroys, mutilates, defaces or removes any notice which is exhibited by any authority under this Ordinance, or any document which is made available for inspection in accordance with this Ordinance, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty rupees.

86. All expenses incurred under this Ordinance in the preparation of the electoral list of any electoral area, in connection with the nomination of candidates by recognized political parties and independent groups for the purpose of any election of any local authority, and in the conduct of a general election shall be defrayed out of the Consolidated Fund.

Expenses of elections.
[§ 86, 24 of 1977]

87. All fines imposed by any court under this Ordinance shall, when recovered, be paid by the court into the Consolidated Fund.

Fines to be credited to the Consolidated Fund.

*89. In this Ordinance, unless the context otherwise requires—

Interpretation.

“appointed date” means the 10th day of February, 1947 ;

“authorized agent” in relation to a recognized political party means a person expressly authorized in writing by the secretary of that recognized political party, to be the authorized agent of that recognized political party and whose authorization has been communicated by such secretary to the returning officer for the electoral area, in respect of which the election is being held, at least seventy two hours before the commencement of the nomination period ;

[§ 28, 24 of 1987]

“Commissioner” means the Commissioner of Elections ;

[§ 28, 24 of 1987]

“Commissioner of Elections” means the Commissioner of Elections appointed under Article 103 of the Constitution of Sri Lanka ;

[§ 87, 24 of 1977]

“Deputy Mayor” means the Deputy Mayor of a Municipal Council or the Vice-Chairman of an Urban Council, or a Pradeshiya Sabha ;

[§ 87, 24 of 1977]
[§ 8, 20 of 1987]

“district” means an administrative district ;

“electoral district” has the same meaning as in the Ceylon (Parliamentary Elections) Order-in Council, 1946 ;

“local authority” means any Municipal Council, Urban Council, or Pradeshiya Sabha ;

[§ 8, 20 of 1987]

“local elections” means elections of members of a local authority ;

[§ 19, 5 of 1963]

“Mayor” means the Mayor of a Municipal Council or the Chairman of an Urban Council, or a Pradeshiya Sabha ;

[§ 87, 24 of 1977]
[§ 8, 20 of 1987]

* Section 88 is omitted as this provision has taken effect and lapsed.

“Municipality” means the area within the administrative limits of every Municipal Council in existence at the appointed date or any area which is a Municipality within the meaning of any written law for the time being in force relating to the constitution of Municipal Councils ;

[§ 19, 9 of 1963] “Parliamentary General Election” means a general election of Members of Parliament ;

[§ 19, 9 of 1963] “Parliamentary Elections Order-in Council” means the Ceylon (Parliamentary Elections) Order-in Council, 1946 ;

“Parliamentary register for the time being in operation” means any register of electors for the time being in operation under the Ceylon (Parliamentary Elections) Order-in Council, 1946 ;

[§ 8, 20 of 1987] “Pradeshiya Sabha area” means any Pradeshiya Sabha area within the meaning of the Pradeshiya Sabha Act ;

“Schedule” means a Schedule to this Ordinance ;

[§ 8, 20 of 1987] “town” means any town within the meaning of the Urban Councils Ordinance.

FIRST SCHEDULE
FORM OF NOMINATION PAPER

[Section 28 (2)]
[§ 28, 24 of
1987]

.....Council/Pradeshiya Sabha

"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 the Municipal Council/Urban Council/ Pradeshiya Sabha.

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

.....
Signature of secretary of recognized political party/group leader.

Name :

Address :

Signed by the above named

.....
secretary of recognized political party/group leader in my presence at..... on this day of 19.....

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

SECOND SCHEDULE

FORM OF DIRECTIONS FOR THE GUIDANCE OF A VOTER IN VOTING, WHICH SHALL BE EXHIBITED OUTSIDE EVERY POLLING STATION AND IN EVERY COMPARTMENT OF EVERY POLLING STATION

[Section 45]
[§ 89, 24 of 1977]

Every voter shall have one vote which may be given to a recognized political party or to an independent group.

The voter will go into one of the compartments and place a cross (thus ×) on the right-hand side of the ballot paper opposite the name and symbol of the recognized political party or the number and symbol of the independent group for which he votes. He may then indicate his preferences for not more than

[§ 30, 24 of 1987]

three candidates from among the candidates nominated by such recognized political party or independent group, by placing a cross (thus: X) at the bottom of the ballot paper on the cage enclosing the serial number corresponding to the serial number assigned to each such candidate.

The voter will then fold up the ballot paper so as to show the official mark on the back to the presiding officer and put the paper into the ballot box, and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the presiding officer, who will, if satisfied of such inadvertence, give him another ballot paper

If the voter—

- (i) votes for more than one recognized political party, or
- (ii) votes for more than one independent group, or
- (iii) votes for a combination of one or more recognized political parties and independent groups, or
- (iv) places any mark on the paper by which he may be afterwards identified, his ballot paper will be void and will not be counted.

If the voter takes a ballot paper out of the polling station or puts into a ballot box anything other than a ballot paper which he is authorized to put into that box, he will be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

THIRD SCHEDULE

[§ 31, 24 of 1987]

FORM OF FRONT OF BALLOT PAPER

Counterfoil No.	' A ' Party						*
	' B ' Party						*
	' C ' Party						*
	" Independent Group " 1						*
	" Independent Group " 2						*
	" Independent Group " 3						*
	<p>Note : Counterfoil to have a number to correspond with that on the back of the ballot paper.</p> <p>The names of each recognized political party and the words " independent group " must be printed in Sinhala, Tamil and English.</p>	1	2	3	4	5	6
7		8	9	10	11	12	
13		14	15	16	17	18	
19		20	21				

FOURTH SCHEDULE

FORM OF DECLARATION OF SECRECY

[Section 76 (1)]
[§ 91, 24 of 1977]
[§ 10, 20 of 1987]

I,.....solemnly, promise and declare that I will not at this election for the electoral area of the Municipal Council/Urban Council/Pradeshiya Sabha, do anything forbidden by section 76* of the Local Authorities Elections Ordinance which has been read to me.

*Signature of person taking
the declaration.*

Signature of declarant.

*Note.—This section must be read to the declarant by the person taking the declaration.

SEVENTH SCHEDULE

[§ 26, 15 of 1965]

FORM

List of Voters who are not delivered Ballot Papers

(Section 53A)

Local Authority :

Date of Election :

Polling Station :

No. in electoral list	Name of voter	Address of voter	Reason for not delivering ballot paper		
			Refused appropriate inspection	Already marked with appropriate mark	Refuses to be marked with appropriate mark

* Fifth Schedule is omitted as its provision have taken effect and lapsed.
Sixth Schedule repealed by Law No. 24 of 1977.

[§ 6, 48 of 1983]

EIGHT SCHEDULE

Section 65 A (67)

- *5. As if the words "Mayor, Deputy Mayor and" were omitted from section 65 (1) (a) of the Ordinance.
6. As if section 65 (1) (c) were omitted from the Ordinance.
7. As if the word "other" were omitted from section 65 (2) (a) of the Ordinance.
8. As if the words "other than the Mayor and Deputy Mayor" were omitted from section 65 (2) (c) of the Ordinance.
9. As if the words "(excluding the candidates declared elected as Mayor and Deputy Mayor)" were omitted from section 65 (2) (d) of the Ordinance.
10. As if for section 66 of the ordinance there were substituted the following section :—

" Publication 66. Upon the declaration of the result of any election held of result. under section 65A (5), the returning officer shall—

(a) publish a notice specifying the names of the candidates elected as members ; and

(b) report the result through the elections officer of the district in which the electoral area is situated to the Commissioner, who shall forthwith upon the receipt by him of the report of the result, cause the names of the candidates elected as members to be published in the *Gazette*.

[§ 33, 24 of 1987]

NINTH SCHEDULE

[Section 39B]

REGULATIONS

Short title. 1. These regulations may be cited as the Postal Voters (Local Authorities Elections) Regulations, 1987.

Interpretation. 2. For the purposes of these regulations, unless the context otherwise, requires—

" issue " includes the original and any subsequent issue ;

" postal ballot paper " means a ballot paper issued to a postal voter ;

* Items 1, 2, 3 and 4 omitted (Sec. Section 32, of Act No. 24 of 1987)

“ postal voter ” with reference to an election, means a person entitled to be treated as a postal voter for the purpose of that election ;

“ Schedule ” means the Schedule to these regulations ;

“ the Ordinance ” means the Local Authorities Elections Ordinance.

3. An application to be treated as a postal voter shall be substantially in the Form “ A ” in the Schedule.

Form of application to be treated as a postal voter.

4. (1) Subject to the provisions of this regulation, the record and list of postal voters kept by the returning officer under the Ordinance shall be in such form as appears to him to be convenient and may be kept, in such number of parts as may be determined by the returning officer.

Record and list of postal voters.

(2) The address to which the ballot paper of a postal voter is to be sent shall be specified opposite his name in the postal voters’ list.

(3) The names in the postal voters’ list or in each part of such list shall be numbered consecutively.

(4) As soon as the postal voters’ list has been prepared, the returning officer shall publish it by making a copy hereof available for inspection at his office.

5. A postal ballot paper shall be in the same form as, and indistinguishable from, the ballot papers delivered to voters, who are not postal voters.

Form of postal ballot paper.

6. The form of declaration of identity sent to a postal voter with his postal ballot paper shall be substantially in the Form “ B ” in the Schedule.

Form of declaration of identity.

7. There may be appointed persons to assist the returning officer as clerks at the proceedings on the issue of postal ballot papers :

Appointment of clerks.

Provided that no person shall be so appointed who has been employed by or on behalf of a candidate in or about the election.

8. (1) No person other than—

(a) the returning officer and his clerks,

(b) an authorized agent or a group leader,

(c) a person appointed by an authorized agent or a group leader or attend in his place, and

(d) any agent appointed under paragraph (2) of this regulation,

may be present at the proceedings on the issue of postal ballot papers.

Persons entitled to be present at issue and receipt of postal ballot papers.

(2) Where postal ballot papers are to be issued simultaneously in two or more batches, each authorized agent or group leader may appoint one or more agents up to the number he may be authorized by the returning officer to appoint not exceeding the number of such batches, so however that the number authorized shall be the same in the case of each authorized agent or group leader.

(3) Notice of the appointment stating the names and address of the persons appointed under paragraph (2) of this regulation shall be given by the authorized agent or group leader to the returning officer before the time fixed for the issue of the postal ballot papers.

(4) If an agent dies or becomes incapable of acting the authorized agent or group leader may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent so appointed.

(5) Agents may be appointed and notices of their appointment may be given to the returning officer by a candidate whose name appears on the nomination paper instead of by the authorized agent or the group leader, if he is duly authorized by the secretary of the recognized political party or the group leader of the independent group.

(6) In these regulations, references to agent shall be taken as references to agents whose appointments have been duly made and notified in the case of agents appointed under paragraph (2) of this regulation, who are within the number authorized by the returning officer.

(7) An authorized agent or group leader may himself do any act or thing which any agent of his, if appointed would have been authorized to do, or may assist his agent in doing any such act or thing.

(8) Where in these regulations any act or thing is required or authorized to be done in the presence of the authorized agent or group leader or their agents the non-attendance of any such person or persons at the time and place appointed for the purpose shall not if the act or thing is otherwise validly done, invalidate the act or thing done.

Declaration
of secrecy.

9. (1) Every person attending the proceedings on the issue of postal ballot papers shall make a declaration of secrecy substantially in the Form "C" in the Schedule before the issue of such ballot papers.

(2) A declaration under paragraph (1) of this regulation shall be made by the returning officer in the presence of a Justice of the Peace and when made by any other person shall be made in the presence of the returning officer or a Justice of the Peace.

(3) Every person attending the proceedings in connection with the issue of postal ballot papers shall maintain and aid in maintaining the secrecy of the voting and shall act—

(a) except for some purpose authorized by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark made on postal ballot papers ; or

(b) except for some purpose authorized by law, communicate to any person at any time information obtained at those proceedings as to the number on the back of a postal ballot paper.

(4) Every person who acts in contravention of the provisions of paragraph (3) of this regulation shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months.

10. (1) The returning officer shall, not later than ten days after the last day of the nomination period at an election, notify each authorized agent and group leader of the time and place at which he will issue the postal ballot papers and of the number of agents he may appoint under paragraph (2) of regulation 8 to attend the said issue.

Notice of issue of ballot papers.

(2) Where any subsequent issue of ballot papers is made, the returning officer shall notify each authorized agent and group leader as soon as practicable of the time and place at which he will make such subsequent issue and of the number of agents he may appoint under paragraph (2) of regulation 8 to attend the issue.

11. (1) The postal ballot paper issued to each postal voter shall be stamped on the back, or perforated, with the official mark; and the number and name of such voter shall be called out, and the number of such voter shall be marked on the counterfoil of each such ballot paper and a mark shall be placed in the postal voters' list against the number of such voter to denote that he has been issued such ballot paper but without showing the particular ballot paper issued to him.

Official work to be made on postal ballot papers.

(2) The number of the postal voters to be marked on the counterfoil of the postal ballot paper issued to him shall be the number of such voter in the postal voters' list.

(3) The number printed on the postal ballot paper issued to a postal voter shall be marked on the form of declaration of identity sent to such voter. The number so marked is hereinafter referred to as the "marked number on the declaration of identity".

12. Where a returning officer is satisfied that two entries in the postal voters' list relate to the same postal voter, he shall not issue, in respect of that voter, more than one postal ballot paper.

Refusal to issue postal ballot paper.

Interpretation of the expression "marked number on the ballot paper envelope" and the expression "covering envelope."

13. (1) The number marked on the ballot paper envelope is referred to in these regulations as the "marked number on the ballot paper envelope".

(2) The envelope for the return of the postal ballot paper duly marked and enclosed in the ballot paper envelope and of the form of declaration of identity duly filled up is referred to in these regulations as the "covering envelope".

Delivery to post office of envelopes addressed to postal voters.

14. All envelopes addressed to postal voters shall be counted and forthwith delivered by the returning officer to the nearest post office, and the postmaster shall stamp with the post office date stamp a form of receipt to be presented by the returning officer stating the number of envelopes so delivered and shall immediately forward such envelopes for delivery to the persons to whom they are addressed.

Sealing of postal voters' list and counterfoils.

15. (1) The returning officer, as soon as practicable after the completion of the issue of the postal ballot papers, and in the presence of the agents of the authorized agents and group leaders, shall make up in separate packets—

(a) the marked copies of the postal voters' list ; and

(b) the counterfoils of the postal ballot papers which were issued, and shall seal such packets.

(2) The sealed packet containing the marked copies of the postal voters list may be opened by the returning officer for the purpose of a subsequent issue of postal ballot papers, and, on completion of the issue, the copies shall be again made up and sealed in accordance with paragraph (1) of this regulation.

Provision of postal voters' ballot box.

16. (1) The returning officer shall, at the proceedings on the original issue of the postal ballot papers to postal voters, provide a ballot box or ballot boxes for the reception of the covering envelopes that may be received from postal voters. Every such ballot box shall be treated as a ballot box for the purposes of section 61A of the Ordinance.

(2) Every ballot box referred to in paragraph (1) of this regulation shall be shown open and empty to such agents of the authorized agents and group leaders as are present, and shall be sealed with the seal of the returning officer and the seals of such of the agents as desire to affix their seals, and shall be marked "postal voters' ballot box" and with the name of the electoral area for which the election is held, and the returning officer shall make provision for the safe custody of such ballot box.

Receipt of covering envelopes from postal voters.

17. The returning officer shall, immediately on receipt of a covering envelope before the close of the poll, place it unopened in the postal voters' ballot box.

Counting officers.

18. Subject to the general or special directions of the Commissioner, the returning officer shall appoint, and may revoke the appointment of, a counting officer to be in charge of the counting of votes at the counting centre, or each counting centre where postal ballot papers are to be counted, and such number of assistants and clerks and other officers to assist such counting officer in the performance of his duties.

Notice of the count.

19. The returning officer shall make arrangements for counting the votes on the postal ballot papers as soon as possible after the close of the poll and shall give notice in writing to each secretary or the authorized agent of a recognized

political party and the group leader of any independent group contesting the election of the situation of the counting centre or each counting centre where postal ballot papers are to be counted and the date and time of the commencement of such count.

20. Each recognized political party or independent group which has nominated candidates at an election for any local authority, may appoint not more than two agents (hereinafter referred to as "counting agents") to attend at the counting of the votes at each counting centre where postal ballot papers are to be counted before the commencement of such count. Notice in writing of such appointments stating the names and addresses of the persons appointed shall be given by the secretary of such recognized political party of its authorized agent or the group leader to the counting officer before the commencement of the count. The counting officer may refuse to admit to the counting centre any counting agent whose name and address have not been so given.

Appointment of counting agents.

21. Except with the consent of the counting officer no person other than the counting officer, the persons appointed to assist him and the counting agents may be present at the counting of the votes.

Persons entitled to be present at the count.

22. The provisions of section 76 of the Ordinance shall apply at the proceedings at the counting of the postal ballot papers.

Maintenance of secrecy at the count.

23. Every postal voters' ballot box shall be opened by the counting officer in the presence of the counting agents after the close of the poll and before such officer proceeds to count the votes.

Opening of postal voters' ballot box.

24. (1) Where a postal voters' ballot box is opened, the counting officer shall count and note the number of covering envelopes, and shall then open each covering envelope separately.

Opening of the covering envelopes

(2) Where the counting officer opens a covering envelope and—

(a) finds therein—

- (i) a declaration of identity and a ballot paper envelope, or
- (ii) a declaration of identity, and a ballot paper not enclosed in a ballot paper envelope, or
- (iii) only a declaration of identity, or
- (iv) only a ballot paper not enclosed in a ballot paper envelope, or
- (v) only a ballot paper envelope, or

(b) finds nothing therein,

the succeeding provisions of this regulation shall apply.

(3) In the cases referred to in sub-paragraph (a)(i) and sub-paragraph (a)(ii) of paragraph (2) of this regulation, the counting officer shall satisfy himself that the declaration of identity has been duly signed and witnessed and that the marked number on the declaration of identity corresponds, in the case referred to in the aforesaid sub-paragraph (a)(i), to a similar marked number on the ballot paper envelope and, in the case referred to in the aforesaid sub-paragraph (a)(ii), to a similar marked number on the ballot paper. If he is so satisfied, he shall place such declaration in a separate receptacle (hereinafter referred to as the

“receptable for declarations of identity”) and, in the case referred to in the aforesaid sub-paragraph (a) (i) the ballot paper envelope, and, in the case referred to in the aforesaid sub-paragraph (a) (ii), the ballot paper, in another receptable (hereinafter referred to as the “receptacle for postal voters’ ballot papers”).

(4) Where in the cases referred to in sub-paragraph (a) (i) and sub-paragraph (a) (ii) of paragraph (2) of this regulation, the counting officer is not so satisfied as is required by a paragraph (3) of this regulation he shall—

- (a) mark on the declaration of identity the words “declaration of identity rejected”;
- (b) show such declaration to such counting agents as are present and, if any objection is made by any agent to the decision of the counting officer regarding such declaration, add to the words marked on such declaration under the preceding sub-paragraph (a) the words “rejection objected to”;
- (c) attach to such declaration, in the case referred to in the aforesaid sub-paragraph (a) (i), the ballot paper envelope or in the case referred to in the aforesaid sub-paragraph (a) (ii), the ballot paper; and
- (d) place such declaration and the documents which under the preceding sub-paragraph (c) are attached to such declaration in a receptacle (hereinafter referred to as the “receptacle for rejected votes of postal voters”).

(5) In the case referred to in sub-paragraph (a) (iii) of paragraph (2) of this regulation, the counting officer shall mark on the declaration of identity the words “declaration of identity rejected, no ballot paper and no ballot paper envelope received” and shall place such declaration in the receptacle for rejected votes of postal voters.

(6) In the case referred to in sub-paragraph (a) (iv) of paragraph (2) of this regulation, the counting officer shall mark on the ballot paper the words “rejected, no declaration of identity received,” and shall place the ballot paper in the receptacle for rejected votes of postal voters.

(7) In the case referred to in sub-paragraph (a) (v) of paragraph (2) of this regulation, the counting officer shall open the ballot paper envelope in order to ascertain whether a declaration of identity is enclosed therein.

(8) If, on opening the ballot paper envelope under paragraph (7) of this regulation, a declaration of identity and a ballot paper are found in such envelope, the counting officer shall satisfy himself that such declaration has been duly signed and witnessed and that the marked number on the declaration of identity corresponds to a similar marked number on such ballot paper and.

(a) if so satisfied, shall place such declaration in the receptacle for declarations of identity and place such ballot paper in the receptacle for postal voters’ ballot papers, and

(b) if not so satisfied, shall—

- (i) mark on such declaration the words “declaration of identity rejected”;

(ii) show such declaration to such counting agents as are present and, if any objection is made by any agent to the decision of the counting officer regarding such declaration, add to the words marked on such declaration under the preceding sub-paragraph (i) the words "rejection objected to";

(iii) attach to such declaration the ballot paper envelope and such ballot paper; and

(iv) place such declaration and the documents which under the preceding sub-paragraph (iii) are attached to such declaration in the receptacle for rejected votes of postal voters.

(9) If, on opening the ballot paper envelope under paragraph (7) of this regulation, the counting officer finds—

- (a) only a declaration of identity, or
- (b) only a ballot paper, or
- (c) nothing,

he shall—

- (i) in the case referred to in the preceding sub-paragraph (a) mark on such declaration the words "declaration of identity rejected, no ballot paper received";
- (ii) in the case referred to in the preceding sub-paragraph (b) mark on such ballot paper the words "rejected, no declaration of identity received";
- (iii) in the case referred to in the preceding sub-paragraph (c), mark on the ballot paper envelope the words "rejected, no contents received"; and
- (iv) if a declaration of identity or a ballot paper is found in the ballot paper envelope, attach such declaration or ballot paper to such envelope; and

place the ballot paper envelope and the document or documents, if any attached to such envelope under the preceding sub-paragraph (iv) in the receptacle for rejected votes of postal voters.

(10) In the case referred to in sub-paragraph (b) of paragraph (2), the counting officer shall mark on the covering envelope the words "rejected, no contents received," and shall place such envelope in the receptacle for rejected votes of postal voters.

(11) A declaration of identity shall be deemed not to be duly signed and witnessed unless it is signed and witnessed in accordance with the instructions contained on the back of the form of declaration of identity.

25. (1) On the conclusion of the proceedings under regulation 24 the counting officer shall open separately each ballot paper envelope place in the receptacle for postal voters' ballot papers.

Opening of ballot paper envelopes.

(2) Where a ballot paper envelope does not contain any ballot paper, the counting officer shall mark on that envelope the words "no ballot paper enclosed," and shall place it in the receptacle for rejected votes of postal voters.

(3) Where a ballot paper envelope contains a ballot paper, the counting officer shall—

- (a) if the marked number on such envelope corresponds to a similar marked number on such ballot paper, place such ballot paper in the receptacle for postal voters' ballot papers ; and
- (b) if such envelope contains a ballot paper and the marked number on such ballot paper does not correspond to the marked number on such envelope, mark on such envelope the word " rejected," attach such ballot paper to such envelope, and place them in the receptacle for rejected votes of postal voters.

Sealing of rejected votes and declarations of identity.

26. On the conclusion of the proceedings under regulation 25, the counting officer shall put the contents of the receptacle for rejected votes of postal voters and the contents of the receptacle for the declaration of identity into two separate packets and shall seal such packets.

The count.

27. (1) Before the counting officer proceeds to count the votes, he or a person authorized by him shall, in the presence of such of the counting agents as attend, take out the ballot papers placed in the receptacle for postal voters' ballot papers and count and record the number of such papers in such receptacle.

(2) In counting the votes in the ballot papers placed in the receptacle for postal voters' ballot papers, the provisions of subsection (3) of section 62 and sections 63 and 63A of the Ordinance shall apply.

Closure of the count.

28. Upon the completion of the counting, the counting officer shall forthwith deliver in sealed packets to the returning officer—

- (a) the counted ballot papers ;
- (b) the rejected ballot papers ;
- (c) the written statement of the number of votes given to each recognized political party or independent group and a statement of the preferences secured by each candidate nominated by each such party or group prepared in terms of subsection (6) of section 63 of the Ordinance ;
- (d) the statement drawn up in terms of subsection (5) of section 63 of the Ordinance ;
- (e) the two sealed packets referred to in regulation 26 ; and
- (f) the record of the count under regulation 27 (1).

SCHEDULE TO THESE REGULATIONS

FORM A

(Regulation 3)

APPLICATION TO BE TREATED AS A POSTAL VOTER

To : The Returning Officer of the Local Authority area
(Give the name of the Local Authority)

I,, hereby declare that my name appears as
..... in the register of electors in force for the above-mentioned local authority area. The serial number, the polling division, the polling district and the electoral district under which my name appears in the register are as follows :—

Electoral District No. :

Polling division letter :

Polling District No. :

Serial number of my name :

I, hereby apply to be treated as a postal voter at the election of members for the above-mentioned local authority because I am unable*/likely to be unable* to vote in person at the polling station allotted to me—

*(1) by reason of the particular circumstances of my employment—

*(a) as a member of the Sri Lanka Army/Sri Lanka Navy/Sri Lanka Air Force ;

*(b) as an officer or servant in the Department of Police/Sri Lanka Government Railway/Department of Posts/ Department of Telecommunications/Sri Lanka Central Transport Board/..... /Regional Transport Board ;

(c) as an officer or servant in the public service appointed/likely to be appointed* for duties connected with the election ;

(d) as an officer or servant of the Central Bank of Sri Lanka appointed/like to be appointed* for duties connected with such election ;

*(2) by reason of my candidature in the local authority ; (Give name of the local authority)

The address to which my ballot paper and other documents should be sent is as follows :—

If the applicant is not entitled to function as a certifying officer in accordance with the note appearing below, state official designation and address of applicant's certifying officer.

If the applicant is entitled to function as a certifying officer, state applicant's official designation and address.

Signature of Applicant.

Date :

I hereby certify that I am unable*/likely to be unable*/the applicant is unable*/likely to be unable*/ to vote in person at the polling station allotted to me*/him* for the reason stated by me*/him in this application.

My official designation and address as stated in this/application are correct.

Date and official rank :

Signature and designation of certifying officer*/ applicant.*

*Delete inapplicable words.

NOTE

1. Every application shall be made to the returning officer of the electoral area where the applicant is registered as an elector within ten days after the date of publication of the notice of nomination under section 26 of the Ordinance.

2. Every application shall be duly filed in as otherwise it is liable to rejection by the returning officer.

3. Every applicant will be informed of the decision of the returning officer.

4. The ballot paper and other documents will be despatched to any applicant whose application has been allowed to his name and address as stated in his application if he is entitled to function as a certifying officer, or, if he is not so entitled under the care of the certifying officer whose official designation and address are stated in his application.

5. The expression "certifying officer",—

(a) in relation to any applicant who, being a member of the Sri Lanka Army or Sri Lanka Navy or Sri Lanka Air Force,—

(i) is the Commander of that Army or the Captain of that Navy or the Commander of that Air Force, or is the officer in immediate charge of the unit or establishment in which the applicant is serving, means that applicant; or

(ii) is not a person referred to in clause (i) of this sub-paragraph, means the officer in immediate charge of the unit or establishment in which the applicant is serving;

(b) in relation to any applicant who, being an officer or servant in the public service or the Central Bank of Sri Lanka—

(i) is the officer in immediate charge of any office, means the applicant; or

(ii) is not a person referred to in clause (i) of this sub-paragraph, means the officer in immediate charge of the office in which the applicant is serving; or

(c) in relation to any applicant who is a candidate at a local government election, means the returning officer for the electoral area in which the applicant is registered as an elector.

FORM B

(Regulation 6)

FORM OF DECLARATION OF IDENTITY

Front of Form

Serial number of ballot paper.....

(To be inserted by the returning officer).

*I hereby declare that I am the person to whom the ballot paper bearing the above serial number and the envelope containing such ballot paper (which have been now handed over to me) were sent under the care of the officer mentioned below who is a witness to my signature.

****I hereby declare that I am, the person to whom the ballot paper bearing the above serial number and the envelope containing such ballot paper (both of which I now produce) were sent direct.**

.....
Voter's signature.

Date :

The ballot paper and the envelope referred to were sent to the above named person under my care in my capacity as his certifying officer. The above named person is personally known to me, being a candidate at the pending local authority election*/being employed in the unit*/establishment*/office in my charge.

The ballot paper handed over to the voter was marked immediately by him in the compartment provided in my office. The marked ballot paper was placed in the ballot paper envelope by the voter and the envelope was sealed in my presence and that of the voter.

The above declaration of identity was signed in my presence by the voter before voting.

**The above named person who is personally known to me has shown me the ballot paper and the envelope referred to above and has signed the above declaration in my presence.

.....
Signature and designation of witness.

Date and official frank :—.....

(See instruction on back of this form)

*Delete if inapplicable.

**Applicable only in respect of votes to whom the ballot paper and other documents were sent direct under their official designation and address and should be deleted if inapplicable. The witness to the declaration in respect of such voters will be as specified in the instructions overleaf.

BACK OF FORM

A. Instructions to voter in respect of whom ballot paper and other documents have been despatched under the care of his certifying officer.

1. Before signing the declaration, the voter in respect of whom the ballot paper and other documents have been despatched under the care of his certifying officer shall see—

- (i) the envelope in which the form of declaration of identity and the ballot paper were forwarded to the voter under the care of such officer ;
- (ii) that the serial number of the ballot paper specified in the declaration of identity is the same as the number appearing on the ballot paper handed over to him.

The voter shall then sign the declaration in the presence of such officer who shall function as his witness.

2. The voter has only one vote.

3. The voter shall vote by marking a ballot paper with a cross in the space provided for the purpose on the right hand side of such paper opposite the name and symbol of the recognized political party or independent group for which he votes, (thus X) and may indicate his preferences for not more than three candidates nominated by such party or groups or group by placing a cross at the bottom of the ballot paper on the cage enclosing the serial number corresponding to the serial number assigned to each such candidate.

4. THE VOTER SHALL NOT ALLOW ANY PERSON TO SEE HOW HE HAS VOTED.

5. Immediately after voting the voter shall fold the ballot paper, obtain the small envelope provided on which are printed the words "ballot paper envelope" from his witness, place the marked ballot paper in it without showing the front of the ballot paper and fasten the envelope. The envelope shall then be sealed in the presence of the voter and his witness.

The voter shall then place the sealed ballot paper envelope, together with his completed declaration of identity in the other large enclosed envelope addressed to the returning officer, fasten the envelope and hand it over to his witness for despatch without delay.

B. A POSTAL BALLOT PAPER SHALL BE DEEMED NOT TO BE DULY RETURNED UNLESS IT IS RETURNED SO AS TO REACH THE RETURNING OFFICER BEFORE THE CLOSE OF THE POLL ON THE POLLING DAY APPOINTED AND IS ACCOMPANIED BY THE DECLARATION OF IDENTITY DULY SIGNED AND WITNESSED.

Instructions to voter in respect of whom ballot paper and other documents have been sent direct to him under his official designation and address.

1. Before signing the declaration of identity, the voter shall show the person before whom he is to sign such declaration,—

(a) the ballot paper bearing the same number as is specified in such declaration ; and

(b) the envelope in which the voter has received the form of declaration of identity and the ballot paper.

2. The voter shall sign the declaration of identity in the presence of a witness who shall—

(a) if the voter is a member of the Sri Lanka Army, Sri Lanka Navy, Sri Lanka Air Force, be a Commissioned Officer of such Army, Navy or Air Force ;

(b) if the voter is an officer or servant in the public service or the Central Bank of Sri Lanka, be a superior officer of such Service, or if the voter has no superior officer, any other officer of such service.

3. The voter has only one vote.

4. The voter shall vote marking a ballot paper with a cross in the space provided for the purpose on the right hand side of such paper opposite the name and symbol of the recognized political party or independent group for which he votes, (thus X) and may indicate his preferences for not more than three candidates nominated by such party or group, by placing a cross on the bottom of the ballot paper on the cage enclosing the serial number corresponding to the serial number assigned to each such candidate.

5. THE VOTER SHALL NOT ALLOW ANY PERSON TO SEE HOW HE HAS VOTED.

6. Immediately after voting, the voter shall place the marked ballot paper in the enclosed small envelope on which are printed the words "ballot paper envelope" and fasten it. The voter shall then place the ballot paper envelope together with the declaration of identity, in the other larger enclosed envelope addressed to the returning officer and despatch them by post without delay. Unless the voter returns the ballot paper at once it may be too late to be counted.

7. A postal ballot paper shall be deemed not to be duly returned, unless it is returned so as to reach the returning officer before the close of the poll on the polling day appointed and is accompanied by the declaration of identity duly signed and witnessed.

FORM C

(Regulation 9 (1))

Form of Declaration of Secrecy

I solemnly promise and declare that I will not at these proceedings do anything forbidden by paragraph (3) of regulation 9 of the regulations contained in the Schedule to the Ordinance which has been read to me.

Signature of declarant.

Signature of person before whom the declaration is made.

Date : _____

Note.—The paragraph referred to must be read to the declarant by the person before whom the declaration is made.