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PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

PARLIAMENTARY ELECTIONS
(AMENDMENT)
ACT, No. 15 OF 1988

[Certified on 24th May, 1988]

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Parliamentary Elections (Amendment)
Act, No. 15 of 1988

[Certified on 24th May, 1988]

L.D.—O. 19/88.

AN ACT TO AMEND THE PARLIAMENTARY ELECTIONS
Act, No. 1 of 1981

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

1. This Act may be cited as the Parliamentary Elections (Amendment) Act, No. 15 of 1988.

Short title

2. Section 10 of the Parliamentary Elections Act, No. 1 of 1981 (hereinafter referred to as the "principal enactment") is hereby amended in subsection (2) as follows :—

Amendment
of section
10 of Act
No. 1 of 1981.

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

"(a) The nomination period shall commence on the tenth day after the date of publication in the *Gazette* of the Proclamation or Order referred to in subsection (1) and expire at twelve noon on the seventeenth day after the date of publication of such Proclamation or Order." ; and

(2) by the repeal of sub-paragraph (i) of paragraph (b) of that subsection and the substitution, of the following sub-paragraph therefor :—

"(i) a day not less than five weeks and not more than seven weeks from the closing day of the nomination period ;"

3. Section 15 of the principal enactment is hereby amended by the repeal of subsections (1) and (2) of that section and the substitution of the following subsections therefor :—

Amendment
of section
15 of the
principal
enactment.

(1) 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 an election of Members of Parliament for any electoral district, submit one nomination paper setting out the names of such number of candidates as is equivalent to the number of Members to be elected for that electoral district, increased by three. Such nomination paper shall be substantially in Form A set out in the First Schedule to this Act.

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

Amendment
of section
19 of the
principal
enactment.

4. Section 19 of the principal enactment is hereby amended as follows :—

(1) in paragraph (b) of subsection (1) of that section, by the substitution for the words and figures “ Article 99 (2) ”, of the words and figures “ Article 99 (3) ”; and

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

“ (d) where the consent of one or more candidates nominated or 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 endorsed on the nomination paper.”; and

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

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

Amendment
of section
20 of the
principal
enactment.

5. Section 20 of the principal enactment is hereby amended by the repeal of subsection (1) of that section, and the substitution of the following subsection therefor :—

“(1) Where 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 Members. 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

Members the respective candidates specified in such declaration. 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 such number of candidates, in the order in which their names appear in such nomination paper, as is equal to the number of Members to be elected shall be declared elected.”.

6. Section 24 of the principal enactment is hereby amended in subsection (1) of that section, by repeal of paragraph (b) of that subsection, and the substitution of the following paragraph therefor :—

Amendment
of section
24 of the
principal
enactment.

(b) the names of the candidates, (as indicated by the candidates,) placed in alphabetical order, according to the Sinhala alphabet of each recognized political party and independent group nominated for election as Members of that electoral district, 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 ;’.

7. Section 25 of the principal enactment is hereby repealed and the following section substituted therefor :

Replacement
of section
25 of the
principal
enactment.

“Death of
candidate
after
nomination.

25. (1) Whenever the death occurs of a candidate between the adjournment of the election for the purposes of the poll and the commencement of the poll, the Commissioner shall, upon being satisfied of the fact of such death, direct in writing, the secretary of the such party or the group leader of the independent group, as the case may be, by which the deceased candidate was nominated to nominate another candidate in place of the deceased candidate.

(2) Upon receipt of a direction under subsection (1), the secretary of the recognized political party or the group leader of that independent group, as the case may be, shall forthwith inform the Commissioner, of the name and address of the candidate nominated in pursuance of such direction.

(3) Upon receipt of any information under subsection (2), the Commissioner shall direct the returning officer to expunge the name of the deceased candidate from with nomination paper and to enter the name of the candidate nominated under subsection (2) on such nomination paper. The Commissioner shall publish a notice in the Gazette, stating the fact of the death of the candidate referred to in subsection (1), and that notwithstanding such death, the nomination paper with the omission of the name of the deceased candidate and the the inclusion of the name of the candidate nominated under subsection (2) is valid and that the poll shall be taken as specified in the notice published under section 24."

Amendment
of section
26 of the
principal
enactment.

8. Section 26 of the principal enactment is hereby amended in paragraph (a) of subsection (2) of that section, by the substitution, for the words "Department of Police, Sri Lanka Government Railway", of the words "Department of Police, Department of Prisons, Sri Lanka Government Railway".

Amendment
of section
30 of the
principal
enactment.

9. Section 30 of the principal enactment is hereby amended in subsection (1) of that section, by the repeal of paragraph (b) of that subsection, and the substitution of the following paragraph therefor:—

"(b) outside the polling station a notice specifying the name of each recognized political party contesting the election or in the case of an independent group contesting the election, the words "Independent Group" for each such group and the distinguishing number, if any, allotted to it together with the names of the candidates (as indicated by the candidates) in alphabetical order, according to the sinhala alphabet of each such recognized political party or independent group, the serial number assigned to each such candidate and the approved symbol allotted to each such party or group".

10. Section 32 of the principal enactment is hereby amended in subsection (2) of that section, by the repeal of paragraph (a) of that subsection and the substitution of the following paragraph therefor:—

Amendment
of section
32 of the
principal
enactment.

- (a) shall contain the names of the recognized political parties contesting the election, in Sinhala, Tamil and English, arranged alphabetically, according to the sinhala alphabet, 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 group and the distinguishing number, if any, in the serial order and the symbol allotted to each such group and set out against the name of each such party or group, such number or numbers placed in serial order as is equal to the number of members to be elected from the electoral district, increased by three ;'

11. Section 34 of the principal enactment is hereby amended as follows:—

Amendment
of section
34 of the
principal
enactment.

- (1) in subsection (1) of that section, by the substitution, for the words "names and addresses of the persons so appointed", of the words "names, the numbers of the national or other identity card issued by a government department or public corporation and addresses of the persons so appointed"; and
- (2) in subsection (3) of that section, by the substitution, for the words "name and address of the new polling agent" of the words "name, the number of the national or other identity card issued by a government department or public corporation and address of the new polling agent."

12. Section 35 of the principal enactment is hereby amended in subsection (2) of that section, by the addition of the following proviso thereto:—

Amendment
of section
35 of the
principal
enactment.

"Provided however, that only one candidate from each recognized political party or independent group shall be admitted to the polling station at any one time."

Amendment
of section
51 of the
principal
enactment.

13. Section 51 of the principal enactment is hereby amended by the repeal of subsection (3) of that section and the substitution of the following subsection therefor:—

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

Amendment
of section
53 of the
principal
enactment.

14. Section 53 of the principal enactment is hereby amended as follows:—

(1) by the repeal of subsection (7) of that section, and the substitution of the following subsection therefor:—

“ (7) 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 in 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 or clerks and the counting agents of any party or group as are present and desire to sign. The counting officer shall on request allow any counting agent to copy the statement.”.

(2) by the insertion immediately after subsection (7) of that section, of the following new subsections:—

“ (7A) 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.

(7B) 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.

(7C) 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.

15. Section 55 of the principal enactment is hereby amended by the repeal of paragraph (h) of that section and the substitution of the following paragraph therefor:—

Amendment
of section
55 of the
principal
enactment.

“(h) the written statement under section 53 (7) of the number of votes given to each recognized political party or independent group and the number of preferences secured by each candidate nominated by each such party or group.”

16. Section 60 of the principal enactment is hereby amended by the repeal of subsection (1) of that section, and the substitution of the following subsection therefor:—

Amendment
of section
60 of the
principal
enactment.

“(1) After the receipt of the documents referred to in section 55 the returning officer shall from the statements under subsection (7) of section 53 furnished to him by all the counting officers (including the counting officers of the counting centre or centres where postal ballot papers were counted) add up and determine the number of votes given for each recognized political party and independent group and the number of preferences indicated for each candidate nominated by each such party or group. The returning officer shall, before he opens a sealed packet referred to in paragraph (h) of section 55, upon a request made by an agent appointed under section 58, permit such agent to inspect the seals on such packet.”

17. Section 64 of the principal enactment is hereby amended by repeal of subsection (3) of that section, and the substitution of the following subsection therefor:—

Amendment
of section
64 of the
principal
enactment.

“(3) Where all the candidates whose names appear in the nomination paper submitted by any recognized political party or independent group in respect of an electoral district have been exhausted by election or

otherwise or where none of the candidates whose names remain on such a nomination paper have secured any preferences, and thereafter a vacancy occurs to be filled by a member nominated by such party or group, the returning officer of such electoral district shall inform the Commissioner.”.

Repeal
of section
65 of the
principal
enactment.

18. Section 65 of the principal enactment is hereby repealed.

Amendment
of section
66 of the
principal
enactment.

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

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

Amendment
of section
122 of the
principal
enactment.

20. Section 122 of the principal enactment is hereby amended as follows:—

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

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

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

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

(b) the names of the persons granted leave under that subsection and the periods for which such persons have been granted such leave, and shall cause such statement to be conspicuously exhibited at the place of employment”; and

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

Amendment
of section
125 of the
principal
enactment.

21. Section 125 of the principal enactment is hereby amended as follows:—

(1) in subsection (1) of that section, by the substitution for the words “the seventh day before the day of the poll”, of the words “the tenth day before the day of the poll”; and

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

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

22. Section 126 of the principal enactment is hereby amended as follows :—

Amendment
of section
126 of the
principal
enactment.

(1) in subsection (1) of that section, by the substitution, for the words “ Director-General of Broadcasting ”, of the words “ the Chairman of the Sri Lanka Broadcasting Corporation and the Chairman of the Sri Lanka Rupavahini Corporation ” ;

(2) by the repeal of subsection (2) of that section and the substitution of the following subsection therefor :—

“ (2) A recognized political party or independent group making application under subsection (1) for the use of broadcasting facilities during the period referred to in that subsection, shall be permitted—

(a) in the case of radio broadcasting, to use—

(i) a total period of thirty minutes, if such party or group has submitted nomination papers in respect of only one electoral district ;

(ii) a total period of sixty minutes, if such party or group has submitted nomination papers in respect of more than one but less than fourteen electoral districts or has nominated not less than one hundred and thirty two candidates for the electoral districts, in respect of which it has submitted nomination papers ;

(iii) a total period of ninety minutes, if such party or group has submitted nomination papers in respect of fourteen or more electoral districts or has nominated more than one hundred and thirty-two candidates for the electoral districts in respect of which it has submitted nomination papers ;

(b) in the case of television broadcasting, to use—

(i) a total period of thirty minutes if such party or group has submitted nomination papers for only one electoral district ;

(ii) a total period of sixty minutes, if such party or group has submitted nomination papers in respect of more than one but less than fourteen electoral districts or has nominated not less than one hundred and thirty two candidates for the electoral districts in respect of which it has submitted nomination papers ;

(iii) a total period of ninety minutes, if such party or group has submitted nomination papers in respect of fourteen or more electoral districts or has nominated more than one hundred and thirty two candidates for the electoral districts in respect of which it has submitted nomination papers.

The time allotted to each recognized political party or independent group in accordance with the provisions of this subsection may be used by such party or group on one or more occasions, so however that the use on each such occasion shall be for a period not less than fifteen minutes and not more than thirty minutes.” ;

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

- (4) in paragraph (b) of subsection (4) of that section, by the substitution, for the words "Director-General of Broadcasting", of the words "Chairman of Sri Lanka Broadcasting Corporation and the Chairman of the Sri Lanka Rupavahini Corporation";
- (5) by the addition at the end of that section of the following subsections:—

"(7) The Commissioner may permit every recognized political party or independent group to use, in addition to the period allocated to such party, or group under subsection (2), broadcasting facilities on radio and television for such periods as may be determined by the Commissioner having regard to the principles set out in subsection (2).

(8) The Chairman of the Sri Lanka Broadcasting Corporation and the Chairman of the Rupavahini Corporation shall ensure that except as provided in the preceding provision of this section no material is broadcast, over the radio or television during the period commencing on the nomination day and ending on the date of declaration of the result, which will have the effect of promoting the candidature of a particular political party or independent group or of a particular candidate. In implementing the provisions of this subsection, the Chairman of the Sri Lanka Broadcasting Corporation and the Chairman of the Sri Lanka Rupavahini Corporation shall act in consultation with the Commissioner."

23. The following new sections are hereby inserted immediately after section 127, and shall have effect as sections 127A and 127B of the principal enactment:—

Insertion
of new
sections 127A
and 127B
in the
principal
enactment.

"Police to assist Commissioner . . . 127A. Every police officer shall ensure the orderly conduct of an election held under this Act, and shall comply with any direction given to him in that regard by the Commissioner.

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

127B. (1) Notwithstanding the provisions of any other law, any registered elector who reasonably fears that due to conditions prevailing in the area within which his polling station is situate, that he is unable to cast his vote at such polling station, may make an application to the Commissioner of Elections within one week of the notice of nomination, requesting that he may be allowed to cast his vote at another polling station determined by the Commissioner, in his absolute discretion.

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

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

24. The following section is hereby inserted immediately after section 129, and shall have effect as section 129A of the principal enactment:—

Insertion of section 129A in the principal enactment.

“Special provision relating to zones.

129A. Every reference in this Act to an electoral district shall, notwithstanding anything to the contrary in this Act, be deemed to include a reference to a zone into which an electoral district has been divided, under the provisions of the Constitution, and the provisions of this Act shall be construed accordingly.”.

25. The First Schedule to the principal enactment is hereby amended as follows :—

Amendment of the First Schedule to the principal enactment.

(1) In Form A of that Schedule, by the omission of the words “in the order of priority in which their names appear”;

(2) by the substitution, for Form C of that Schedule, of the following Form :—

FORM C
SECTION 32

FORM OF FRONT OF BALLOT PAPER

<p>Counterfoil No.</p> <p>Note: Counterfoil to have a number to correspond with that on the back of the ballot paper</p> <p>The names of each re-recognized political party and the words "independent group" must be printed in Sinhala, Tamil and English"</p>	'A' Party									
	'B' Party									
	'C' Party									
	"Independent Group" 1									
	"Independent Group" 2									
	"Independent Group" 3									
	1	2	3	4	5	6	7	8	9	10
	11	12	13	14	15	16	17	18	19	20
	21	22	23	24	25	26	27	28	29	30
	31	32	33	34	35	36	37	38	39	40
	41	42	43	44	45	46	47	48	49	50

• Here print symbol of each party or independent group

26. The Second Schedule to the principal enactment is hereby amended as follows:—

Amendment of the Second Schedule to the principal enactment.

(1) In Form A of that Schedule—

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

(b) by the substitution for the words "as an officer or servant of the Department of Police/Sri Lanka Government Railway", of the words "as an officer or servant of the Department of Police/Department of Prison/Sri Lanka Government Railway";

(2) In Form B of that Schedule, by the substitution for paragraph 3 of the back of the Form, or the following:—

'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 ballot 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 cage enclosing the serial number corresponding to the serial number assigned to each such candidate.'

Amendment
of Third
Schedule
to the
principal
enactment.

27. The Third Schedule to the principal enactment is hereby amended by the repeal of all the words from "The voter will go into one of the compartments" to "group for which he votes", and the substitution of the following therefor :—

"Every voter will go into one of the compartments and place a cross (thus X) 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 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."

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