Local Authorities Elections Ordinance

(Chapter 262)

(All Amendments of the Local Authorities Elections Ordinance up to February 17th, 2025 were incorporated in this print.)

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FOREWORD

This reprint of the Local Authorities Elections Ordinance up to February 17th, 2025 were incorporated in this print. It is how ever not a statutory reprint. It is only issued for purposes of convenience.

Election Commission.

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CHAPTER 262

LOCAL AUTHORITIES ELECTIONS

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATION TO THE ELECTION OF MEMBERS 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] [24 of 1990] [25 of 1990] [1 of 2002] [6 of 2002] [14 of 2004] [16 of 2007] [28 of 2011] [21 of 2012] [22 of 2012] [30 of 2013] [1 of 2016] [16 of 2017] [31 of 2017] [21 of 2023] [30 of 2023] [1 of 2025]

(10th February, 1947)

Short title

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

Application of Ordinance. [§ 2, 24 of 1977] [§ 2, 20 of 1987]

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

Electoral areas. [§ 3, 20 of 1987]

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

[§ 2, 22 of 2012]

PART I

ESTABLISHMENT OF A NATIONAL DELIMITATION COMMITTEE

Establishment of a National Delimination Committee [§ 2, 22 of 2012]

3A. (1) The Minister shall, upon the coming into operation of this section, by Order published in the *Gazette*, establish a National Delimitation Committee (in this Part referred to as the "National Committee") which shall consist of five persons to be appointed by the Minister,

one of whom shall be nominated by him to be the Chairman of the National Committee.

2. In the event of any vacancy occurring in the membership of the National Committee during their term of office, the Minister shall appoint another person to fill in such vacancy.

(3) The quorum, for any meeting of the National Committee shall be three members and its Chairman shall preside at all meetings of such Committee. In the absence of the Chairman from any meeting of the National Committe, the members present at the meeting shall nominate a member from among themselves to preside at such meeting.

(4) Subject to the Provisions of subsection (3) of this section, the National Committee may regulate the procadure in regard to the conduct of its meetings and the transaction of business at such meetings.

The mandate of the National Committee and the reports to be submitted. [§ 3, 22 of 2012]

3B. (1) The mandete to the National Committee shall be to made recommendations to the Minister for the division of each local authority area into wards, tading into consideration the requirements sett out in subsection (2) and to determine the boundaries of each ward and assign a name and a number to each such ward.

(2) The National Committee shall, in makinng its recommendation for the division of a local authority area into wards, take into consideration :-

(*a*) the ratio of the ethnic composition of the local authority area concerned, and the need to ensure representation on the basis of ethnic ratio ;

(*b*) the geographical area of the local authority and its physical features;

(*c*) the population of the local authority area and the density of such population; and

(*d*) the level of ecnomic development of the local authority area.

(3) Where the National Committee is of the view that having taken into consideration the requirements specified in subsection (2), it is appropriate to create a ward which shall be entitled to return more than one member, the National Committee shall recommend the creation of a multi member ward or wards, as the case may be, for any local authority area.

(4) The proceedings of the National Committee shall be conducted in such manner as shall be prescribed.

(5) The National Committee established under section 3A shall be required to fulfill its mandate by such date as shall be determined by the Minister and on the completion of such mandate, submit a report on its recommendations to the Minister.

Order to be published of all boundaries, names and numbers or letters of each ward created for each local authority. [§ 3, 22 of 2012]

3C.(1) Upon the receipt of the report on the recommendations of the National Committee, the Minister shall forthwith submit such report on the recommendation to the President.

(2) Upon the receipt of such report on the recommendations, the President shall by Order published in the *Gazette,* publish the number of wards, the boundaries, names, number or the alphabetical letter assigned to each ward so created on the recommendations made by the National Committee in respect of each local authority. Where the National Committee has recommended the creation of multi member wards, the name and the number or the alphabetical letter assigned to each such multi member ward, the name of the respective local authority and the total number

[§ 2, 16 of 2017]

of members to be elected to each such multi member ward, shall also be so specified.

Minister to alter the boundaries of any ward. [§ 2, 22 of 2012]

3D. (1) The Minister may cause an alteration to be made to the boundaries of the wards as published in the Order made under section 3C. Further the alterations shall be made on the recommendations of a Committee consisting of five persons appointed by the Minister and the requirements specified in section 3B shall apply to and in respect of any such alterations being made.

[§ 2, 16 of 2017]

(2) The new boundaries, names and numbers of each ward boundaries of which are altered under subsection (1), shall be published in the *Gazette* by the Minister and take effect in respect of an election held under this Ordinance immediately after such alterations are effected.

Establishment of District Delimitation Committees at district levels. [§ 2, 22 of 2012]

3E. (1) For the purpose of assisting a National Committe in fulfilling its mandate, the Minister shall appoint a Delimitation Committee at each district level, (hereinafter referred to as a "District Committee") which shall consist of the District Secretary of the relevant district who shall be the Chairman of such District Committee and the following members to be appointed by the Minsister:—

(a) a representative of the Department of Elections;

(b) a representative of the Provincial Ministry of Local Government of the Provincial Council within which such district is situated;

(c) a representative of the SurveyGeneral's Department;

(d) a representative of the Department of Census and Statistics; and

(e) a public officer nominated by the Minister.

(2) A District Committee shall carry out such functions as may be assigned to it by the National Committee and shall act under the direction and the supervision of such National Committee.

(3) The provisions of subsection (3) and (4) of section 3A shall *mutatis mutandis* apply to and in regard to the conduct of meetings of District Committee."

[§ 3, 22 of 2012]

PART IA

SUPERVISING STAFF

Officers and staff.
[§ 2, 24 of 1987]
[§ 4, 22 of 2012]

4*"(1) The Commissioner may appoint by name or by office for each district in Sri Lanka, a fit and proper person to be or to act as district returning officer and one other person to be or to act as the returning officer for each of the local authority area or of any particular local authority, as the case may be, in a district, and such number of other persons as may become necessary to be or to act as assistant returning officers for that district.".

(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 apporoved by the Minister with the concurrence of the Minister in charge of the subject of Finance.

* Every reference to "election officer" or "assistant elections officer" shall , after May 15, 1987, be read and consrued 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]

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]
[§ 5, 22 of 2012]

(2) Subject to the general supervision and control of the Commissioner, each assistant returning officer and assistant elections officer may exercise or perform the powers or duties conferred or imposed by this Ordinance upon an election officer.

PART II

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

QUALIFICATIONS OF VOTERS

Disqualification of voters
[§ 2, 25 of 1953]
[§ 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 in 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.

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(*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 residen in any ward which is situated wholly or partly within the electoral district. [§ 6, 22 of 2012]

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".

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 pepreparation 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.

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 - * Disqualification for membership [§ 8, 24 of 1977]

(*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

[§ 4, 09 of 1963] (*b*) is less than eighteen years of age; or

[§ 2, 30 of 1970] †(*d*) is-

(i) a judicial official, or

(ii) a member of the Armed Forces, or

[§ 4, 16 of 2017] (iii) a police officer, or

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

(iva) a public officer who is engaged in field based activities who has not ceased to serve within a Local Authority area in which he seeks nomination at least one year prior to the election to such Local Authority.

For the purpose of this sub paragraph "a public officer who is engaged in field based activities"

[§ 2, 48 of 1983] (v) a public officer in any Government Department holding -

(*a*) by the substition in sub-paragraph (v)(A) of that paragraph, for the words "created prior to November 18, 1970, the initial salary scale of which was on November 18, 1970, not less than Rs. 6,720 *per annum*", of the words "created prior on June 01, 2007, the initial salary scale of which was on January 01, 2007, not less than Rs. 2,27,280 *per annum*" ;

(b) by the substitution in sub-paragraph (v)(B) of that paragraph, for the words "created after November 18, 1970", of the words "created after June 01, 2007" ;

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

(vi) an officer in any public corporation holding- [§ 2, 48 of 1983]

(A) any office created prior to January 01, 2009 the initial of the salary scale of which was, on January 01, 2009, not less than Rs. 2,46,300 per annum or such other amount per annum as would, under any subsequent revision of salary sclaes, correspond to such initial; or [§ 7, 22 of 2012]

(B) any office created after, January 01, 2009 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. [§ 7, 22 of 2012]

(*dd*) is a member of Parliament, a member of a Provincial Council establishment by the Constitution or a member of any other local authority; or [§ 4, 9 of 1963] [§ 4, 24 of 1987] [§ 2, 25 of 1990]

(*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 or 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

[§ 6, 25 of 1953] (*g*) is, under any law in force in Sri Lanka, found or declared to be of unsound mind; or

[§ 6, 25 of 1953] (*h*) is an uncertificated or undischarged bankrupt or insol vent, or

(*i*) is serving a sentence of improsonment for an offence punishable with imprisonment for a team 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

[§ 7, 22 of 2012] (i) is serving or has during the period of seven years immediately preceding, completed serving a sentence of imprisonment for an offence punishable with imprisonment for a term exceeding twelve months or is under a sentence of death or is serving or has during the period of seven years immediately preceding, completed serving a sentence of imprisonment awarded in lieu 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 extent to a person who holds a post the initial of the salary scale of which is-

[§ 7, 22 of 2012] (i) in the case of a post created prior to June 01, 2007, less than Rs. 2,27,280 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

[§ 6, 25 of 1953] [§ 7, 22 of 2012] (ii) in the case of a post created after June 01, 2007 not less than the initial of any salary scale applicable, on the

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

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, corresponed 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 [§ 6, 25 of 1953]

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

(*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. [§ 6, 25 of 1953] [§ 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 pro vision, or by reason of the report of an Election Judge in accordance with that Order; or

(*b*) is disqualified by sub-paragraph (g) 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 sitting or voting in Parliament by reason of an adjudgment referred to therein.

[§ 4, 24 of 1987] (3) Without prejudice to the generality of the provisions of sub section (1) and sub section (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.

[§ 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.

* Sub section (4) is repealed - See section 8 of Law No. 24 of 1977

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 is 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 election office 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 nomination 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 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 election officer shall not published 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.

Penalty for acting member after office is vacated.

[First Schedule 21 of 2023]

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 Fifty Thousand rupees in respect of each day on which he so acts as a member.

PART III

[§ 10, 24 of 1977]

Division into Polling Districts and preparation of Electoral Lists

DIVISION INTO POLLING DISTRICTS

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

[§ 11, 24 of 1977]

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;

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.

Provided further,

[§ 8, 22 of 2012]
[§ 5, 16 of 2017]

(i) each ward of a local authority shall be deemed to be a polling area for the purposes of an election to that local authority; and

(ii) each ward shall be identified by a name and a number.

(2) The district returning officer shall— [§ 8, 22 of 2012] [§ 5, 16 of 2017]

(*a*) divide the polling area of a local authority, into one or more polling districts in accordance with directions as may be issued by the Commissioner;

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

(*c*) determine with respect to each such polling district, the location in which the polling station in respect of that
district shall be situated; and

(*d*) publish in the *Gazette*, a notice containing the particulars referred to in paragraphs (*a*), (*b*) and (*c*) above.

(2A) Unless the Commissioner directs, otherwise the division of a polling area into polling districts shall be so made, that each polling district at the time of such division, shall consist of not more than one thousand five hundred voters. [§ 8, 22 of 2012] [§ 5, 16 of 2017]

(2B) Subject to the provisions of subsection (2A), the division of a polling area into polling districts may be altered by the district returning officer as the occasion may require, and upon such alteration being made, he shall publish in the *Gazette* a notice specifying the particulars referred to in paragraphs (*a*), (*b*) and (*c*) of subsection (2) and the date on which such alteration shall come into effect. [§ 8, 22 of 2012] [§ 5, 16 of 2017]

(2C) A notice published in the *Gazette* under paragraph (d) of subsection (2) or under subsection (3), as the case may be, may be amended from time to time in regard to the particulars referred to in paragraph (c) of subsection (2) which is required to be specified in that notice, after notifying to the public of the proposed amendments 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. [§ 8, 22 of 2012]

(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 [§ 8, 22 of 2012]

shall be for each polling district not less than one polling station.

Alteration of the administrative limits of a local authority or of a ward
[§ 12, 24 of 1977]
[§ 9, 22 of 2012]

12A. Where the administrative limits of any local authority is altered under any law under which such local authority was established or the boundaries of any ward into which a local authority area is divided is altered by the Minister under section 3D of this Ordinance, the provisions of section 12 shall *mutatis mutandis* apply to and in relation to such local authority or ward, as the case may be, whose administrative limits or boundaries have been so altered.

PREPARATION OF LISTS

[§ 13, 24 of 1977]
Parliamentary registers to be used for local elections.
[§ 14, 24 of 1977]
[§ 10, 22 of 2012]

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 for each ward of such electoral area 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 respective ward of such electoral area of such local authority.

Electoral list open for inspection
[§ 14, 24 of 1977]
[§ 3, 35 of 1978]
[§ 11, 22 of 2012]

12D. *Upon the certification of the electoral list under section 12B the list of copies thereof shall forthwith be open for inspection, free of charge, during the 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 each ward of any electoral area prepared and certified under section 12B shall come into force on the date of such certification.

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

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.

Application of provisions relating to preparation of lists
[§ 14, 24 of 1977]
[§ 12, 22 of 2012]

12F. Where the Minister is of opinion that the alteration of the limits of any ward or the limits of the electoral area of any local authority as the case may be, is such that it is necessary that a new electoral list should be prepared, he shall by Order

* See 12C is repealed by Law No. 35 of 1978

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.

NOTICE OF COMPLETION OF PREPARATION OF LISTS [§ 18, 24 of 1977]

16. * An elections officer shall, on the completion of the preparation of the electoral lists of the wards 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.

Notice of completion of preparation of electoral lists
[§ 19, 24 of 1977]
[§ 13, 22 of 2012]

CLAIMS AND OBJECTIONS

17. (1) Upon the publication of a notice under section 16 in respect of the electoral lists of the wards of any electoral area-

Claims and objections
[§ 20, 24 of 1977
[§ 14, 22 of 2012]

(*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

* Section 13, 14 and 15 repealed - *See* sections 15 and 17 of Law No. 24 of 1977

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 sub-section (1).

Publication and hearing of claims and objections
[§ 21, 24 of 1977]
[§ 15, 22 of 2012]

18. (1) Upon the expiry of a period of a fourteen days from the date of the publication of the notice under section 16 in respect of the electoral lists of the wards 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 ;

(*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 deicision 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 lists make such amendments in the lists as he may deem necessary to give effect to any such decision.

[§ 21, 24 of 1977]
[§ 15, 22 of 2012]

(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 Magistrate, be liable to a find not exceeding Fifty thousand rupees.

[§ 10, 25 of 1953]

[First Schedule 21 of 2023]

(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.

[§ 10, 25 of 1953]

(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.

[§ 10, 25 of 1953]

[§ 10, 25 of 1953]

(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.

Special provision regarding the appearance of a person's name in the electoral lists

[§ 5, 15 of 1965]
[§ 22, 24 of 1977]
[§ 16, 22 of 2012]

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

(*a*) in more than one electoral list, whether of the wards of the same electoral area or of different electoral areas ; 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.

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 the 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.

[§ 22, 24 of 1977]

(3) Where, in compliance with a notice under paragraph (*a*) of subsection (2), a person specifies -

(*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 ward 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. [§ 16, 22 of 2012]

(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]

[§ 17, 22 of 2012]

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 lists of the wards 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.

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

21. At the hearing of any appeal duly prefered 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 oppprtunity 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.

CERTIFICATION OF LISTS

Certification of electoral list. [§ 25, 24 of 1977] [§ 18, 22 of 2012]

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

(2) The elections officer may certify the electoral lists under this section during the pendency of and 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 of erase any name in the lists.

(3) Upon the certification as herein before provided of the electoral lists, the lists or copies thereof shall forthwith

*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.

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 lists 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 lists, the notice aforesaid shall include a statement setting out particulars of every such appeal.

[§ 18, 22 of 2012]

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

Date on which electoral list come into force.
[§ 26, 24 of 1977]
[§ 19, 22 of 2012]

23. The electoral lists, of the ward 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]

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

Date of holding elections.
[§ 5, 24 of 1987]

25. Every general election of the member 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 dueto commence.

NOTICE OF NOMINATIONS

"Notice of Nomination period.
[§ 29, 24 of 1977]
[§ 6, 24 of 1987]
[§ 20, 22 of 2012]

26. Whenever a general election of the members of a local authority is due to be held in any year, the returning officer of the district in which the electoral area of such local authority is situated, shall publish a notice of his intention to hold such election. The notice shall specify the name of the returning officer who is appointed to receive

of the returning officer who is appointed to receive nomination papers of the recognized political parties and independent groups whose candidates are contesting in each ward of that electoral area, the period (hereinafter referred to as the "nomination period") and the office hours during which nomination papers shall be received by the respective returning officer in his office and the place where such nomination papers shall be so received. Such nomination period shall commence on the fourteenth day after the date of the publication of the notice and shall expire at twelve noon on the seventeenth day after the date of publication of the notice. The notice shall also specify the date, time and place at which the approved symbols, and where there are more than one independent group. a distinguishing number shall be allotted.

[§ 6, 16 of 2017]

APPOINTMENT OF RETURNING OFFICERS

Appointment of returning officers.
[§ 30, 24 of 1977]
[§ 7, 24 of 1987]

27.(1) For the purpose of every genaral 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 eletoral area, to exercise, perform or discharge, in respect of that electoral area, the powers, duties and functions, conferred or imposed no, 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 assignad 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.

[§ 31, 24 of 1977]

RECOGNIZED POLITICAL PARTIES

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

27A. (1) Every political party which is treated as a recognized political party under the Parlimentary 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.

[§ 21, 22 of 2012]

(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 subsetion (1).

(3) (4) and (5) Repealed.

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 ro 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.

* Sub Sections 27 (B), 27 (C) and 27 (D) omitted. Please refer Section 33 No. 24 of 1977.

(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.

Total number of women members.
[§ 2, 01 of 2016]
[§ 7, 16 of 2017]

27F. (1) Notwithstanding any provision to the contrary in this Ordinance, not less than twenty five *per centum* of the total number of members in each local authority shall be women members:

provided that, where the number constituting twenty five *per centum* of the total number of members in a local authority in an integer and fraction, the integer shall be deemed to be the number which shall constitute twenty five *per centum* for the purpose of this section.

(2) The Commissioner of Elections shall by notice published in the *gazette*, specify the number of women candidates to be nominated in respect of each local authority.".

NOMINATION PAPERS

Nomination Papers.
[§ 35, 24 of 1977]
[§ 36, 24 of 1977]

28."(1) Any person who is qualified under section 8 of this Ordinance to be elected as a member of a local authority, may be nominated as a candidate for election for any ward of the electoral area of such authority, provided that no such person shall be nominated as a candidate for

[§ 22, 22 of 2012]
[§ 3, 1 of 2016]
[§ 8, 16 of 2017]

election in respect of more than one ward of any electoral area of a local authority.";

(1A) and (1B) Repealed.

[§ 35, 24 of 1977]
[§ 8, 24 of 1987]
[§ 22, 22 of 2012]
[§ 3, 1 of 2016]
[§ 8, 16 of 2017]

(2) Any recognized political party or independent group shall, for the purpose of election as members of any local authority, submit two nomination papers in respect of all wards of such local authority. The nomination papers submitted by every recognized political party or independent group in respect of all wards of any local authority shall consist of the number of candidates of whom not less than twenty-five *per centum* of the total number of candidates nominated in both the First Nomination Paper and the Additional Nomination Paper shall be youth candidates and of whom" ; and not less than ten *per centum* of the total number of members to be elected and returned in the first nomination paper, and not less than fifty per centum of the total number of candidates in the additional nomination paper shall be women candidates for the purpose of election as members of such local authority. The nomination papers submitted by every recognized political party or independent group in respect of all wards of any local authority shall be substantially in the Forms set out in the First Schedule, setting out the names–";

[§ 2, 30 of 2023]

[§ 2, 30 of 2023]

[§ 8, 16 of 2017]

(a) of candidates being nominated in respect of each ward of that local authority which number shall be equivalent to sixty *per centum* of the total number of members of that local authority:

Provided that where the number constituting sixty *per centum* referred to in this paragraph is an integer and fraction, the integer shall be deemed to be the number which shall constitute sixty per centum, for the purpose of this paragraph.";

[§ 8, 16 of 2017]

(b) of such number of additional "persons to be nominated as candidates to be retuned as is equivalent to forty *per centum* of the total number of members of the local authority plus three additional persons:";
Provided that where the number constituting forty

per centum referred to in this paragraph is an integer and fraction, the integer shall be deemed to be the number which shall constitute thirty per centum, for the purpose of this paragraph.";

"(2A) The Commissioner shall by notice published in the *Gazette*, specify the minimum number of youth candidates to be nominated in total in both the First Nomination Paper and the Additional Nomination Paper and the minimum number of women candidates to be nominated in the First Nomination Paper and the Additional Nomination Paper as referred to in subsection (2), in respect of all wards of each local authority. Where- [§ 3, 1 of 2016] [§ 8, 16 of 2017] [§ 2, 30 of 2023]

(*a*) the total number of youth candidates to be nominated is such that not less than twenty-five per centum of the total number of candidates nominated in both the First Nomination Paper and the Additional Nomination Paper; and

(*b*) the total number of women candidates to be nominated is such that not less than ten per centum of the total numbers of members to be elected and returned in the First Nomination Paper, and not less than fifty per centum of the total number of candidates nominated in the Additional Nomination Paper,

would be an integer and fraction, the integer shall be deemed to be the number required for the purpose of this section.";

"(2AA) For the avoidance of doubt it is hereby declared that the total number of youth candidates referred to in paragraph (a) of subsection (2A) may include male candidates and female candidates."; and

(2B) The returning officer shall as soon as is practicable made a copy of each nominaiton paper received by him and display such copies of the nomination papers on his notice board. [§ 3, 1 of 2016] [§ 8, 16 of 2017]

(2c) A nomination paper referred to in subsection (1), shall- [§ 22, 22 of 2012] [§ 3, 1 of 2016]

(a) in the case of a recognized political party, be submitted by the secretary or an authorized agent of such party or the candidate whose name appears in the nomination paper being submitted and who is nominated for such Purpose by the secretary ; and

[§ 2, 30 of 2023]

(b) in the case of an idependent group, be submitted by the group leader of the independent group or his authorized agent, so however the group leader shall at the time of the deposit of the legal tender with the returning officer under section 29 of the Ordinance nominate a person from among the candidates as an authorized agent

[§ 3, 25 of 1990]
[§ 22, 22 of 2012]

*(4) The written consent of each candidate and each person being 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]
[§ 22, 22 of 2012]

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

[§ 22, 22 of 2012]

"(4B) A declaration of the assets and liabilities under the Declaration of Assets and Liabilities Law, No. 1 of 1975 in the form as prescribed under that Law, shall be required to be submitted in respect of each candidate and persons whose names appear in a nomination paper, within three months of the submission of such nomination paper.".

* Section (3) repealed - see section 8 of Act No. 24 of 1987
* Sections (2D) and (2E) repealed - see section 2(4) of Act No. 30 of 2023

[§ 8, 24 of 1987]

(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.

Such nomination paper shall be delivered to the returning officer 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.

* (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 ommission 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 to be made on behalf of candidates.
[§ 37, 24 of 1977]

29.(1) (*a*) Every recognized political party and independent group shall, between the date of the publication of the notice under section 26 and the submission of the nomination paper (and in any case not

* Section (7) repeated. See Section 8 of Act No. 24 of 1987.

[§ 6, 20 of 1987]
[§ 9, 24 of 1987]
[§ 23, 22 of 2012]
[§ 9, 16 of 2017]

later than twelve noon on the day immediately preceding the end of the nominaiton period) deposit the legal tender with the returning officer to whom the nomination paper is to be submitted, a sum of:—

(i) one thousand five hundred rupees in respect of each candidate and each additional person being nominated by a recognized political party; and

(ii) five thousand rupees in respect of each candidate and each additional person being nominated by an independent group.

(*b*) The deposit of the legal tender shall—

(i) in the case of a recongnized political party, be submitted by the secretary of the recognized political party or his authorized agent; and

[§ 9, 16 of 2017]

(ii) in the case of an independent group, be submitted by the leader of the independent group or his authorized agent.

(2) (1) No deposit made on behalf of a candidate under subsection (1) shall be accepted by the returning officer, unless it is made within the time specified in that subsection." ;

(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.

Disposal of deposits.

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.

[§ 38, 24 of 1977]

(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.

[§ 4, 25 of 1990]
[§ 24, 22 of 2012]

"(4) Where the candidate of a recognized political party or independent group on whose behalf a deposit was made is not elected and where the number of votes polled by such candidate does not exceed one-twentieth of the total number of valid votes polled in the ward in which he contested, the deposit made on behalf of such candidate shall be declared forfeit. The returning officer with whom it was deposited, shall transfer such amount from the deposit account to the Consolidated Fund and in every other case the deposit shall be returned to the candidate who made the deposit, as soon as may be after the result of the election is declared :

[§ 10, 16 of 2017]

Provided that, where any recognized political party or independent group fails to obtain more than one twentieth of the total number of valid votes which contested the election in such local authority area, the deposit made by each such recognized political party or independent group, in respect of all the additional persons whose names appear in the nomination paper submitted by such recognized political parties or independent groups, shall be declared forfeit and the provisions of this subsection shall apply in regard to the transfer of such deposit.".

[§ 10, 16 of 2017]

†(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.

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† Sub section (3) repealed - 38 of Law No. 24 of 1977. Sub section (5) repealed - section 38 of Law No. 24 of 1977.

Rejection of nomination papers
[§ 38, 24 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 -

(*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

[§ 5, 25 of 1990] (*bb*) and (*bbb*) Repealed

[§ 25, 22 of 2012] (*c*) in respect of which the deposit required under section 29 has not been made ; or

[§ 25, 22 of 2012] (*d*) Repealed

[§ 11, 16 of 2017] (*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 attested as required by

[§ 3, 21 of 2023]

[§ 11, 16 of 2017] (*f*) that does not contain the total number of women and youth candidates as required to be nominated under subsection (2A) of section 28 of this Ordinance.

[§ 5, 25 of 1990] "(1A) Objections to a nomination paper may be made to a returning officer between twelve noon and one-thirty O'clock in the afternoon of the last day of the period of nomination and no such objections shall be entertained by the returning officer after one-thirty O'clock in the afternoon of that day."

(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 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.

[§ 25, 22 of 2012] "(3) Where a candidate or any person whose name appears on a nomination paper submitted by a recognized political party or an independent group, as the case may be,

(*bb*) and (*bbb*) repealed - 22 of 2012.
(*d*) is repealed - 22 of 2012.

be, is found to be disqualified due to the failure of such candidate or person :—

(*a*) where the candidate or person concerned is a youth, to have attached to the nomination paper a certified copy of his Certificate of Birth or in the event the Certificate of Birth is not available an affidavit signed by such youth certifying his date of birth ; or

(*b*) to have his consent which is required to be included in such nomination paper to be endorsed on the nomination paper, and to have annexed to the nomination paper his oath or affirmation in the form set out in the Seventh Schedule to the Constitution,

the nomination paper so submitted shall not be rejected, but the name of the candidate or the person concerned who is found to be disqualified due to any of the reasons specified in this subsection, shall be removed from the nomination paper so submitted. Where a name of any candidate or any person is removed from a nomination paper, the political party or the independent group, as the case may be, which submitted such nomination paper, shall not thereafter be entitled to replace the name so removed with any other new name and the deposit made in respect of the candidate or other person whose names was removed, shall be forfeited.".

Procedure where no nomination papers are received
[§ 42, 24 of 1977]
[§ 6, 25 of 1990]
[§ 26, 22 of 2012]

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

(i) that no nomination paper has been duly received on behalf of any recognized political party or independent group; or

(ii) that all the nomination papers received by him have been rejected or that the names of all the candidates appearing in such nomination paper have been removed from such nomination paper in terms of subsection (3) of section 31, as the case may be,

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

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, or that the names of all the candidates appearing in any nomination paper have been removed from such nomination paper under subsection (3) of section 31, as the case may be.

(*b*) The election officer shall, not later than seven days after the receipt of the report, publish a notice prescribing a further 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 forth with 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.

(3) From the date of the publication of a notice under subsection (2) in respect of an electoral area. No futher 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 :

[§ 6, 25 of 1990] Provided, however, that it shall be lawful for the Minister taking in to consideration the provisions contained in subsection(1A) of section 28 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 election
[§ 43, 24 of 1977]
[§ 10, 24 of 1987]

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

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

[§ 7, 25 of 1990]
[§ 27, 22 of 2012]

(*b*) after the rejection of a nomination paper or papers or where the names appearing in any nomination paper or papers are removed under subsection (3) of section 31 due to any reason specified therein, the candidates of only one recognized political party or an independent group stand nominated for election, the returning officer shall inform the Commissioner of such fact. The Commissioner shall thereupon call the secretary of such recognized political party or the leader of such independent group, as the case may be, to specify which of the candidates from among those whose names appear in the nomination paper under paragraph (*a*) of subsection (2) of section 28, shall be declared elected as the Mayor and Deputy Mayor of that local authority. Upon such secretary or the group leader, as the case may be, communicating his decision to the Commissioner, the Commissioner shall declare the member so specified elected as the Mayor and Deputy Mayor respectively, of that local authority.

(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]
[§ 7, 25 of 1990]
[§ 28, 22 of 2012]

37*(1) If at the expiry of the nomination period appointed for each ward of an electoral area and after the rejection of any nomination paper or papers or the names appearing in any nomination paper or papers is removed under subsection (3) of section 31 due to any reason specified therein, the candidates of more than one recognized political party or of an independent group stands duly nominated for the election, the returning officer shall forthwith allot for the purpose of that election:—

(*a*) to each candidate from a recognized political party, the approved symbol of that party; and

(*b*) to each candidate from an independent group, any approved symbol and where there are more than one independent groups contesting such election, an approved symbol determined :—

(i) in the first instance by agreement among the independent groups contesting; or

(ii) in the absence of such agreement, by the 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 the name of the respective recognized political party or the independent 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.

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* Nominations for all Local Authorities in Sri Lanka, excluding the Elpitiya Pradeshiya Sabha, were accepted from 18th January, 2023 until 12:00 noon on 21st January, 2023, with elections scheduled for 9th March, 2023. However, due to an unforeseen circumstance, the elections were initially postponed to 25th April, 2023 and subsequently deferred indefinitely. Pursuant to the Local Authorities Elections (Special Provisions) Act, No. 1 of 2025, certified on 17th February, 2025, all nominations submitted for the said elections were deemed to be of no force and effect.

* Act, No. 1 of 2025.

(2) The approved symbol of any recognized political party for the purpose of local elections ahall not, whether 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 eletoral 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 nomination papers containing the names of the candidates as indicated by them but placed in alphabetical order of there names 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] [§ 11, 24 of 1987] [§ 29, 22 of 2012]

(*c*) the date of the poll, such date being a date other than a Poya day or any public holiday as specified in the First Schedule to the Holidays Act, No. 29 of 1971, but wherever possible a Saturday or a date or dates determined by the returning officer with the concurrence of the Commissioner and being a date not less than five weeks and not more than seven weeks from the date of the publication of the notice.

[§ 11, 24 of 1987]
[§ 29, 22 of 2012]

(*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 the elections officer in consultation with the Commissioner is of the opinion, that due to any emergency or unforeseen circumstances the poll for the election in any electoral are 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).

[§ 2, 1 of 2002]

Death of candidate after nomination.

39. (1) Notwithstanding the death of a candidate for election for any local authority between the adjournment of the election for the purposes of the poll and the commencement of the poll, the poll shall be taken on the date specified for the same under paragraph (*c*) of subsection (1) of section 38.

[§ 46, 24 of 1977]
[§ 12, 24 of 1987]
[§ 30, 22 of 2012]

(2) In the event a vacancy occurring due to the death of a candidate, the secretary of the recognized political party or the group leader of the independent group to which such candidate who died belonged, shall nominate a person who

(2) In the event a vacancy occurring due to the death of a candidate, the secretary of the recognized political party or the group leader of the independent group to which such candidate who died belonged, shall nominate a person who is qualified to be elected as a member under section 8 of this Ordinance, to fill such vacancy. [§ 13, 16 of 2017]

Notice to voter regarding his number, polling station, time of the poll, &c
[§ 9, 9 of 1963]
[§ 47, 24 of 1977]
[§ 31, 22 of 2012]
[§ 14, 16 of 2017]

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 any ward 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 name and the number of the ward.

(*cc*) The number of the polling districts [§ 31, 22 of 2012] [§ 14, 16 of 2017]

(*d*) the polling station allotted to the voter ; and

(*e*) the date and hours of the poll.

(2) An official poll card under subsection (1) shall be so send 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- [§ 9, 9 of 1963]

(*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 purchase or offers to purchase any official poll card from any other person.

[First Schedule 21 of 2023]

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

[§ 10, 15 of 1965]

(3A) Every person,_

(*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.

[First Schedule 21 of 2023]

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

[§ 47, 24 of 1977]

(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.

Voting by post [§ 13, 24 of 1987]

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.

Any person who votes in person at any election in contravention of the preceding provisions of this sub section shall be guilty of an offence and shall, on conviction

summary trial before a Magistrate, be liable to a fine not exceeding two hundred thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment. [First Schedule 21 of 2023]

(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 Telecommunication 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 contrained 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 papers;
(*b*) a form of declaration of identity;
(*c*) an envelope which shall be smaller than the envelop 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
(*e*) 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.

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

40. (1) For the purpose of each election for any electoral area, the returning officer of that electoral area shall appoint :-

[§ 32, 22 of 2012] [§ 15, 16 of 2017]

(*a*) one or more persons (hereinafter referred to as "presiding officer") to preside at each polling station in each polling district; and

(*b*) where more than one person is appointed as a presiding officer in respect of a polling station, appoint one of such presiding officers to be the senior presiding officer of that polling station and the senior presiding officer shall exercise general supervision over every other presiding officer, and overall arrangements for the conduct of the poll in the election.

(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 an containing the particulars hereinafter prescribed.

Electoral list to be conclusive evidence of right of vote
[§ 51, 24 of 1977]
[§ 33, 22 of 2012]
[§ 16, 16 of 2017]

43. The electorate list for the time being in force for ward of 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 the ward 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 :

[First Schedule 21 of 2023]

Provided that is any person, who by reason of his conviction of a corrupt practice or an illegal practice 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 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 Two Hundred Thousand 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.

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

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

(*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 votes 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 ward or that part of the list which contains the names of voters who are assigned to that polling station; [§ 34, 22 of 2012] [§ 17, 16 of 2017]

(*e*) do such other acts and things as may be necessary for effectually conducting the election in the manner provided by this Ordinance.

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

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

(*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 specify the names of candidates as indicated by each recognized political party and independent group, the approved symbol allotted to each such party or group and where there are more than one independent group the distinguishing number allotted to each such group as indicated in the nomination paper.

[§ 15, 24 of 1987]
[§ 35, 22 of 2012]
[§ 18, 16 of 2017]

(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
[§ 54, 24 of 1977]

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

(*a*) shall contain the names of the recognized political parties contesting at the election, in Sinhala, Tamil and English arranged in the Sinhala alphabetical order 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 at such 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 a blank cage against each symbol for a voter to cast his vote. A voter shall cast his vote within the cage provided therefor.

[§ 16, 24 of 1987]
[§ 9, 25 of 1990]
[§ 36, 22 of 2012]
[§ 19, 16 of 2017]

(*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.

[§ 55, 24 of 1977]

(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-

(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.

Admission to polling station [§ 56, 24 of 1977]

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.

[§ 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.

(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 ot 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 and produce a valid identity document [§ 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 an subscribe all or any of the following declarations. (which shall be exempt from stamp duty), namely:-

[§ 15, 14 of 2004]

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 ward."

----------.
(*Signature or mark of voter*).

Declared before me this -------- day of ---------- ,20---

.....
(Signature of Presiding Officer)

[§ 37, 22 of 2012] 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 ward."

----------.
(*Signature or mark of voter*).

Declared before me this -------- day of ---------- ,20---

----------.
(*Signature of Presiding Officer*).

[§ 15, 14 of 2004] '(1A) The presiding officer of a polling station or a person acting under his authority shall require any voter, before the ballot paper is delivered to the voter, to produce a valid identity document to ascertain his name and identity.

[§15,14 of 2004] (2) (*a*) If any person refuses to make any such declaration, or produce valid identity document the presiding officer may refuse to give him a ballot paper.

[First Schedule 21 of 2023] (*b*) If any person wilfully make a false statement in any such declaration, he shall be guilty of a offence and shall be liable upon conviction after summary trial by a Magistrate to a fine not exceeding Two Hundred Thousand 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.

Manner of voting

53. the voter, on receiving the ballot papers, shall forthwith proceed into the compartment to which he is directed by the pesiding officer or any person acting under that officer's authority and there secretly mark the ballot paper as near as many 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.

Inspection of voter and marking with the appropriate mark
[§ 11,15 of 1965]
[§ 16, 14 of 2004]

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 of the mark or valid identify document; or

(*b*) If, having allowed such inspection, if discloses that either such voter has already been marked with the appropriate mark or facts giving not to suspicion over the identity of the voter; 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 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) : -

[§ 38, 22 of 2012]

(*a*) the number of such voter in the electoral list of the ward in which the elction 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 53'A".

[§ 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 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 righg 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 place on any voter at such election without due authority.

[First Schedule 21 of 2023]

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding two hundred thousand rupees or to imprisonment

description for a term not exceeding six months or to both such fine and imprisonment.

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

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.

[§ 12, 15 of 1965]
[§ 2, 28 of 2011]

(2) (a) Any voter who is subject to a disability and such disability prevents the voter from voting in accordance with the directions given for the guidance of boters in the Second Schedule to the principal enactment, may be accompanied by a person who shall mark the ballot paper of such voter in the manner directed by the voter in the presence of the presiding officer and another member of his polling staff and cause such ballot paper to be placed in the ballot box.

(b) A person subject to a disability who wishes to be accompanied by a person to vote shall be eiligible to do so is fuch person produces a Certificate of Eligibility substantially in the Form set out in the Tenth Schedule to this Act, to the presiding officer or another member of his staff.

(c) For the purpose of this section -

"accompanying person" shall be a person not less than eighteen years of age and shall-

(i) not be a candidate who is contesting at the relevant election;
(ii) not be a presiding officer, an authorized officer or a polling agent at the relevant election;
(iii) not be a person subject to a disability;

"disability" in relation toa registered voter who is subject to a disability and who is eligible to vote in terms of paragraph (b) of this section, means-

(i) a total or partial visual impairment ; or
(ii) a physical disability,

which prevents the voter from validly marking his ballot paper.

Voting by Proxy forbidden [§ 60, 24 of 1977]

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

Tendered ballot papers [§ 61, 24 of 1977]

56. If a person, representing himself to be a particular vote named on the electoral list, applies for a ballot paper after another person has voted as such voter, the applicant shall, on marking 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 insted of being put into the ballot box shall be given to the presiding officer an 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 know 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.

Spoilt ballot papers

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 an 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 spolit ballot paper shall be immediately cancelled.

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 counter foils of the ballot papers ; [§ 17, 24 of 1987]

(*e*) the tendered votes list ; and

(*f*) the list of voters to whom ballot papers are not delivered under section 53A.

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 of votes
[§ 18, 24 of 1987]
[§ 39, 22 of 2012]
[§ 20, 16 of 2017]

59A. Where there are more than one polling stations for counting votes, in each division, the counting of votes in each such polling station shall take place as decided by the relevant returning officer.

(2) The Senior presiding officer of each polling station or where there is only one presiding officer, such presiding officer shall function as the counting officer of that station and the staff at that polling station shall function as the counting staff. However, where the returning officer is of the opinion that the counting staff or an officer of such staff of that station is incapable of performing the duties as the counting staff or as an officer of such staff, the returning officer may, appoint another counting staff in place of such counting staff or another officer in the place of such officer of that staff, as the case may be."

(3) Subject to the general or special directions of the Commissioner, each returning officer of an electoral area shall appoint one of the senior presiding officers appointed under paragraph (b) of subsection (1) of section 40, or where only a single presiding officer is appointed, such presiding officer, to be the chief counting officer for each ward of that electoral area. The returning officer may at the same time appoint such number of assistants and clerks and other officers as he may consider necessary to assist the counting officer and the chief counting officer, as the case may be in the performance of their duties.

[§20, 16 of 2017]

(4) Where there are any objections from the authorized agents relating to the functioning of any person as a counting officer of any polling station, or if the returning officer is of the opinion that the counting officer appointed to any polling station is incapable of performing the duties entrusted to him or is not suitable, for the performance of the duties as acounting officer, the returning officer may appoint any other senior presiding officer or an assistant retuning officer as a counting officer in place of the first mentioned officer.

Change of venue for counting of votes

[§40, 22 of 2012]

[§21, 16 of 2017]

59B.(1) Notwithstanding the provisions of section 59A, Where as a result of any incidents or disturbances which took place at a polling station during a poll or thereafter or due to any other security reasons, the presiding officer of such polling station is of the opinion that the counting of votes shall not take place at the polling station he shall inform the assistant returning officer appointed by the

returning officer to supervise the polling in the ward in which such polling station is situated, of such fact and such assistant returning officer shall" of the words, "he shall inform the returning officer through the assistant returning officer who supervises the polling in the ward in which such polling station is situated, of such fact and such returning officer shall thereafter determine the new venue at which the counting of votes shall take place.

(2) In the event of a change of venue of a counting center under subsection (1), adequate notice of the new venue at which the counting is due to take place and the time at which the counting is due to commence, shall be notified by the assistant returning officer to the returning officer and thereafter to the counting agents appointed under section 60, who are present at the counting center at the particular time. [§ 21, 16 of 2017]

(3) After the returning officer being notified of the new venue, the counting of votes at the new venue, as determined by the supervising assistant returning officer. [§ 21, 16 of 2017]

shall be conducted by the presiding officer of the polling station, with the assistance of the staff at that polling station.

(4) At the close of the counting of votes at the new venue, the counting officer shall submit to the returning officer of the electoral area, a report on the incident, disturbance or the security reason, as the came may be, which warranted the change ot the venue of the counting centre and returning officer shall communicate to the Commissioner the information contained in such report."

Appointment of counting agents [§ 63, 24 of 1977] [§ 41, 22 of 2012]

60. Each authorized agent of a recognised political party or group leader of an independent group, as the case may be shall be entitled to appoint two agents (hereinafter referred to as the "counting agents") to attend the counting of votes at each polling station, The names, addresses and the National Identity Card numbers of the agents so appointed shall be given in writing to the counting officer before the commencement of the count. A candidate may remain in the polling station at the time of the counting of votes, only as a counting agent.

Time of count and declaration of result
[§ 64, 24 of 1977]
[§ 19, 24 of 1987]
[§ 41, 22 of 2012]

61. (1) The counting officer of each polling station shall make arrangements for the counting of votes in the presence of the counting agents, as soon as possible after the close of the poll.

(2) The counting officer shall on completing the countrying of votes forward the result of such count to the Chief Counting Officer appointed to the ward under subsection (3) of Section 59A.

[§ 22, 16 of 2017]

(3) The time of commencement of the count and the time and place of declaration of the result of such count, shall be intimated in writing by the returning officer of the electoral area to all the cadidates who are contesting in the particular ward.

counting of postal ballots
[§ 20, 24 of 1987]

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 separate counting centre or such number of counting centres as may be determined by the returning officer.

the count
[§ 65, 24 of 1977]

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

(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 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 1990]
[§ 11, 25 of 1990]
[§ 42, 22 of 2012]

63. (1) Any ballot paper -

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

(*b*) on which votes are marked for more than one recognized political party or independent group ; or

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

(*d*) which is unmarked or void for uncertainty as to which recognized political party or independent group the vote is marked, [§ 21, 24 of 1987] [§ 42, 22 of 2012]

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 rejected 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.

[§ 21, 24 of 1987]
[§ 42, 22 of 2012]

(6) The counting officer shall prepare a written statement in words as well as in figures, of the number of votes given to each recognized political party or independent group. The statement so prepared shall be certified by the counting officer and witnessed by one of his clerks and the counting agents who are present and who desires to sign.

* (6A), (6B) and (6C) repealed.

(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]

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

Closure of the count
[§ 68, 24 of 1977]
[§ 22, 24 of 1987]

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

* Subsection (6A), (6B) and (6C) are repealed - See Section 42, of No. 22 of 2012

(2) Each counting officer shall deliver to the chief counting officer in charge of the ward appointed under subsection (3) of section 59A, the packets containing unused ballot papers, spoilt ballot papers, tendered ballot papers, marked copies of the electoral list, counterfoils of the ballot papers issued, tendered votes list, the list of voters to whom ballot papers were not issued under section 53A, the ballot paper account, written statement of the number of votes given to each recognized political party or independent group and the record of the counting of votes under subsection (2) of section 62, together with the sealed packets referred to in subsection (1).

[§ 22, 24 of 1987]
[§ 43, 22 of 2012]
[§ 23, 16 of 2017]

65. (1) Upon receipt of the documents referred to in section 64 and the declaration under regulation 28(c) of the Ninth Schedule hereto the chief counting officer in charge of the ward appointed under Subsection (3) of section 59A, shall declare as elected as member of the ward, the name of the candidate belonging to the recognized political party or the independent group who obtained the highest number of votes in that ward and who was nominated by such recognized political party or independent group in its nomination paper as its candidates for that ward. He shall also declare the number of votes received by all the other recognized political parties and independent groups, which contested the election in the ward.

Declaration of candidate obtaining highest votes as a member
[§ 69, 24 of 1977]
[§ 23, 24 of 1987]
[§ 44, 22 of 2012]
[§ 24, 16 of 2017]

(2) Where an equality of votes is found to exist between any two or more recognized political parties or two or more independent groups, and the addition of a vote would entitle the nominated candidate 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 chief counting officer, in such manner as he shall determine.

(3) After making the declaration of the candidate who is elected as the member of the ward, the chief counting officer shall, immediately upon receipt of the documents referred to in subsection (1) and (2) of section 64, deliver to the returning officer all such documents so received.

Declaration of members to be elected to a multi member ward
[§ 70, 24 of 1977]
[§ 24, 24 of 1987]
[§ 45, 22 of 2012]
[§ 2, 16 of 2017]
[§ 2, 31 of 2017]

65A. (1) In the case of a multi member ward. The candidates to be declared as elected members of that ward, shall be based on the number of votes polled by each recognized political party and independent group which contested the election in such ward. The counting officer shall declare the candidates of the recognized political party or the independent group, as the case may be which polled the highest number of votes, as elected members for that ward.

Apportionment of women members
[§ 4, 24 of 2016]
[§ 25, 16 of 2017]
[§ 3, 31 of 2017]

***65AA**. (1) Where the number of members elected from any recognized political party or independent group for a Local Authority results in an overhang and thereby exceeds the number ascertained to be elected and returned as members under sub section (3) of section 65(B), and such number of members so elected do not inlcude any women members, then the provisions of subsections (3) and (4) of this section shall not apply to such recognized political party or independent group.

(2) Where any recognized political party or independent group has received less than twenty *per centum* of the total number of votes polled in a local authority area, and has less than three members elected or returned, then the provisions of subsections (3) and (4) of this section shall not apply to such recognized political party or independent group.

(3) The apportionment of women members to be elected and returned to each local authority from the recognized political parties and independent groups other than the political parties and the independent groups referred to in subsection (2) of this section, shall be determined by the

Section 65A (2) repeated. See Section 2 (2) of No. 31 of 2017

Commissioner of Elections, taking into consideration the number of valid votes polled by the other recognized political parties and independent groups in all wards of such local authority, and the method of apportionment set out in Article 99A of the Constitution of the Democratic Socialist Republic of Sri Lanka shall *mutatis mutandis* apply thereto.

(4) Where the number of women members elected for all wards of any local authority area from any recognized political party or independent group other than the recognized political party or independent group referred to in subsection (1) or (2) of this section, is less than the number apportioned in terms of subsection (3) of this section, then the shortfall in the number of members shall be returned from among the women candidates in the first nomination paper or the additional nomination paper other than the women candidates who have been elected or are disqualified to be a member under section 9.

Candidates entitled to be elected or returned [§ 46, 22 of 2012] [§ 26, 16 of 2017]

65B. (1) Upon the declaration under section 65, all the members elected for all the wards of the electoral area, the number of members for that local authority to be returned under paragraph (b) of subsection (1) of section 5 of the Municipal Councils Ordinance (Chapter 252) paragraph (b) of subsection (1) of section 5 of the Urban Councils Ordinance (Chapter 255) ot paragraph (b) of subsection (1) of section 4 of the Pradeshiya Sabha Act, No. 15 of 1987, as the case may be, shall be apportioned in the manner hereinafter provided for in this section.

[§ 26, 16 of 2017]

(2) The total number of valid votes received by all the candidates of each recognized political party and independent group in a local authority area shall be divided by the total number of members to be elected and returned to the Local Authority Area. The number resulting from such division (any fraction not being taken into account) shall hereinafter in this section be referred to as "the qualifying number".

[§ 26, 16 of 2017] (3) The aggregate of the votes received by the candidates of each recognized political party and independent group in the respective local authority area shall then be divided by the qualifying number, in order to ascertain the number of persons entitled to be elected and returned as members of that local authority in terms of subsection (1) by such recognized political party or independent group, as the case may be. Where the number ascertained by this method is an integer and a fraction, the integer shall be deemed to be the number for the purpose of this subsection.

[§ 26, 16 of 2017] (4) Upon ascertaining the number of candidates entitled to be elected and returned as members of that local authority by each recognized political party or independent group, as the case may be, in terms of subsection (3), if it is found that the number of members elected from such recognized political party or independent group for that local authority -

(*a*) exceeds the number ascertained to be elected and returned as members under subsection (3), then such overhang shall be determined by the Commissioner of Elections ; or

(*b*) falls short of the number ascertained to be elected and returned as members under subsection (3), then such additional number of members, shall be returned by the respective secretary of the recognized political party or leader of the independent group from the candidates of the First Nomination Paper or the Additional Nomination Paper other than the candidates who have been elected or are not disqualified to be a member under section 9."

[§ 26, 16 of 2017] (5) Where at the conclusion of ascertaining the number of members to be returned by any recognized political party or independent group on the method specified in subsection

(3), there remains a further number of members to be returned under the proportional representation system as determined under subsection (4), such remaining number shall be allocated on the basis of the highest fraction received by each recognized political party or independent group, as ascertained under subsection (3).

(6) The returning officer shall inform the secretary of the recognized political party or the leader of the independent group, as the case may be, which is entitled to return such number of members as ascertained under subsection (3) of this section and subsection (3) of section 65AA, of the number of members including women members that such recognized political party or independent group, as the case may be, is entitled to be elected and returned from the candidates of the First Nomination Paper or the Additional Nomination Paper other than the candidates who have been elected or are not disqualified to a member under section 9 under paragraph (b) of subsection (1) of section 5 of Municipal Councils Ordinance (Chapter 252) or paragraph (b) of subsection (1) of section 4 of the Pradeshiya Sabha Act, No. 15 of 1987, as the case may be, the names of persons who are to be returned as members under that subsection. [§26, 16 of 2017]

(7) The names of the candidates who are returned under this section shall thereafter be declared by the returning officer of the respective electoral area." [§ 26, 16 of 2017]

Publication of the result [§ 71, 24 of 1977] [§ 47, 22 of 2012] [§ 5, 1 of 2016]

66. (1) Upon the declaration of the candidates elected as members of each ward under section 65 and of those candidates returned under section 65A and section 65AA of this Ordinance in respect of a local authority, the returning officer of the electoral area of such local authority shall :-

(*a*) publish a notice specifying the names of all the candidates elected or returned as members of the local authority ; and

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

(2) The Commissioner shall upon receipt of the report of the result, cause the names of the candidates elected to be members of that local authority, to be published in the *Gazette*.

Filling of vacancies in local authorities
[§ 48, 22 of 2012]
[§ 6, 1 of 2016]

66A. (1) Where the office of a member of a local authority falls vacant under the provisions of the Municipal Councils Ordinance (Chapter 252) Urban Councils Ordinance (Chapter 255) or the Pradeshiya Sabha Act, No. 15 of 1987, as the case may be, the returning officer appointed for the electoral area in which such local authority is situated, shall, where such vacancy is in respect of a member —

[§ 27, 16 of 2017]

(*a*) elected for any ward in that electoral area by ballot, request the secretary to the recognized political party or the leader of the independent group, as the case may be, to which such member belongs, to nominate within thirty days of the occurrence of the vacancy, any other candidate of the First Nomination Paper or the Additional Nomination Paper other than the candidats who have been elected or are not disqualified to be a member under section 9 as a member of local authority to fill that vacancy in the ward in which the vacancy has occurred; or

[§ 27, 16 of 2017]

(*b*) returned under section 65A and 65AA of this Ordinance then, depending on whether the candidate whose office fell vacant is from a recognized political party or an independent group, call upon the secretary of the recognized political party or the leader of the independent group, as the case may be, to nominate within thirty days of the occurrence of the vacancy a candidate to fill such vacancy from candidates of the First Nomination Paper or the Additional Nomination Paper other than the candidates who have been elected or are not disqualified to be a

member under section 9 in terms of paragraph (b) of subsection (1) of section 5 of the Municipal Councils Ordinance (Chapter 252) or paragraph (b) of subsection (1) of section 5 of the Urban Councils Ordinance (Chapter 255) or paragraph (b) of subsection (1) of section 4 of the Pradeshiya Sabha Act, No. 15 of 1987, as the case may be :

Provided that, where a vacancy occurs in the case of a woman member of a Local Authority, then such vacancy shall be filled only by the nomination of a woman candidate form the First Nomination Paper or the Additional Nomination Paper other than the women candidates who have been elected or are not disqualified to be a member under section 9. [§ 27, 16 of 2016]

[§ 6, 1 of 2016]

[§ 27, 16 of 2017]

(*c*) Repeal

[§ 27, 16 of 2017]

(1A) Where no person remains to be nominated to fill a vacancy referred to in subsection (1) from thecandidates of the First Nomination Paper, the returning officer appointed for the electoral area in which such Local Authority is situated shall request within thirty days of the occurrence of the vacancy, the secretary to the recognized political party or the leader of the independent group to which the member whose vacancy occurred belonged, to nominate within thirty days from such request, any other person who is qualified under section 8 of this Ordinance to fill that vacancy in the ward in which the vacancy has occurred.

Provided that, where a vacancy occurs in the case of a woman member of a local authority, then such vacancy shall be filled only by the nomination of any other woman who is qualified under section 8 of this ordinance.

See section 2, 3 and 4 of Local Authorities filling of vacancies (SP) Act No. 30 of 2013

(2) The Candidate elected to fill a vacancy of any member of a local authority under subsection (1), shall hold office only for the unexpired period of the term of office of the member whom he succeeds.

Declaration of Mayor, where a recognized political party or independent group receives over fifty *per centum* of the seats
[§ 48, 22 of 2012]

66B.* (1) Where any recognized political party or independent group has obtained fifty *per centum* or more of the total number of seats in a local authority, the Commissioner shall upon the publication by the Commissioner under subsection (2) of section 66 of names of the candidates elected as members of such local authority, call upon the secretary of such recognized political party or the leader of that independent group, as the case may be, to determine from among members who belongs to such recognized political party or the independent group, as the case may be, the members who shall be declared as the Mayor and the Deputy Mayor, respectively, of such local authority.

[§ 28, 16 of 2017]

(2) Where the office of Mayor or Deputy Mayor as determined under subsection (1) of this section falls vacant during the term of office of such local authority, the Commissioner of Local Government shall inform such task to the returning officer in writing and the returning officer shall, subject to the provisions of subsection (4) of this section, call upon the secretary of the recognized political party or the leader of the independent group, as the case may be, to which such Mayor or the Deputy Mayor belonged, to determine the members from among the members of that local authority who belong to such recognized political party or the independent group, as the case may be, who shall become the new Mayor or the Deputy Mayor of the local authority and communicate the same, within thirty days, to the returning officer, upon receipt of such determination, the returning officer shall declare the member named in such determination, as the new Mayor or the Deputy Mayor, as the case may be, of that local authority.

[§ 28, 16 of 2017]

(3) In the event that such communication is not received within the aforesaid thirty days under subsection (2), the

returning officer shall proceed to appoint as the new Mayor or deputy Mayor, the member who has obtained the highest percentage of votes and who belongs to the recognized political party or the independent group as the case may be, to which the Mayor of the Deputy Mayor whose office fell vacant" belonged.

[§ 28, 16 of 2017]

(4) Notwithstanding the provisions of subsection (2) of this section, where a vacancy occurs in the office of Mayor as a result of the Mayor being deemed to have resigned his office under section 215A of the Municipal Councils Ordinance (Chapter 252) or section 178A of the Urban Councils Ordinance (Chapter 255) or section 169 of the Pradeshiya Sabha Act, No. 15 of 1987, as the case may be, and such vacancy in the office of Mayor is filled in terms of the procedure specified in this Ordinance, and the member so appointed to fill such vacancy himself resigns from his office, the vacancy so created thereafter shall not be filled in terms of the procedure specified in this Ordinance. In such an instance, the local authority in which the vacancy in the office of Mayor has occurred "be deemed to be dissolved, and in terms of the powers conferred by section 2 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989 the Provincial Minister in charge of the subject of Local Government or the Governor of the Province as the case may be, shall appoint a Special Commissioner, for the local authority concerned who shall hold office as Special Commissioner, for the balance period remaining of the term of office of such local authority.

First meeting of the Local Authority
[§ 48, 22 of 2012]

66c. (1) Where any recognized political party or independent group has obtained less than fifty *per centum* of the total number of seats in a local authority, the Mayor and the Deputy Mayor of such local authority shall be elected at the first meeting of such local authority.

(2) The first meeting of the Council shall be convened by the Commissioner of Local Government within one week of the publication by the Commissioner under subsection

(2) of section 66, of the names of the candidates elected and returned as members of any local authority, by notice published in that behalf. Such notice shall be given not less than seven days before the date fixed for the meeting and shall be:—

(*a*) published in the *Gazette* and in one newspaper each, in all three languages; and

(*b*) dispatched by registered post to each of the members of that Council.

(3) Every notice published under subsection (1), shall specify the date, time and place of the first meeting and the date to be so specified shall be a date within one month next succeeding the date appointed for the commencement of the term of office of the Council or in the case of a Council elected as successor to a Council going out of office otherwise than by effluxion of time, within one month next succeeding the date on which the election or nomination of the members of the new Council is completed.

(4) Where for any reason the meeting is not held on the date specified in the notice published under subsection (1), the Commissioner of Local Government may, by further notice or notices published in that behalf, convene the meeting for any other date, so however that such other date is within one month next succeeding the date specified in the notice published under subsection (2).

Procedure for the election of Mayor and Deputy Mayor at the first meeting or other meeting of a local authority. [§ 48, 22 of 2012]

66D. (1) The first meeting and any other meeting that may be convened under section 66c, until the election of a Mayor, shall be presided over by the Gommissioner of Local Government (in this section referred to as the "presiding officer")

(2) The members of the Council shall at its first meeting, elect one of their members to be the Mayor of ther Council.

(3) The election ofthe Mayor of the Council under subsection (2) shall not take place, unless there is present at such meeting a quorum consisting of not less than half the membership of the Council.

(4) Any member of the Council may, with his consent, be proposed and seconded for election as Mayor by any other member present at the meeting.

(5) Where only one name of the member is proposed and seconded for election as Mayor, the presiding officer of the meeting at which the election takes place, shall declare that member elected as the Mayor.

(6) Where two or more names of members are proposed and seconded for election as Mayor, the mode of election shall be by open voting, and the presiding officer shall take the votes by calling the name of each member present and asking him how he desires to vote and recording the votes accordingly. A member may decline to vote and in such a case, the presiding officer shall record the fact of such member declining to vote.

(7) Where it is determined under subsection (6) that the election of the Mayor shall be by open voting, the pesiding officer shall take the votes by calling the name of each member present and asking him how he desires to vote and recording the votes accordingly. A member may decline to vote and in such a case, the presiding officer shall record the fact of such member declining to vote.

(8) Where it is determined under subsection (6) that the election of a Mayor shall be by secret voting, the election shall be by ballot papers.

(9) At the end of the proceedings for the election of a Mayor, the presiding officer shall declare the result of the voting.

Where no member obtain the required number of votes. [§ 48, 22 of 2012]

66E. (1) Where the names of more than two members are proposed and seconded for election as Mayor and no single member receives at the first voting more votes than the aggregate of the votes received by the remaining members, one member shall be excluded from the election as hereinafter provided, and the voting shall proceed in the same manner, one member being excluded from the election after each subsequent voting, until a member receives more votes than the aggregate of the votes received by the remaining members at that voting or until voting in respect of two members only is held and completed, as the case may be.

(2) The manner in which a member may be excluded from the election as referred to in subsection (1), shall be as follows:-

(*a*) if the number of votes received by one member is lower than the number of votes received by each of the remaining members, the candidate receiving the lowest number shall be excluded; and

(*b*) if each of all the members receive an equal number of votes or if each of two or more members receives an equal number of votes which is less than the number of votes received by the remaining members or each of the remaining members, one of the members receiving the equal number of votes shall be excluded and the determination as to which of the members is to be excluded, shall be made by lot to be drawn in the presence of the presiding officer, in such manner as he shall determine.

(3) Where there are two members at any voting and the number of votes cast is equally divided and the addition of one vote would entitle one of the members to be elected as Mayor, the determination of the member to whom the additional vote shall be deemed to have been given, shall be made by lot to be drawn in the presence of the presiding officer, in such manner as he shall determine.

Election of Deputy Mayor
[§ 48, 22 of 2012]

66F. (1) The first Deputy Mayor of a local authority shall be elected at the first meeting of the Council held under section 66C, presided over by the newly elected Mayor.

(2) The provisions of sections 66c and 66D shall apply in respect of the election of a Deputy Mayor, in like manner as though every reference in those sections to "Mayor" were a reference to Deputy Mayor.

Vacancy in the office of the Mayor or Deputy Mayor
[§ 48, 22 of 2012]

66G. Whenever the office of Mayor or Deputy Mayor of a Council falls vacant during the term of office of such Council, the Commissioner of Local Government shall, within two weeks of his receiving notice from the Council of such vacancy and by notice or notices served in accordance with the provisions of subsections (2) or (4) of section 66C, convene a meeting for the election of a new Mayor or Deputy Mayor, as the case may be, and the date specified for the meeting in such notice or notices shall be such as to ensure that the new Mayor or Deputy Mayor, as the case may be, is elected within six weeks next succeeding the occurrence of the vacancy.

Disposal of ballot papers, &c., after poll
[§ 72, 24 of 1977]
[§ 49, 22 of 2012]

67.*(2) The returning officer shall forward to the elections officer of the district in which the electoral area is situated, all the ballot papers, a statement of the number of votes given to each candidate, the ballot paper account, tendered votes list, packets of counterfoils and the marked copies of electoral lists sent by the counting officers under section 64, endorsing on each packet a description of its contents**,** the date of the election to which they relate and the names of the wards 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 theafter 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:

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

Provided, however, that nothing in the preceding provisions of this subsection shall be constructed 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.

† **68**. Repealed.

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 sch failure did not affect result of the election.

x**69A**. Repealed.

Use of schools as polling stations

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

(2) A returning oficer 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.

✓ **71**. Repealed.

Presiding officer may act through officers appointed to assist him

72. The presideing officer of a polling station may do, by the oficers appointed to assist him any act act which he is required or autjhorized 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.

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† Section 68 is repealed. See Section 50 of Act No. 22 of 2012

x Section 69A is repealed. See Section 51 of Act No. 22 of 2012

✓ Section 71 is repealed. See Section 15 of Act No. 9 of 1963

Disturbances at polling stations

72A. (1) Where due to the occurence of certain events of such a nature :-

[§ 52, 22 of 2012]

(*a*) It is not possible to commence the poll at a polling station at the hour fixed for the commencement of the poll ;

[§ 29, 16 of 2017]

(*b*) the poll at such polling station commences at the hour fixed for the commencing of the poll, but cannot be continued until the hour fixed for the closing of the poll ;

(*c*) it is not possible to conduct the poll at that polling station, due to any reason beyond the control of presiding officer.

(*d*) one or more polling agents are threatened, executed or chased out of the polling station during a disturbance at the poll ;

(*e*) the polling staff is unable to arrive at the polling station due to any obstructions on the way ;

(f) any disturbance of peace at the polling station makes it impossible to conduct the poll at such polling station ;

(*g*) any stuffing of ballot papers is forcibly carried out by any person ; or

(*h*) there is no genuine, free , fair and secret poll at any polling station.

the presiding officer of that polling station shall forthwith inform the returning officer, who in turn shall inform the Commissioner of such event.

(2) The Commissioner may upon receiving any information under sub section (2) and after making such inquires as he may consider necessary to ascertain the accuracy of such information received, by Order published in the Gazette declare the poll taken at such polling station void.

Candidates may act as his own counting agent or agents or assist such agent
[§ 75, 24 of 1977]
[§ 53, 22 of 2012]

73. A candidate for election at any election under this Ordinance may himself do any act or thing which a counting agent of his, if appointed, would have been required or authorized to do or may assist such agent in doing any such act or thing. However prior to acting under this section, the candidate shall make the declaration required to be made by such an agent.

Non attendance of the agents of candidates.
[§ 76, 24 of 1977]
[§ 54, 22 of 2012]

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

Prohibition of disclosure of vote.
[§ 25, 24 of 1987]
[§ 12, 25 of 1990]
[§ 55, 22 of 2012]

75. Any person who has voted at any election under this Ordinance shll not, in any legal proceeding instituted to question such election, be required to state for whom he voted.

Group leader
[§ 25, 24 of 1987]
[§ 56, 22 of 2012]

75A. Where any person designated as the group leader of an independent group dies during pendency of, or after, an election, to a local authority, the person whose name has been nominated by the group leader as his authorized agent shall be deemed to be the group leader of that independent 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 he poll before acting as such agent, make declaration of secrecy substatially, 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 elctoral 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 [§ 77, 24 of 1977]

(*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 intefere with a voter when recording his vote at any election under this Ordinance or;

[§ 77, 24 of 1977] (*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 as such election ; or

[§ 77, 24 of 1977] (*c*) communicate at any time to any person any information obtained in a polling stationas 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 balllot paper given to a voter at that station ; or

[§ 77, 24 of 1977] (*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 a against which he has so marked his vote.

[§ 3, 28 of 2011] (4A) Every person accompanying a voter who is subject to a disability, to polling station to mark and place the ballot paper of such voter in the ballot box as directed by the voter, shall maintain and aid in maintaining the secrecy of such voting.

[§ 3, 28 of 2011] (4B) It shall be the duty of the presiding officer to maintain a record of the relevant information of every person accompanying a voter who is subject to a disability to a polling station to mark the ballot paper of such voter.

(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 communicated with any voter at any election under this Ordinance after such voter, shall have received the ballot paper and before he shall have place the same in a ballot box.

Commissioner to issue directions [§ 57, 22 of 2012]

76A. If any difficulty arises in the conduct of an election under this Ordinance, the Commissioner may by Order published in the *Gazette*, issue all such directions as he may consider necessary, with a view to providing for any special or unforeseen circumstances or for the determination or adjustment of any question or matter for the determination or adjustment of which, no provision or effective provision is made by this Ordinance.

Controvention of provisions regarding secrecy.

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 two hundred thousand rupees, or to imprisonment of either description for any term not exceeding six months, or to both such fine and such imprisonment.

[First Schedule 21 of 2023]

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

78.(1) Every person who-

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

(aa) Repeal

[§ 13, 25 of 1990]

(b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper ; or

[§ 57, 22 of 2012]

(c) without due authority supplies any ballot paper to any person ; or

Sub section (aa) is repaled, see section 58 of act No . 22 of 2012

(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

[§ 27, 24 of 1987] (ee) wilfully displays 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 extracted, 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 Ordinance. or in any declaration of identity sent to him under the regulations set out in Ninth Schedule ; or [§ 27, 24 of 1987]

(l) without due authotiry, 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 two hundred thousand rupees, or to imprisonment of either description for any term not exceeding six months or to both such fine and such imprisonment. [First Schedule 21 of 2023]

(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 the returning officer at such election as well as the property in the counterfoils.

***79**. Repealed.

***80**. Repealed.

***81**. Repealed.

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 quarters of a mile of the entrance of that polling station- prohibition of certain acts on the date of poll. [§ 17, 9 of 1963] [§ 18, 15 of 1965]

*79, 80 and 81 sections are repealed. See section 3 of Act No. 1 of 2002

(a) canvassing for votes :

(b) soliciting the vote of any voter ;

[§ 80, 24 of 1977] [§ 59, 22 of 2012] (c) persuading any voter not to vote for a candidate of any particular political pary 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.

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

[§ 17, 9 of 1963] (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 magnifiying 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] [§ 80, 24 of 1977] (2a) (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 tem-

porary 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 pary or independent group ; or

(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 [§ 80, 24 of 1977]

(c) shall, at any procession held or conducted during the period referred to in paragraph (b) of this sub-section, 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), sub-section (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 fifty thousand rupees or to imprisonment of either description for a term not exceeding one month or to both such fine an imprisonment. [§ 17, 9 of 1963] [§ 18, 15 of 1965] [First Schedule 21 of 2023]

(4) Any police officer may take such step, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (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 cognizabal offence within the meaning of the Code of Criminal Procedure Act. [§ 17, 9 of 1963]

[§ 17, 9 of 1963]

(7) A prosecution for an offence under this section shall not be instituted without the sanction of the Attorney-General.

Provisions relating to display of handbills, posters & c
[§ 17, 9 of 1963]
[§ 19, 15 of 1965]
[§ 81, 24 of 1977]

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 groups at such election,display-

(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

(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 pary 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.

[§ 60, 22of 2012]

(1A) 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 date on which the poll is taken at such election :-

[§ 30, 16 of 2017]

(a)(i) no appointments in any public institution which may have the effect of influencing the voters to vote in favour of any recognized political party or any independent group shall be made.

(ii) notwithstanding anything in subparagaraph (i) above an appointment in such institution may be made for the purpose of carrying out essential services as are urgent, the postponement of which will affect the normal life of the public or cause severe hazards or harm to the public ; and".

(b) no Minister or any Minister of the Board of Ministers of any Provincial Council, shall enter any polling station during the poll or during the counting of votes, except for the purpose of casting his vote.

(2) Every person who contravenes any of the provisions of sub-section (1) or (1A) or shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty thousand 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] [§ 60, 22of2012] [First Schedule 21 of 2023]

(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 cognizabal offence within the meaning of the Code of Criminal Procedure Act. [§ 17, 9 of 1963]

(5) Any police officer may take such steps, and use such force, as may be reasonable necessary for preventing any contravention of the provisions of sub-section (1) or (1A) or and may seize and remove any handbill, placard, poster, notice, sign, flag or banner used in such contravention. [§ 17, 9 of 1963] [§ 60, 22 of 2012]

* 81 C and 81D

* 81 C and 81D Sections are repealed.
See section 4 of Act No. 1 of 2002.

Plural voting
[§ 84, 24 of 1977]
[§ 61, 22 of 2012]

82. If any person votes more than once at any general election under this Ordinance whether in the same ward, the same electoral area of 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.

[§ 5, 1 of 2002]

"CORRUPT PRACTICES"

Personation
[§ 6, 1 of 2002]

82A. (1) Every person who at any election -

(*a*) votes in person or by post as some other person, whether that other person is living or dead or is a fictitious person ; or

(*b*) votes more than once in or under his own name at such election.

shall be guilty of the offence of personation which shall be a cognizable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.

(2) For the purposes of this section, a person who-

(*a*) has applied for a ballot paper for the purpose of voting to person ; or
(*b*) has made an application to be treated as a postal voter; or
(*c*) has marked, whether or not validity and returned a ballot paper issued for the purpose of voting by post,

shall be deemed to have voted.

Treating
[§ 6, 1 of 2002]

82B. Every person who, corruptly, by himself or by any other person, either before, during or after an election, under this ordinance, directly or indirectly gives or provides or causes, to be given or provided, or is necessary to the giving or providing, or pays or engages to pay wholly or in part the expense or giving or providing any meat, drink, refreshment

or provisions or any money or ticket or other means of device to enable the procuring of any meat, drink, refreshment or provisions to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at such election or on account of any such person any other person having voted or refrained fron voting or being about to vote or refrain from voting at such election, and every elector who corruptly accepts or takes any such meat, drink, refreshment or provision or any such money or ticket or who adopts such other means or device to enable the procuring of such meat, drink, refreshment or provisions, shall be guilty of the offence of treating.

Undue influence
[§ 6, 1 of 2002]

82C.(1) Every person 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, of restraint or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damaged, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at an election under this Ordinance, or who by abduction, duress or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces or prevails upon any elector either to give or refrain from giving his vote at such election shall be guilty of the offence of undue influence.

(2) Every person who, at any time during the period commencing from the first day of the nomination period at any election under this ordinance and ending on the day following the date of the poll at such election -

[§ 62, 22 of 2012]

(*a*) utters at any religious assembly any words for the purpose of influencing the results off such election or inducing any elector to vote or refrain from voting for a candidate of any recognized political party or independent group at such election ; or

[§ 62, 22 of 2012] (*b*) for such purpose distributes or displays at any religious assembly, any handbill, placard, poster, drawing, notice, photograph of a candidate, symbol. sign, flag or banner; or

[§ 62, 22 of 2012] (*c*) holds or causes to be held any public meeting at a place of worship for the purpose or promoting the election, or the election campaign of for a candidate of any recognized political party or independent group at such election.

shall be guilty of the offence of undue influence.

(3) Any member or official of a religious order or organization-

(*a*) who denies, or threatens to deny, to any member or adherent of that order or organization, or to any member of the family or such member or adherent, any spiritual ministration, 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.

[§ 62, 22 of 2012] in order to induce or compel such member or adherent to vote or refrain from voting for a candidate of any recognized political party or independent group at an election under this Ordinance or to support or refrain from supporting any political party or independent group at such election, or on account of such other person having voted or refrained from voting for a candidate of any recognized political party or independent group at such election, or having supported or refrained from suppoting for a candidate any recognized political party or independent group at such election shall be guilty of the offence of undue influence.

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

(*a*) terminates or thereatens to terminate such employment ; or

(*b*) denies or thereatens to deny to such other person any benefit or service which such other person has 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 a candidate of any recognized political party or independent group at an election under this Ordinance or to support or refrain from supporting for a candidate of any recognized political party or independent group at such election, or on account of such other person having voted or refrained from voting for a candidate of any recognized political party or independent group at such election, or having supported or refrained from supporting for a candidate of any recognized political party or independent group at such election, shall be guilty of the offence of undue influence. [§ 62, 22 of 2012]

Bribery [§ 6, 1 of 2002]

82D. The following persons shall be deemed to be guilty of the offence of bribery-

(a) every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure of to endeavor to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector or to or for any other person, in order to induce any elector to vote or refrain from voting or corruptly does any such act as aforesaid on account of such elector having voted or refrained from voting at an election under this Ordinance;

(*b*) every person who, directly or indirectly, by himself, or by any other person on his bahalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavor to procure any office, place of employment to or for any elector or to or for any person, on behalf of any elector, or to or for any other person in order to induce such elector to vote or refrain from voting or corruptlty does any such act as aforesiad on account of any elector having voted or refrained from voting at any election under this Ordinance;

(*c*) every person who, directly or indirectly by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to procure or endeavor to procure the return of any person as a member of a local authority or the vote of any elector at an election under this Ordinance ;

(*d*) every person who upon or in conseqence of any such gift, loan, offer, promise, procurement or agreement procures or engages, promises or endeavors to procure, the return of any person as a member of a local authority, or the vote of any elector at an election under this Ordinance;

(*e*) every person who advances or pays or cause to be paid any money to, or to the use of, any other person with the intent that such money or any part thereof shall be expended in bribery at an election under this Ordinance or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at such elections ;

(*f*) every elector who, before or during an election under this Ordinance directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself

or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at such election ;

(*g*) every person who, after an election under this Ordinance, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable onsideration on account of any person having voted or refrained from voting or having induced any other person to vote or to refrain from voting at such election;

(h) every person who directly, or indirectly by himself or by any other person on his behalf, on account of and as payment for voting or for having voted or for agreeing or having agreed to vote for a candidate any recognized political Party or independent group at an election under this Ordinance, or an account of and as payment for his having assisted or agreed to assist candidate of any recognized political party or independent group at an election, applies to any candidate nominated by such recognized political party or independent group, or to his agent or agents, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration or for any office, place or employment or for the promise of any office, place or employment ; [§ 63, 22 of 2012]

(i) every person who directly, or indirectly by himself or by any other person on his behalf, in order to induce any other person to agree to be nominated as a candidate at an election under this Ordinance or to refrain from becoming a candidate or to withdraw if he has become a candidate gives or procures any office, place or employment or agrees to give or procure of offers or promises to procure or to endeavor to procure an office, place or employment to or for such other person, or gives or lends or agrees to give or lend, or offers or promises to procure or to endeavor to procure any money or valuable consideration to or for any person or

to or for such other person or to or for any person on behalf of such other person.

Punishment and incapacities for corrupt practice. [§ 6, 1 of 2002]

82E. (1) Every persons who -

(*a*) commits the offence of personation or aids, abets, counsels on procures the commission of the offence or personation ; or

(*b*) commits the offence of treating, undue influence or bribery ; or

(*c*) makes or publishes, before or during an election under this Ordinance, for the purpose of affecting the result of that election, any false statement of fact in relation to the personal character or conduct of any candidate ; or

(*d*) makes or publishes, before or during an election under this Ordinance, for the purpose of affecting the result of that election, any false statement of the withdrawal of any candidate at such election.

[First Schedule 21 of 2023]

Shall be guilty of a corrupt practice, and shall on conviction by a Magistrate be liable, in the case referred to in paragraph (*a*) of this subsection, to rigorous imprisonment for a term not exceeding twelve months, and, in any other case, to a fine not exceeding two hundred thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(2) Every person who is convicted of a corrupt pratice shall, on conviction become incapable for a period of seven years from the date of his conviction, of being registerd as an elector or of voting at any election under this Ordinance or of being elected as a member of a local authority, and if at that date he has been elected as a member of a local authority his election shall be vacated from the date of such conviction.

(3) A prosecution for a corrupt practice shall not be instituted without the sanction of the Attorney-General.

Special provisions relating to punishment and incapacity for a corrupt practice by an unsuccessful candidate at an election
[§ 6, 1 of 2002]
[First Schedule 21 of 2023]

82F.(1) Where a corrupt practice is committeed in connection with an election under this Ordinance by any candidate who was not elected as a member at the election or with his knowledge or consent or by any of his agents, such candidate shall on conviction by a Magistrate be liable, in the case of the offence of personation, to imprisonment for a term not exceeding twelve months, and, in any other case, to a fine not exceeding two hundred thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment :

Provided, however, that such candidate shall not be convicted of such corrupt practice under this section consisting of the offence of treating or undue influence committed by any of his agens if he proves to the Magistrate -

(*a*) that no corrupt or illegal practice was committed at the election by such candidate and any such offence was committed contrary, to the orders and without the sanction or connivance of such candidate; and

(*b*) that such candidate took all reasonable means for preventing the commission of corrupt and illegal practice at the election; and

(*c*) that any such offence was of a trivial, unimportant and limited character ; and

(*d*) that in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and his agents.

(2) Every person who is convicted of a corrupt practice under this section shall, on conviction become incapable for a period of seven years from the date of his conviction of being

registered as an elector or of voting at an election under this Ordinance, or of being elected as a member of a local authority and if at that date he has been so elected, his election shall be vacated from the date of such conviction.

(3) A prosecution for a corrupt practice under this section shall not be instituted against any candidate at an election under these Ordinance who was not elected as a member at such election except with the sanction of the Attorney-General.

(4) Nothing in the preceding provisions of this section shall be deemed or construed to preclude or prevent a candidate who was not elected as a member at an election under this Ordinance from being prosecuted for a corrupt practice in connection with such election under section 82E.

ILLEGAL PRACTICES

Certain expenditure to be illegal practice [§ 6, 1 of 2002]

82G. (1) No payment or contract for payment shall, at an election under this Ordinance, be made -

(*a*) on account of the conveyance of electors to or from the poll, whether for the hiring of vehicles or animals of transport of any kind whatsoever, or for railway fares, of otherwise; or

(*b*) to or with an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill or notice, or on account of the exhibition of any address bill, or notice.

(2) Subject to such exception as may be allowed in pursuance of this Ordinance, if any payment or contract for payment is knowingly made in contravention of this section either before, during, or after and election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this section, shall also be guilty of an illegal practice.

(3) Subject to any such express exceptions as are or may be made by or under this Ordinance, a person shall not let, lend, employ, a person shall not 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, any electoral area during the period commencing one hour before the time of the opening of the poll at an election in that area, and ending one hour after the time of the closure of such poll--

(*a*) for the purpose of the conveyance of voters to or from the poll ; or

(*b*) for any other purpose, other than--

(i) any legitimate business ; or

(ii) any official business, that is to say, the performance of any duty or the discharge of any function accruing from or connected with or incidental to any office, service or employment, held or undertaken or carried on by him.

Any person acting in contravention of this subsection shall be guilty of an illegal practice.

(4) Notwithstanding anything in the preceding provision of this section--

(*a*) where it is the ordinary business of an elector an as advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section ;

(*b*) where electors are unable at an election to reach their polling stations from their placed or residence without crossing the sea or a branch or arm thereof or a river, means may be provided for conveying such elections by sea to theis polling stations, or to enable them to cross the river in order to reach polling stations ;

(*c*) the conveyance of a person at his own expense to or from the poll at an election in, or the use by any person at his oqn expense for the purpose of that conveyance of himself to or ffrom the poll of, any public transport service shall be deemed not to be an illegal practice within the meaning of this section;

(*d*) where the returning officer of any electoral area is satisfied upon written application in that behalf made tohim by any person, or on behalf of such person by any other person not being a candidate, so as to reach such officer seven days before the day on which a poll is to be taken at an election in that area, that such person is unable, by reason of any physical disability to convey himself toand from the poll in foot or in any public transport service referred to in paragraph (c) 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 an illegal practice within the meaning of this section.

(5) Where at any poll taken in any electoral area, any police officer, either or of his own motion or after an investigation which is is hereby required to carry out on the complaint of any person, is satisfied that any vehicle, vessel or animal is being used in contravention of the provisions of subsection (1) or subsection (3), that officer shall stop and seize such vehicle, vessel or animal, and take it to a police station and detain it until the conclusion of the poll.

(6) A Magistrate may, on the conviction of any person for the commission of an illegal practice within the meaning of this section, make order declaring that any vehicle, vessel or animal used in or in connection with the commission of such practice shll be forfeited to the Republic.

False reports in newspapers or electronic media [§ 6, 22 of 2002]

82H.(1) Where there is published in any newspaper any false statment concerning, or relating to ---

(*a*) the utterances or activities at an election under this Ordinance of any candidate, or any recognized political party or independent group which is contesting such election ; or

(*b*) the conduct or management of such election by such candidate, or any such recognised political party, or independent group.

and such statment is capable of influencing the result of such election, then, every person who at the time of such publication or broadcast was the Proprietor, the Manager, the Editor, the Publisher or other similar officer of that news-

paper publishing such statement lr the Corporation or licensed radio or television station broadcasting such false statement or who was purporting to act in such capacity, shall each be guiltyof an illegal practice unless such person proves that such publication or broadcast was made without his consent or connivance, and that he exercised all such dilgence to prevent such publication or broadcast as he ought to have exercised, having regard to the nature of his function in such capacity and in all the circumstances.

[§ 11, 15 of 1965]

(2) In this section, the term "newspaper" includes any journal, magazine, pamphlet or other publication.

Certain employment to be illegal

82J (1) No person shall, for the purpose of promoting an election under this Ordinance, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatsoever, except for the purpose or in the cpacities following :-

(a) a resonable number of polling agents for each polling station having regard to the need to revoke the appointment of any polling agent for that polling station during the poll; and not more than the number of counting agents referred to an Section 60 for each counting center;

(b) a reasonable number of clerks and messengers having regard to the extent of the electoral area abe the number of electors on the register of electors for such area.

(2) Subject to such exception as may be allowed in pursuance of this Ordinance, if any person is engaged or employed in contravention of this section, either before, during, or after an election, the person engaging or emplying him shall be guilty of an illegal practice.

Printing & c. of election publications.

[§ 6, 1 of 2002]

82K. A candidate or his agent who prints, publishes, distributes or posts up or causes to be printed, published, distributed or posted up any advertisement, handbill, placard or

poster which refers to an election under this Ordinance and which does not bear upon its face the names and addresses of its printer and published shall be guilty of an illegal practice.

Punishment on conviction for illegal practices

82L (1) Every person who commits an illegal practices shall on conviction by a Magistrate be liable to a fine not exceeding one hundred thousand rupees and shall on conviction become incable for a period of three years from the date of his conviction of being registered as an elector or of voting at an election under this Act or being elected as a member of a local authority, and if at that date he has been elected as a member of a local authority, his election shll be vacated from the date of such conviction.

[§ 6, 1 of 2002]

[First Schedule 21 of 2023]

(2) A prosecution for an illegal practice shall not be instituted without the sanction of the Attorney-General.

Special provisions relating to punishments and incapacity for an illegal practice by an unsuccessful candidate at an election.

82M.(1) Where an illegal practice is committed in connection with an election under this Ordinance by any candidate whowas not elected as a member at the election or with his knowledge or consent or by any of his agents, such candidte shall on conviction by a Magistrate be liable to a fine not exceeding one hundred thousand rupees :

[§ 6, 1 of 2002]

[First Schedule 21 of 2023]

Provided, however, that such candidate shall not be convicted of such illegal practice under this section committed by any of his agents if he proves to the satisfaction of the Magistrate--

Closuer of poll

(a) that no corrupt or illegal practice was committed at the election by such candidate and the illegal practice which is the subject matter of the prosecution was committed contrary to the orders and without the sanction or connivance of such candidate; and

Procedure on closure of poll

(b) that such candidate took all reasonable means for preventing the commission of corrupt and illegal practices at the election ; and

[§ 62, 24 of 1977]

[§ 17, 24 of 1987]

(*c*) that the offence or offences constituting such illegal practice was or were of a trivial, unimportant and limited nature ; and

(*d*) that in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and his agents.

(2) Every person whois convicted of an illegal practice under this section, shall, by conviction, become incapable for a period of three years from the date of his conviction of being registered as an elector or of voting at an election under this Ordinance or of being elected as a member of a local authority, his election shall be vacated from the date of such conviction.

(3) A prosecution for an illegal practice under this section shall not be instituted against any candidate at an election under this Ordinance who was not elected as a member at such election except with the sanction of the Attorney-General.

(4) Nothing in the preceding provisions of this section shall be deemed or constructed to preclude or prevent a candidate who was not elected as a member at an election under this Ordinance from being prosecuted for an illegal practice in connection with such election uder section 82L.

Additional penalty for certain offences.
[§ 6, 1 of 2002]

82N. Any person who is convicted of a officence specified in sections 77,78, 81A, 81B, 82A, 82B, 82C, 82D, 82G, 82H, 82J and 82K shall, in addition to any other penaly prescribed for such offence, shall, in addition to any other penalty prescribed for such offence, be disqualified for a period of five years from the date of such conviction from being elected to, or from sitting or voting as a member of, any local authority."

"Part IV A

ELECTION PETITIONS

Avoidance by conviction of candidate.

[§ 7, 1 of 2002]

82O.(1) the election of a candidate as a member of local authority is avodied by his conviction for any corrup or illegal practice,

(2) Where the election of a person as a member of a local authority is declared void, he shall be disqualified from sitting or voting in such local authority.

Avoidance of election on election petition.

[§ 7, 1 of 2002]

[§ 64, 22 of 2012]

82P. (1) The election in respect of any ward of any electoral area shall be declared void on an election petition on the following groups which may be proved to the satisfaction of the Election Judge, namely--

(a) that by reason of general bribery, general treating or general intimidation or other misconduct or other circumstances whether similar to those enumerated before or not a section of electors was prevented from voting for the candidate of any recognized political party or independent group which it preferred and there by materially affected the reasult of the election :

(b) non-compliance with provisions of this Ordinance relating to elections, if it appears that the election was not conducted in accordance with the principles laid down in such provisions and that such non-compliance materially affected the result of the elctions.

(2) The election of a candidate as a member of any local authotiy shall be declared void on an election petition on any of the following ground which may be proved to the satisfaction of the Election Judge, namely--

(*a*) that a corrupt or illegal practice was committed in connection with the election by the candidate or with his

knowledge or consent or by any agent of the candidate ;

(*b*) that the candidate personally engaged a person as a canvasser or agent or to speak on his behalf knowing that such person had within seven years previous to such engagement been found guilty of a corrupt practice under the law relating to the election of the President or the law relating to Referenda or under the Ceylon (Parliamentary Elections) Order in Council, 1946, or under this Ordinance by a court of competent jurisdition or by the report of an Election Judge ;

(*c*) that the candidate personally engaged a person as a cancasser or agent or to sepak on his behalf knowing that such person had been a person on whom civic disability had been imposed by a resolution passed by Parliament in terms of Article 81 of the Constitution, and the period of such civid disability specified in such resoulution had not expired;

(d) that the candidate was at the time of his election a person disqualified for election as a member.

High Court established by Article 154p to try election petitions.
[§ 7, 1 of 2002]
[§ 65, 22 of 2012]

82Q. A High Court established by Article 154p of the Constitution shall have and exercise jurisdiction to try election petition is in relation to an election for any ward of an electoral area situated within such court's jurisdiction (hereafter referred to as "High Court") The jurisdiction of HIgh Court in respect of its powers under this section shall be exercised by the Judge of such High Court and references in this Ordinance to "Election Judge" shall be construed accordingly.

Who may present petition
[§ 7, 1 of 2002]
[§ 66, 1 of 2012]

82R. An election petititon claiming may be presented to the High Court by any one or more of the following person, namely : --

(*a*) some person claiming to have had a right to be returned or elected for any ward at such election ;

(*b*) some person alleging himself to have been a candidate for any ward at such election.

Relief which may be claimed [§ 7, 1 of 2002]

82s. All or any of the following reliefs to which the peririoner may be entitiled may be claimed in an election petition, namely a declaration that-

[§ 67, 22 of 2012]

(*a*) the election in respect of any ward of any electoral area is void ;

(*b*) the return of any person elected was undue;

(*c*) any candidate was duly elected and ought to have been returned.

Parties to a petition

82T. A petitioner shall join as repondants to his election petition-

[§ 7, 1 of 2002]

(*a*) where the petition, in addition to claiming that the election of all or any of the returned candidates is void or was undue, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates, other than the petitioner, and where no such declaration is claimed, all the returned candidates ; and

(*b*) any other candidate or person against who allegations of any corrupt or illegal practice are made in the petition.

(2) Any candidate not alrady a respondent to an election petition shall, upon application in that behalf made by him to the Election Judge, be entitled to be joined as arespondent to such petition ;

Provided that no candidate shall be entitled to be joined of his own motion as a respondent to such petition under the preceding provisions of this section unless he has given such security for costs as the Election Judge may determine.

Contents of the petition

82U. An election petition-

[§ 7, 1 of 2002]

(*a*) shall state the right of the petitioner to petition under section 82R of this Ordinance.

(*b*) shall state the holding and result of the election ;

(*c*) shall contain a concise statement of the material facts on which the petitioner relies ;

(*d*) shall set forth full particulars of any corrupt or illegal practice that the petitioner alleges, including as full a statment as possible of the names of the parties alleged to have committed such corrupt of illegal practice and the date and place of the commission of such practice, and shall also be accompanied by an affidavit in support of the allegation of such corrupt or illegal practice and the date and place of the commission of such practice ;

[§ 68, 22 of 2012]

(e) shall conclude with a prayer as, for instance, that the election in respect of any ward of any electoral area should be declared void, and shall be signed by all the petitioners ;

Provided, however, that noting in the preceding provisions of this section shall be deemed or construed to require evidence to be stated in the petition.

Special provision relating to the procedure before an Election Judge

[§ 7, 1 of 2002]

82V. (1) The Election Judge may upon such terms as to costs or othewise as he may deem fit, allow the particlulars of any corrupt or illegal practice specified in an election petition to be amended or amplified in such manner as may in his opinion, be necessary for ensuring a fair or effective trial of the petition so, however, that he shall not allow such amendment or amplification if it will result in the introduction of particulars of any corrupt or illegal practice not previously alleged in the petition.

(2) Every election petition shall be tried as expeditiously as possible and every endeavor shall be made to conclude the trial of such petition within a period of six months after the date of the presentation of such petition. The Election Judge shall make his order deciding such petition without undue delay after the date of the conclusion of the trial of such petition.

Determination of Election Judge [§ 7, 1 of 2002]

82W. At the conclusion of the trial of an election petition the Election Judge shall determine whether the member whose return or election is complained of, or any other and what person, was duly returned or elected, or whether the election was void ; and shall certify such determination in writing.

Such certificate shall be kept in the custody of the Registrar of the High Court to be dealt with as hereinafter provided.

Report of Judge as to corrupt or illegal practice [§ 7, 1 of 2002]

82X. At the conclusion of the trial of an election petition the election Judge shall also make a report setting out-

(*a*) Whether any corrupt or illegal practice has or has not been proved to have been committed or with the knowledge and consent of any candidate at the election, or by his agent, and the nature of such corrupt or illegal practice, if any ; and

(*b*) the names and descriptions of all persons, if any, who have been proved at the trial to have been guilty of any corrupt or illegal practice :

Provided, however, that before any person, not being a party to an election petition nor a candidate, is reported by an Election judge under this section, the Election Judge shall give such person an opportunity of being heard and of giving and calling evidence to show why he should not be so reported.

Such report shall be kept in the custody of the Registrar of the High Court to be dealt with as hereinafter provided.

Appeal against determination under section 82w and any other decision or order of Election Judge. [§ 7, 1 of 2002]

82Y. (1) Any person dissatisfied with -

(*a*) he determination of an Election Judge under section 82w ; or

(*b*) any other decision or order of an Election Judge.

May appeal to the Supreme Court, with leave first had end obtained from the Supreme Court.

(2) Until rules are made under Article 136 of the Constitution pertaining to leave to appeal application made under this section, the rules made under the Article pertaining to application for special leave to appeal to the Supreme Court shall apply in respect of every leave to appeal application made under this section.

(3) Every application under this section shall be heard by the Supreme Court and shall, as far as practicable, be given priority over other business of that Court. The Court may give all such directions as it may consider necessary in relation to the hearing and disposal of each application.

(4) The Attorney-General shall be entitiled to appear or be represented at any application for leave to appeal or at any appeal under this Part.

Security by applicant for costs & c. of application. [§ 7, 1 of 2002]

82z. (1) At the time of the filling of the application under section 82Y or within three days afterwards, security for the payment of all costs, charges and expenses that may become payable by the applicant shall be given on behalf of the applicant.

(2) The security shall be an amount of not less than ten thousand rupees. The security required by this section shall be given by a deposit of money.

(3) If the security as in this section provided is not given by the applicant, no further proceedings shall be had on such application and the respondent may apply to the Supreme Court for an order directing the rejection of such application and for the payment or the respondent's costs. The costs of hearing and deciding such application shall be paid as ordered by the Supreme Court, and in default of such order shall from part of the general costs of the appeal.

(4) The deposit of money by way of secutiry for the payment of the costs, charges and expenses payable by the applicant shall be made by payment to the Registrar of the

Supreme Court which shall be vested in and drawn upon from time to time by the Chief Justice for the purposes for which security is required by this section.

(5) The Registrar of the Supreme Court shall keep a book open to the inspection of all parties concerned in which shall be entered from time to time the amount and the application to which it is applicable.

(6) Money so deposited shall, if an when the same is no longer needed for securing the payment of the costs, charges and expenses payable by the applicant, be returned or otherwise disposed of as justice may require by order of the Chief Justice.

(7) Such order may be made after such notice of intention to apply a proof that all just claim have been satisfied or otherwise sufficiently provided for as the Chief Justice may require.

(8) Such order may be direct payment to the party in whose name the same is deposited or to any person entitled to receive the same.

Hearing of Appeal

[§ 7, 1 of 2002]

82AA. (1) Upon leave to appeal being granted the Registrar of the Supreme Court shall enter the petition in the roll of pending appeals, and the matter of the appeal shall come up for hearing before a bench of three judges of the Supreme Court without further notice to the parties concerned in accordance with the direction given to such Registrar by the Chief Justice.

(2) The Supreme Court may of its own motion or on an application of a party of such appeal and with reasonable notice to the other parties concerned, accelerate the hearing of such appeal, upon such terms as to the cost of appeal as it may think fit.

(3) When the appeal comes up for hearing the appellant shall be heard in support of the appeal and the respondents against the appeal.

Power of the Supreme Court in appeal
[§ 7, 1 of 2002]

82AB. (1) The Supreme Court may, upon hearing the parties to the appeal affirm, vary or reverse the determination or decision of the Election Judge to which the appeal relates.

(2) Where the Supreme Court reverses on appeal the determination of the Election Judge under section 82w, the Supreme Court shall decide whether the member whose return or election was complained of in the election petition, was duly returned or elected, or whether the election was void, and a certificate of such decision shall be issued by the Supreme Court.

(3) The Supreme Court may, in the case of any appeal order that the election petition ; to which the appeal relates shall be tried a new in its entirety or in regard to any matter specified by the Supreme Court and give such directions in relation thereto as the Supreme Court may think fit.

(4) The Supreme Court may make any order which it may deem just as to the costs of the appeal and as to the costs of and incidental to, the presentation of the election petition and of the proceedings consequent thereon, and may by such order reverse or vary any order, as to costs made by the Election Judge ; and the Supreme Court may make rules as to the award, taxation and recovery of costs in the Supreme Court.

Transmission to President of certificate and report.
[§ 7, 1 of 2002]

82AC. (1) Where no application is preferred against the determination of an Election Judge under section 82w within the period herein before specifed in that behalf, the Election Judge shall transmit to the President the certificate of such court issued under that section, together with the report of such Judge made under section 82x.

(2) Where an application is preferred to the Supreme Court under section 82Y, the Election Judge shall transmit to the Supreme Court the certificate of the Election Judge issued under section 82W together with the report of the Election Judge made under section 82x.

(3) Where the determination of the Election Judge is reversed by the Supreme Court in appeal, the Supreme Court shall transmit to the President the certificate of the decision of that Court issued under section 82AB together with-

(a) the report of the Election Judge made under section 82x, if it is in the opinion of the Supreme Court not affected by the decision in the appeal ; or

(b) if the Supreme Court considers it necessary, a report in respect of the matters referred to in section 82x made by the Supreme Court.

Effect of Certificate [§ 7, 1 of 2002]

82AD. Upon the transmission to the President of the certificate of the determination of an Election Judge or of the decision of the Supreme Court as required by section 82AC, the determination or decision, as the case may be, shall take effect and accordingly-

(a) the return or the election shall be confirmed ; or

(b) the return or the election shall be altered in accordance with such determination or decision, as the case may be; or

[§ 69, 22 of 2012]

(c) Where the determination or the decision is to the effect that the election in respect of any ward or any electoral area is to be declared void, the President shall, within one month of the receipt of such certificate, by Order published in the Gazette require the holding of an election in respect of that electoral area.

Effect of Report [§ 7, 1 of 2002]

82AE. (1) (*a*) The President shall, upon receipt of the report of the Election Judge or of the Supreme Court transmitted to him under section 81AC forthwith cause a copy of the report, to be published in the Gazette.

(*b*) (i) Where the report referred to in paragraph (a) is to the effect that a corrupt or illegal practice has been committed by any person, that person shall be subject to the same incapacities as if at the date of the said report had been convicted of that practice and the returning officer shall

expunge the name of such person from any nomination paper in respect of the election which was the subject matter of the election petition.

(ii) Where the report referred to in paragraph (a) is to the effect that such corrupt or illegal practice was committed with the knowledge and consent of a person who was a candidate at an election or by his agent, that person shall be subject to the same incapacities as aforesaid.

(2) It shall be the duty of every registering officer forthwith to peruse every such report which is published in the Gazette under subsection (1), and forthwith to delete from the register of electors the name of every person appearing from the report to be incapable of voting at an election.

Time for Presentation
[§ 7, 1 of 2002]
[§. 3, 21 of 2023]

82AF. (1) Every election petition under this Ordinance shall be presented within forty-two days of the date of publication of the result of the election in the Gazette :

Provided that an election petition questioning the return of the election upon the ground of a corrupt or illegal practice and specifically alleging a payment or money or other act to have been made or done since the date aforesaid by the member whose election is questioned or by an agent of the member or with the privity of the member in pursuance or in furtherance of such corrupt or illegal practice may so far as respects such corrupt or illegal practice, be presented at any time within twenty-eight days after the date of such payment or act.

(2) An election petition presented in due time may, for the purpose of questioning the return or the election upon an allegation of a corrupt or illegal practice, be amended with the leave of the Election Judge within the time within which an election petition questioning the return or the election upon that ground may be presented.

Prohibition of disclosure of vote
[§ 7, 1 of 2002]

82AG. No elector who has voted at an election shall, in any proceeding to question such election, be required to state for which candidate he has voted.

Votes to be struck off at a scrutiny
[§ 70, 22 of 2012]

82AH. (1) On a scrutiny at the trial of an election petition the following votes only shall be struck off, namely the vote of any person-

(*a*) Whose name was no on the register of electors assigned to the polling station at which the vote was recorded ;

(*b*) whose vote was procured by bribery, treating, or undue influence ;

(*c*) who committed or procured the commission of personation at the election ;

(*d*) proved to have voted in more than one electoral area;

(*e*) who, by reason of the operation of paragraph (*e*), (*f*), (*g*), (*h*), (*i*), and (*j*) of Article 89 of the Constitution, was incapable of voting at the election ;

(*f*) who, not being entitiled to vote in person at the election by reason of subsection (1) of section 39B, voted in person at the election.

(2) The vote of a registered elector shall not, except in the case specified in paragraph (e) of subsection (1), be struck off at a scrutiny by reason only of the voter not having been or not being qualified to have his name entered on the register of electors.

(3) On a scrunity, any tendered vote proved to be a valid voter shall, on the application of any party to the petition, be added to the poll.

Procedure and practice on election petitions.
[§ 7, 1 of 2002]

82AJ. The Provisions of the Parliamentary Elections Petition Rules set out in the Fourth Schedule to the Parliamentary Elections Act, No. 1 of 1981, shall *mutatis mutandis*, apply to, and in regard to the procedure and practice on election petitions under this Ordinance.

Rejection of ballot paper by counting officer to be final
[§ 2, 1 of 2002]

82AK. On an election petition the decision of a counting officer whether or not a ballot paper shall be rejected under section 63 shall not be questioned.

Report Exonerating candidate in certain cases of corrupt or illegal practices.
[§ 7, 1 of 2002]

82AL. Where, upon the trial of an election petition respecting an election under this Ordinance, the Election Judge reports that a candidate at such election has been guilty by his agents of the offence of treating or undue influence or of any illegal practice in reference to such election, and the Election Judge further reports, after giving the Attorney- General an opportunity of being heard, that the candidate has proved to the court -

(*a*) that no corrupt or illegal practice was committed at such election by the candidate and the offences mentioned in the said report were committed contrary to the orders an without the sanction or connivance of such candidate ; and

(*b*) that such candidate took all reasonable means for preventing the commission of corrupt and illegal practices at such election ; and

(*c*) that the offences mentioned in the said report were of a trivial, unimportant and limited character ; and

(*d*) that in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents,

then the election of such candidate shall not, by reason of the offences mentioned in such report, be void, nor shall the candidate be subject to any incapacity under this Ordinance.

Power of Court to exempt innocent act from being illegal.
[§ 7, 1 of 2002]

82AM. Where, on application made, it is shown to an Election Judge or to the Judges of the Supreme Court, in the case of an appeal, by such evidence as seems to the Election Judge or the Judges of the Supreme Court sufficient -

(a) that any act or omission of a candidate at an election, or of any of his agents or other person, would, by reason of being a payment, engagement, employment, or contract in contravention of this Ordinance or of otherwise being in contravention of any of the provisions of this Ordinance, be but for this section an illegal practice ; and

(b) that any such act or omission arose from inadvertence or from accidental miscalculations or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith, and in the circumstances it seems to the Judge, or the Judges of the Supreme Court as the case may be after giving the candidates, the returning officer, and any elector within the electoral district an opportunity of being heard, to be just that the candidate in question and his agent or other person, or any of them should not be subject to any of the consequences under this ordinance of the said act or omission, the Election Judge or the Judges of the Supreme Court as the case may be, may make an order allowing such act or omission to be an exception from the provisions of this Ordinance which would otherwise make the same an illegal practice, payment, employment, or hiring, and thereupon such candidate, agent or person shall not be subject to any of the consequences under this Ordinance of the said act or omission.

PART V

MISCELLANEOUS

Power to modify or supplement Ordinance [§ 85, 24 of 1977] [§ 71, 22 of 2012]

84†. All matters connected with the preparation or revision of the electoral lists of each ward 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

† Section 83 is repealed, See Section 8 of Act No. 1 of 2002.

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.

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

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.

[First Schedule 21 of 2023]

(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 two hundred thousand rupees, or to imprisonment of either description for a term not exceeding one month or to both such find and imprisonment.

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

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.

Requisitioning of premises for use as polling stations.
[§ 23, 15of 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 an served on the person in actual possession of those premises, or where n person is in such actual possession, on the owner of such premises.

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

(3) In this section, "premises" means any land, building or part of a building an 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 twenty-five thousand rupees.

[First Schedule 21 of 2023]

Expenses of elections.
[§ 86, 24 of 1977]
[§ 72, 12 of 2012]

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.

Fines to be credited to the Consolidated Fund

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

Interpretation

***89.** In this Ordinance, unless the contest otherwise requires-

[§ 28, 24 of 1987]

"Commissioner" means the Commissioner of Elections ;

[§ 87, 24 of 1977]

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

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

Repealed - section 73 of Act No. 22 of 2012.

"Council" means a Municipal Council, an Urban Council or a Pradeshiya Sabha, as the case may be ; [§ 73, 22 of 2012]

"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; [§ 7, 22 of 1955]

"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, 9 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]

"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 ;

"overhang" means the number of candidates elected for a local authority from any recognized political party or independent group in excess of the number of such recognized political party or independent group is entitled to have elected in terms of subsection (3) of section 65B of this Ordinance; [§ 31, 16 of 2017]

"Parliamentary General Election" means a general election of Members of Parliament ; [§ 19, 5 of 1963]

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

"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 ;

[§ 31, 16 of 2017] "Public corporation" means any corporation, board or other body which was or is established by or under any written law other than the Companies Act, No. 7 of 2007, with funds or capital wholly or partly provided by the Government by way of grant loan or otherwise;

[§ 31, 16 of 2017] "Public Institution" includes a Ministry, a government department, a public corporation, any institution established by a Provincial Council or by a statute of a Provincial Council, a local authority, any business or other undertaking vested in the government and a Company registered or deemed to be registered under the Companies Act, No. 7 of 2007, in which the Government, a public corporation or any local authority holds more than fifty *percentum* of the shares;".

[§ 14, 25 of 1990]

[§ 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.

[§ 15, 25 of 1990]
[§ 28, 24 of 1987]
[§ 74, 22 of 2012]
[§ 32, 16 of 2017] "youth" means a person not less than eighteen years of age as at first June of the year in which the revision of the operative electoral register commenced under the Registration of Electors Act, No. 44 of 180 and not more than thirty-five years of age as on the last day of the nomination period specified under this Ordinance in respect of the election at which he seeks to be a candidate.

"FIRST SCHEDULE" [Section 28(2)]

I- FIRST NOMINATION PAPER

[§ 32, 22 of 2012]
[§ 32, 16 of 2017]

……. Municipal Council/Urban Council/ Pradeshiya Sabha.

The …….. party being a recognized political party/ independent group of candidates of which (in 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- CANDIDATES

1 Name and the No. of the ward	2 Name men/ women (as indicated in the National Identity card or birth certificate)	3 National Identity Card No.	4 Residential Address	5 Occupation	6 Whether a Youth candidate or not (Y)	7 Signature signifying consent of the candidate	8 Male/ Female

II- ADDITIONAL NOMINATION PAPER

1	2	3	4	5	6	7
Name - men/ women (as indicated in the National Identity card or birth certificate)	National Identity Card No.	Residen-tial Address	Occupa-tion	Whether a Youth candidate or not (Y)	Signature signifying consent of the additional candidate	Male/ Female

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

Signature of secretary of recognized political party/leader of the independent group :

Name : ……..
Address : ……..
Official seal :
Signed by the above named …… secretary of recognized political party/leader of independent group in my presence at …… on this ……. day of ……. 20…..

……
(Justice of Peace/Commissioner for Oaths)
Official seal

Address : ……..

* State in the case of a multi-member ward by the inclusion of one asterisk (*) and the names of two candidates in the relevant cage in the case of election of two members and in the case of election of three members by the inclusion of two asterisks (**) and the names of such three candidates.

SECOND SCHEDULE [Section 45]

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

[§ 89, 24 of 1977]
[§ 30, 24 of 1987]
[§ 16, 25 of 1990]
[§ 75, 22 of 2012]

Every voter shall have one vote, which may be given to the candidate of a recognized political partyu or independent group, of his choice.

The voter will go into one of the compartments and place a cross (X) on the right hand side of the ballot paper opposite the symbol of the recognized political party or the independent group as the case may be.

The voter who cast his vote by a ballot paper will then fold up the ballot paper so as to show the official mark on the back to the presiding officer and put the ballot 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 with such inadvertence, give him another ballot paper.

If the voter :—

(*a*) votes for more than one candidate, or

(*b*) places any mark on the ballot 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 the box, he will be liable on conviction after summary trial before a Magistrate to a fine not exceeding two hundred thousand rupees or to imprisonment of either description for a term not exceeding six months or both such fine and imprisonment.".

[First Schedule 21 of 2023]

"THIRD SCHEDULE [Section 47]

[§ 31, 24 of 1987]
[§ 17, 25 of 1990]
[§ 76, 22 of 2012]

FORM OF FRONT OF BALLOT PAPER

Counterfoil No.

PARTY "A"	SYMBOL
PARTY "B"	SYMBOL
PARTY "C"	SYMBOL
"INDEPENDENT GROUP" 1	SYMBOL
"INDEPENDENT GROUP" 2	SYMBOL
"INDEPENDENT GROUP" 3	SYMBOL

"FOURTH SCHEDULE [Section 76(1)]

[§ 91, 24 of 1971]
[§ 30, 20 of 1987]

FORM OF DECLARATION OF SECRECY

I ……. (name), solemnly promise and declare that I will not at this election for the ……. ward of 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.

……..... .....
Name and designation 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 [Section 53A]

FORM OF THE LIST

Principal enactment
[§ 26, 15 of 1965]
[§ 17, 14 of 2004]
[§ 78, 22 of 2012]

List of Voters to whom ballot papers were not delivered

Name of Local Authority : …….....
Ward No. : …….....
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 appropri-ate mark	No valid identity document or identity not established

* 1. Fifth Schedule is omitted as it: provisiosn have taken effect and lapsed
2. Sixth Schedule repealed by Law No. 24 of 1977.

*NINTH SCHEDULE [Section 39B]

[§ 33, 24 of 1987]
[§ 18, 25 of 1990]

REGULATIONS

Short title

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

Interpretation

2. For the purposes of these regulations, unless the context oherwise, requires-

"issue" includes the original and any subsequen issue ;

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

*Ite

"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 Ordianance" means the Local Authorities Elections Ordinance.

Form of application to be treated as a postal voter

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

Record and list of postal voters

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 returing officer.

(2) The address to which the ballot paper of a postal voter is to be sent shall be specified apposite 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.

Form of postal ballot paper

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 declaration of identity

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.

Appointmen of clerks

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

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

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

8.(1) No person other than -

(*a*) the returning offiver 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 issoue of postal ballot papers.

(2) Where postal ballot papers are to be issued simultaneously in two or more batches, each authorized agent or grop 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 agents 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 presenace of the returning officer or a Justice of the Peace.

(3) Every personb attending th prpceedings in connection with the issue of postal ballot papers hall 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 sjall 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.

Notice of issue of ballot papers

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 agents 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.

(2) Where any subsequent issue of ballot papers is made, there returning officer shall notify each authorized agent and group leader as soon as practicable of the itme 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.

Official work to be made on postal ballot papers

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.

(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 declatation of identity sent to such voter. The number so marked is hereinafter referred to as the "marked number on the declaration of identity".

Refusal to issue postal ballot paper

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.

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 theballot paper envelope".

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

Delivery to post office of envelopes addesses to postal voters

14. All envelopes addressed to postal voters shall be counted and forthwith deluvered 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 presene 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) Thesealed packet containing the marked copies of the postal voters list may be opened by the returning officer for the purpose of a subseqent issue postal ballot papers, and, of 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 sall be shown open and empty to such agents of the authorized agents and group leader 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 [§ 33, 16 of 2017]

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

"The covering envelopes containing postal ballot papers to be separated according to wards [§ 33, 16 of 2017]

18. The returning officer shall, any time after placing the unopened covering envelopes into the postal voters ballot box and before the commencement of the poll, open the postal voters ballot boxes and separate the covering envelopes contained therein, in respect of each ward. Once the covering envelopes are separated, the returning officer shall put all the covering envelopes in respect of each ward in a separate envelope for such ward and seal and submit it to the counting officer appointed for the relevant ward on the day before the date of poll along with ballot papers and other articles.

Counting of postal ballot papers [§ 33, 16 of 2017]

19. The returning officer shall, immediately before the commencement of counting of the ballot papers, cause the counting officer appointed for a ward to open the relevant covering envelopes containing postal ballot papers for such ward and proceed to count them.

Repeal [§ 33, 16 of 2017] Regulation -20, 21, 22, 23 and 24(1)

Repeal [§ 33, 16 of 2017]

Repeal [§ 33, 16 of 2017]

Repeal [§ 33, 16 of 2017]

(2) Where the counting officer opens a covering envelope -

(*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 evelope, 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 wrods "rejecion objected to" ;

(*c*) attach to such declaration, in the case referred to in the aforesiad sub- paragraph (*a*) (i), the ballot paper envelope, or in the case referred to in the aforesiad 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 (ii) 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 pre-

ceding 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.

Opening of ballot paper envelopes

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.

(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 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 votes.

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 persence 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 section 63 and 63A of the Ordinance shall apply.

Closure of the count.
[§ 33, 16 of 2017]

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*) written declaration of the votes given to each candidate;";

(*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

(Regulation 3)

FORM A
APPLICATION TO BE TREATED AS A POSTAL VOTER

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

[§ 33, 16 of 2017] 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 district name and the No. of the ward and the electoral district under which my name appears in the register are as follows : -

[§ 33, 16 of 2017]
Electoral District No.: .....
Polling District No. : .....
Polling District No. : .....
Name and the No. of the Ward : .....

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 Depatment 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 accordnace with the note appearing below, state official designation and address of applicant's certifying officer. .....

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

.....
Signature of Applicant

Date : .....

I hereby certifying 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 make to the returning officer of the electoral area where the applicant is registered as an elector with 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 dispatched 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 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 dispatched under the care of is certifying officer.

1. Before signing the declaration the voter in respect of whom the ballot paper and other documents have been dispatched 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 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 perferences for not more than three candidate nominated by such party or groups or group by placing a cross or crosses (thus "X") on one more of the cages enclosing a serial number corresponding to the serial number assigned to each such candidate or on any one or more blank cages appearing on the right hand side of a cage enclosing such serial number.

[§ 18, 25 of 1990]

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 of despatch without delay.

6. 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.

Instruction 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.

[§ 18, 25 of 1990]

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 or crosses (thus "X") on one or more of the cages enclosing a serial number corresponding to the serial number assigned to each such candidate or on any one or more blank cages appearing on the right hand side of a cage enclosing such serial number.

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 returning officer and dispatch them by post without delay. Unless the voter returns the ballot paper at one 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.

(Regulation 9(1))

FORM C

Form of Declaration of Secrecy

I solemnly promise and declare that I will not at these proceedings to any thing forbidden by paragraph (3) of regulations 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 declaratnt by the person before whom the declaration is made.

"TENTH SCHEDULE [§ 4, 28 of 2011]

CERTIFICATE OF ELIGIBILITY TO VOTE ISSUED TO A PERSON SUBJECT TO A DISABILITY IN TERMS OF THE LOCAL AUTHORITIES ELECTIONS ORDINANCE
(CHAPTER 262 SECTION 54 (2) (C))

PART 1

DECLARATION BY THE APPLICANT/VOTER

Full Name : .....
Address : .....
Occupation : .....
Date of Birth : .....
NIC/Driving Licence/Passport No. : .....

I, ...of .....being a voter registered in the .....District, being subject to a disability, declare that the above particulars are ture and accurate and do hereby apply for the issue of a Certificate of Eligibility entitling me to vote at the forthcoming .....(Name of Election) as a person subject to a disability, as provided for by law.

Date : ..... Name of Voter : .....
Signature of Voter : .....

CERTIFICATE OF GRAMA NILADHARI

I certify that the information given above is correct and that the following information relating to the application of ..... (Name of Applicant/Voter) is correct according to the records maintained by me.

Name : .....
No. on the voters list : .....
Province: .....
District : .....
Electoral Division : .....
Other relevant information : .....

Date : ---------- Signature of Grama Niladhari : .....
Name of Grama Niladari : .....
Division : .....
Seal: .....

PART II

CERTIFICATE OF THE GOVERNMENT MEDICAL OFFICER

I have personally examined .....of .....who has applied to be entitiled to vote as a person subject to a disability, at the forthcoming .....(Name of Election) and do hereby certify that .....(Name of Voter/Applicant) is entitled/not entitled to vote as a person subject to a disability, as provided for by law.

Date : ..... Name of Government
Medical Office : .....

Signature of Government
Medical Officer :.....
Seal :

....."

Local Authorities Filling Vacancies (Special Provisions) Act, No. 30 of 2013

[Certified on 12th July, 2013]

L.D.-O. 31/2013

an act to provide for the filling of vacancies in the office of mayor, deputy Mayor or a member of local authorities elected uder the local authorities elecios ordfinance (chapter 262) ; and for matters connected therewith or incidental therero.

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

short title

1. This Act may be cited as the Local Authorities Filling of Vacancies (Special Provisions) Act, No. 30 of 2013.

Filling of vacancies of Mayor etc. elected under the Local Authorities Elections Ordinance (Chapter 262).

2. For the purpose of filling of a vacancy in the office of Mayor, Deputy Mayor or a Member, elected to any local authority under the provisions of the Local Authorities Elections Ordinance (Chapter 262), which were in operation on the date immediately preceding the date of coming into operation of the Local Authorities Elections (Amendment) Act, No. 22 of 2012, the provisions of the said Ordinance, shall apply to an in relation to the filling of such vacancies, notwithstanding the repealing or amendment of the relevant provisions by the Act, No. 22 of 2012.

Provided however that, where a vacancy occurs in the office of Mayor in the circumstances specified in subsection (4) of section 66B, inserted in the said Ordinance by the Act, No. 22 of 2012, then the provisions of that subsection shall apply in relation thereto.

Duration of the Act

3. The provisions of this Act shall be in operation for a period of four years commencing from the date of commencement of this Act.

Validation

4. Any vacancy in the office of Mayor, Deputy Mayor or Member, filled during the period commencing from January 1, 2013 and ending on the date of commencement of this Act in terms of the provisions of the Local Authorities Elections Ordinance (Chapter 262) which were in operation on the date immediatley preceding the date of coming into operation of the Local Authorities Elections (Amendment) Act, No. 22 of 2012 shall be deemed to have been validly filled.

Interpretation

5. In this Act-

"Deputy Mayor" means the Deputy Mayor of a Municipal Council or the Vice-Chairman of an Urban Council or a Pradeshiya Sabha ; and

"Mayor" means the Mayor of a Municipal Council or the Chairman of an Urban Council or a Pradeshiya Sabha.

Sinhala text to prevail in case of inconsistency.

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