



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

**LOCAL AUTHORITIES ELECTIONS
(AMENDMENT)
ACT, No. 22 OF 2012**

[Certified on 15th November, 2012]

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*Local Authorities Elections (Amendment)
Act, No. 22 of 2012*

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L.D.—O. 54/2007.

AN ACT TO AMEND THE LOCAL AUTHORITIES ELECTIONS ORDINANCE

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

1. (1) This Act may be cited as the Local Authorities Elections (Amendment) Act, No. 22 of 2012.

Short title and date of operation.

(2) The provisions of sections 3A, 3B, 3c, 3D and 3E of this Act, shall come into operation on the date of commencement of this Act.

(3) The provisions of all other sections of this Act, other than the section referred to in subsection (2) shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

2. The following new Part is hereby inserted immediately after section 3 of the Local Authorities Elections Ordinance (chapter 262) as last amended by Act, No. 14 of 2004 (hereinafter referred to as the “principal enactment”) and shall have effect as Part I of that enactment :—

Insertion of new part I to the Chapter 262.

“PART I

ESTABLISHMENT OF A NATIONAL DELIMITATION COMMITTEE

Establishment of a National Delimitation Committee.

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.

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(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 Committee, 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 procedure 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.

3B. (1) The mandate of the National Committee shall be to make recommendations to the Minister for the division of each local authority area into wards, taking into consideration the requirements set 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 making 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 economic 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.

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

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of wards, the boundaries, names, number alphabetical letter in English 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 of members to be elected to each such multi member ward, shall also be so specified.

Minister to alter the boundaries of any ward.

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) The new boundaries, names, numbers or letters 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.

3E. (1) For the purpose of assisting a National Committee 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 Minister:—

- (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 Survey-General'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. The heading “PART I” appearing immediately after section 3 of the principal enactment, is hereby repealed and the heading “Part 1A” is substituted therefor.

Part I of the principal enactment to be renumbered as Part IA.

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Amendment of section 4 of the principal enactment.

4. Section 4 of the principal enactment is hereby amended by the repeal of subsection (1) of that section, and the substitution therefor of the following subsection :—

“(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.”.

Amendment of section 5 of the principal enactment.

5. Section 5 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:—

“(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.”.

Amendment of section 7 of the principal enactment.

6. Section 7 of the principal enactment as amended by Law, No. 24 of 1977 is hereby further amended in paragraph (b) of subsection (1) of that section, by the substitution for the words “resident in any electoral area”, of the words “resident in any ward”.

Amendment of section 9 of the principal enactment.

7. Section 9 of the principal enactment as last amended by Act, No. 25 of 1990 is hereby further amended in subsection (1) of that section, as follows:—

(1) in paragraph (d) of that subsection —

(i) by the substitution 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 to June 01, 2007, the initial salary scale of which was on January 01, 2007, not less than Rs. 2,27,280 *per annum*”;

- (ii) 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,”;
 - (iii) by the substitution in sub-paragraph (vi) (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. 7,200 *per annum*”, of the words “created prior to January 01, 2009, the initial salary scale of which was, on January 01, 2009, not less than Rs. 2,46,300 *per annum*”; and
 - (iv) by the substitution in sub-paragraph (vi) (B) of that paragraph, for the words “created after November 18, 1970,” of the words “created after January 01, 2009,”;
- (2) by the repeal of paragraph (i) of that subsection, and the substitution therefor of the following paragraph :—
- “(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

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imprisonment awarded in lieu of execution of a sentence of death ; or”; and

- (3) in the proviso to paragraph (j) of that subsection :—
- (i) by the substitution in paragraph (i) of that proviso, for the words “a post created prior to November 18, 1970, less than Rs. 6,720 *per annum*” of the words “a post created prior to June 01, 2007, less than Rs. 2,27,280 *per annum*”; and
 - (ii) by the substitution in paragraph (ii) of that proviso, for the words “created after November 18, 1970,”, of the words “created after June 01, 2007.”.

Amendment of section 12 of the principal enactment.

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

- (1) in subsection (1) of that section, by the addition immediately after the proviso to that section of the following:—

"Provided further,

- (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 an alphabetical letter in English.;

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

“(2) The district returning officer shall—

- (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.”;
- (3) by the insertion immediately after subsection (2) of that section, of the following new subsections:—

“(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.

(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.

(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

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giving an opportunity to the public for making representations in regard to the proposed amendments.”; and

- (4) by the substitution in subsection (3) of that section, for the words “one polling station and no more.”, of the words “not less than one polling station.”.

Amendment of section 12A of the principal enactment.

9. Section 12A of the principal enactment is hereby repealed and the following section is substituted therefor :—

“Alteration of the administrative limits of a local authority or of a ward.

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.”.

Amendment of section 12B of the principal enactment.

10. Section 12B of the principal enactment is hereby amended by the substitution for the words “and certify an electoral list” and words “correspond to the electoral area”, respectively of the words “and certify an electoral list for each ward of such electoral area”, and the words “correspond to the respective ward of such electoral area”.

Amendment of section 12D of the principal enactment.

11. Section 12D of the principal enactment is hereby amended by the substitution for the words “electoral list of any electoral area”, of the words “electoral list of each ward of any electoral area”.

Amendment of section 12F of the principal enactment.

12. Section 12F of the principal enactment is hereby amended by the substitution for the words “alteration of the limits of the electoral area of any local authority”, of the words “alteration of the limits of any ward or the limits of the electoral area of any local authority, as the case may be,”.

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13. Section 16 of the principal enactment is hereby amended by the substitution for the words “electoral list of any electoral area,”, of the words “electoral lists of the wards of any electoral area,”.

Amendment of section 16 of the principal enactment.

14. Section 17 of the principal enactment as amended by Law, No. 24 of 1977 is hereby further amended in subsection (1) of that section, by the substitution for the words “the electoral list of”, of the words “the electoral lists of the wards”.

Amendment of section 17 of the principal enactment.

15. Section 18 of the principal enactment as amended by Law, No. 24 of 1977, is hereby further amended as follows:—

Amendment of section 18 of the principal enactment.

- (1) in subsection (1) of that section, by the substitution for the words “electoral list of any electoral area,”, of the words “electoral lists of the wards of any electoral area,”; and
- (2) in subsection (5) of that section, by the substitution for the words “electoral list, make such amendment in the list” of the words “electoral lists, make such amendments in the lists”.

16. Section 19 of the principal enactment as last amended by Law, No. 24 of 1977, is hereby further amended as follows :—

Amendment of section 19 of the principal enactment.

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

“(a) in more than one electoral list, whether of the wards of the same electoral area or of different electoral areas; or”;
- (2) in subsection (3) of that section, by the substitution in paragraph (b) of that subsection, for the words “in which the electoral area”, of the words “in which the ward”.

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Amendment of section 20 of the principal enactment.

17. Section 20 of the principal enactment as amended by Law, No. 24 of 1977, is hereby further amended in subsection (1) of that section, by the substitution for the words “electoral list of any electoral area”, of the words “electoral lists of the wards of any electoral area,”.

Amendment of section 22 of the principal enactment.

18. Section 22 of the principal enactment is hereby amended by the substitution for the word “list” wherever that word appears in that section, of the word “lists”.

Amendment of section 23 of the principal enactment.

19. Section 23 of the principal enactment is hereby amended by the substitution for the words “electoral list of any electoral area,”, of the words “electoral lists of the wards of any electoral area,”.

Replacement of section 26 of the principal enactment.

20. Section 26 of the principal enactment is hereby repealed and the following section substituted therefor—

"Notice of nomination period.

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 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 shall be allotted and in respect of a local authority area.”.

21. Section 27A of the principal enactment is hereby amended by the repeal of subsections (3), (4) and (5) of that section.

Amendment of section 27A of the principal enactment.

22. Section 28 of the principal enactment as last amended by Act, No. 25 of 1990, is hereby further amended as follows :—

Amendment of section 28 of the principal enactment.

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

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

- (2) by the repeal of subsections (1A) and (1B) of that section;

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

“(2) Any recognized political party or any group of persons contesting as independent candidates (hereinafter referred to as an “independent group”) may for the purpose of election as members of any local authority, submit one single nomination paper in respect of all the wards of such local authority, substantially in the Form set out in the First Schedule, setting out the names:—

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- (a) of candidates being nominated in respect of each ward of that local authority and which number shall be equivalent to the number of members to be elected as elected members in respect of those several wards; and
- (b) of such number of additional persons as is equivalent to thirty *per centum* of the total number of persons being nominated as candidates to be elected under paragraph (a), from among whom the members of that local authority who shall be returned under section 65A of this Ordinance, shall be appointed:

Provided that where the number constituting thirty *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.

The returning officer shall as soon as is practicable make a copy of each nomination paper received by him and display such copies of the nomination papers on his notice board. The nomination paper shall be prepared in duplicate, with the word “copy” being written clearly on the duplicate copy.”.

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

“(2A) A nomination paper referred to in subsection (1), shall—

- (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

- (b) in the case of an independent 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.

(2B) Notwithstanding any provision to the contrary in this Ordinance, twenty-five *per centum* of the total number of candidates and additional persons whose names appear in each nomination paper submitted under subsection (2) of this section, may consist of women and youth.

(2c) Where the number constituting the twenty - five *per centum*, referred to in subsection (2B) is an integer and fraction, the integer shall be deemed to be the number which shall constitute twenty five *per centum* for the purpose of that subsection.”.

- (5) in subsection (4) of that section, by the substitution for the words “consent of each candidate to be nominated”, of the words “consent of each candidate and each person being nominated”;
- (6) in subsection (4A) of that section, by the substitution for the words “youth candidate”, where ever it appears in that subsection, of the words “youth”;

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

“(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.”.

Amendment of section 29 of the principal enactment.

23. Section 29 of the principal enactment as last amended by Act, No. 24 of 1977, is hereby further amended as follows :—

- (1) by the repeal of subsection (1) and subsection (2) of that section, and the substitution therefor of the following subsections :—

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

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

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

(b) The deposit the legal tender shall—

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

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

(2) 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.”;

(2) by the substitution for the marginal note to that section, of the following marginal note:—

“Deposits
to be made
on behalf
candidates.”.

24. Section 30 of the principal enactment as last amended by Act, No. 25 of 1990, is hereby further amended by the repeal of subsection (4) of that section, and the substitution therefor of the following subsection:—

Amendment of
section 30 of the
principal
enactment.

“(4) Where the candidate of a recognized political party or independent group on whose

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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 :

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 group, shall be declared forfeit and the provisions of this subsection shall apply in regard to the transfer of such deposit.”.

Amendment of section 31 of the principal enactment.

25. Section 31 of the principal enactment as last amended by Act, No. 25 of 1990, is hereby further amended as follows :—

(1) in subsection (1) of that section :—

(a) by the repeal of paragraphs (bb) and (bbb) of that subsection; and

- (b) by the repeal of paragraph (d) of that subsection;
- (2) by the addition immediately after subsection (2) of that section the following new subsection :—

“(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, 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

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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.”.

Amendment of section 35 of the principal enactment.

26. Section 35 of the principal enactment as amended by Act, No. 25 of 1990, is hereby further amended by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

“(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,

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.”.

27. Section 36 of the principal enactment as last amended by Act, No. 25 of 1990, is hereby further amended by the repeal of paragraph (b) of subsection (1) of that section and the substitution thereof of the following paragraph:—

Amendment of
section 36 of the
principal
enactment.

“(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;”.

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Amendment of
section 37 of the
principal
enactment.

28. Section 37 of the principal enactment is hereby amended by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:—

“(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.”.

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29. Section 38 of the principal enactment as amended by Act, No. 25 of 1990, is hereby further amended in subsection (1) of that section, by the repeal of paragraph (c) of that subsection and the substitution therefor of the following paragraph:—

Amendment of section 38 of the principal enactment.

“(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; and”.

30. Section 39 of the principal enactment is hereby repealed and the following section is substituted therefor :—

Replacement of section 39 of the principal enactment.

"Death of a 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.

(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 or person whose name appears in the second place in the nomination paper submitted by such recognized political party or 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.”.

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Amendment of section 39A of the principal enactment.

31. Section 39A of the principal enactment as amended by Law, No. 24 of 1977, is hereby further amended in subsection (1) of that section as follows :—

- (1) by the substitution for the words “in the electoral list of that area”, of the words “in the electoral list of any ward of that area,”; and
- (2) by the repeal of paragraph (c) of that subsection and the substitution therefor of the following paragraph :—

“(c) the number of the ward;

(cc) the number of the polling districts.”

Amendment of section 40 of the principal enactment.

32. Section 40 of the principal enactment as amended by Law, No. 24 of 1977, is hereby further amended by the repeal of subsection (1) of that section and the substitution therefor of the following subsection :—

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

- (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.”.

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- 33.** Section 43 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words “in force for any electoral area” and for the words “of that electoral area”, of the words “in force for any ward of any electoral area” and of the words “for that ward”, respectively.
- Amendment of section 43 of the principal enactment.
- 34.** Section 44 of the principal enactment is hereby amended in paragraph (d) of that section, by the substitution for the words “for that electoral area”, of the words “for that ward”.
- Amendment of section 44 of the principal enactment.
- 35.** Section 45 of the principal enactment as amended by Law No. 24 of 1977, is hereby further amended in subsection (1) of that section, by the repeal of paragraph (b) of that subsection and the substitution therefor of the following paragraph :—
- Amendment of section 45 of the principal enactment.
- “(b) outside the polling station, a notice specifying the names of candidates as indicated by each recognized political party and independent group, in alphabetical order in Sinhala and the approved symbol allotted to each such party or group.”.
- 36.** Section 47 of the principal enactment as last amended by Act, No. 25 of 1990 is hereby further amended, in paragraph (a) of that section, by the substitution for all the words from “set out against the distinguishing number” to the end of that paragraph, of the words “set out against the distinguishing number of such group.
- Amendment of section 47 of the principal enactment.
- 37.** Section 52 of the principal enactment as amended by Act, No.14 of 2004 is hereby further amended in subsection (1) of that section as follows :—
- Amendment of section 52 of the principal enactment.
- (1) by the substitution in the paragraph titled “First” of that section, for the words “electoral list now in force for this electoral area.”, of the words “electoral list now in force for this ward.”; and

- (2) by the substitution in the paragraph titled “Second:—” of that section, for the words “member for this electoral area.”, of the words “member for this ward.”.

Amendment of section 53A of the principal enactment.

38. Section 53A of the principal enactment as amended by Act, No. 14 of 2004 is hereby further amended in paragraph (a) of subsection (2) of that section, by the substitution for the words “list of the electoral area in which”, of the words “list of the ward in which”.

Replacement of section 59A of the principal enactment.

39. Section 59A of the principal enactment is hereby repealed and the following section substituted therefor :—

"Counting of votes. 59A. (1) The counting of votes in each polling station shall take place at each such polling station.

(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.

(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.”.

(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, the Commissioner of Elections may on being satisfied of the circumstances appoint any other senior presiding officer to function as a counting officer in the place of the first mentioned person.”.

40. The following new section is hereby inserted immediately after section 59A of the principal enactment and shall have effect as section 59B of that enactment :—

Insertion of new section 59B in the principal enactment.

"Change of venue for counting of votes.

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 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 centre 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 counting agents appointed under section 60,

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who are present at the counting centre at the particular time.

(3) The counting of votes at the new venue as determined by the assistant returning officer 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 case may be, which warranted the change of the venue of the counting centre and returning officer shall communicate to the Commissioner the information contained in such report."

Replacement of sections 60 and 61 of the principal enactment.

41. Section 60 and 61 of the principal enactment are hereby repealed and the following sections substituted therefor :—

"Appointment of counting agents.

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.

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 counting of votes forward the result of such count to the chief counting officer appointed to the ward under subsection (3) of section 59A.

(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 candidates who are contesting in the particular ward.”.

42. Section 63 of the principal enactment as amended by Act, No. 24 of 1987 is hereby further amended as follows :—

Amendment of section 63 of the principal enactment.

(1) in subsection (1) of that section :—

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

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

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

“(d) which is unmarked or void for uncertainty as to which recognized political party or independent group the vote is marked;”;

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- (2) by the repeal of subsection (6) of that section and the substitution therefor of the following subsection :—

“(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.”; and

- (3) by the repeal of subsections (6A), (6B) and (6c) of that section.

Amendment of section 64 of the principal enactment.

- 43.** Section 64 of the principal enactment as amended by Act, No. 24 of 1987 is hereby further amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection :—

“(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).”.

Replacement of section 65 of the principal enactment.

- 44.** Section 65 of the principal enactment is hereby repealed and the following section is substituted therefor :—

“Declaration
of candidate
obtaining
highest votes
as a member.

65. (1) Upon receipt of the documents referred to in section 64, 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 that ward.

(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.”

Replacement of section 65A of the principal enactment.

45. Section 65A of the principal enactment is hereby repealed and the following section substituted therefor :—

"Declaration of members to be elected to a multi member ward.

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 first the candidate of the recognized political party or the independent group, who or whcih as the case may be, who polled the highest number of votes, an elected member for that ward and the balance number of members required to be elected as members of that ward, being declared accordingly.

(2) If due to any reason whatsoever, a single recognized political party or independent group alone has contested at an election in any multi member ward, the candidates to be declared elected as members of such multi member ward shall be nominated by the secretary of the recognized political party or the leader of the independent group, as the case may be, from among the persons whose names appear in the list of additional persons included in the nomination paper submitted by such recognized political party or independent group, as the case may be."

Insertion of new section 65B in the principal enactment.

46. The following new section is hereby inserted immediately after section 65A of the principal enactment and shall have effect as section 65B of that enactment :—

"Candidates entitled to be returned to represent electors who have not secured any representaion

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) or 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.

(2) The total number of votes received by all the candidates of each recognized political party and independent group, excluding the votes polled by:—

- (a) those candidates who were declared elected as members of each ward under section 65; and
- (b) those candidates of each recognized political party and independent group, who received less than one-twentieth of the total number of valid votes polled in the ward in which such candidate contested,

(hereinafter in this section referred to as “balance candidates”), shall then be added and the percentage of the aggregate, to the total valid votes polled by all the candidates who are elected to the serveral wards of the local authority together with the votes polled by the balance candidates shall be the criteria for determining the number of members to be returned in terms of subsection (1).

(3) The number of members to be returned in terms of subsection (1) shall, where the percentage determined under subsection (2):—

- (a) exceeds thirty *per centum*, shall be thirty *per centum* of the total number of members

to be elected to all the wards of that local authority area, under this section; or

(b) is less than thirty *per centum*, shall be equal to that percentage of the number of members to be elected to all the wards of that local authority area, under this section.

(4) Where the number constituting thirty *per centum* referred to in subsection (3) is an integer and fraction, the integer shall be deemed to be the number which shall constitute such thirty *per centum*, for the purpose of that subsection.

(5) The number of members to be returned as determined under subsection (3), shall be apportioned among the recognized political parties and independent groups which contested in that election, by dividing the aggregate of the total valid votes polled by the balance candidates by the number of members entitled to be returned as determined under that subsection. 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”.

(6) The aggregate of the votes received by the balance candidates of each recognized political party and independent group, shall then be divided by the qualifying number, in order to ascertain the number of persons entitled to be 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.

(7) 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 (5), there remains a further number of members to be returned under the proportional representation system as determined under subsection (3), 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 (6).

(8) 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 a member as ascertained under subsection (5), of the number of members that such recognized political party or independent group, as the case may be, is entitled to return and request such secretary or leader, as the case may be, to nominate from among the persons, whose names were included in the nomination paper under 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, the names of persons who are to be returned as members under that subsection.

(9) The names of the candidates who are returned under this section shall thereafter be declared by the returning officer of the respective electoral area.”.

47. Section 66 of the principal enactment is hereby repealed and the following section is substituted therefor :—

“Publication of the result.

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 of this Ordinance

Replacement of section 66 of the principal enactment.

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*.”.

Insertion of new sections 66A, 66B, 66C, 66D, 66E, 66F and 66G in the principal enactment.

48. The following new sections are hereby inserted immediately after section 66 of the principal enactment and shall have effect as sections 66A, 66B, 66C, 66D, 66E, 66F and 66G of that enactment :—

"Filling of vacancies in local authorities.

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—

- (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 person who is qualified under section 8 of this Ordinance to be elected as a member of local authority to fill that vacancy in the ward in which the vacancy has occurred; or

(b) returned under section 65A 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 person to fill such vacancy from among those persons nominated by such recognized political party or the independent group under 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 and where no person remains to be so nominated the returning officer shall request the secretary of the recognized political party or leader of the independent group, as the case may be, to nominate a person qualified to be elected as a member in terms of section 8 of this Ordinance to fill such vacancy.

(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

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 belong 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.

(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 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 Commissioner. Upon receipt of such determination, the Commissioner 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.

(3) In the event that such communication is not received within the aforesaid thirty days under subsection (2), the Commissioner 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 or the Deputy Mayor whose office fell vacant" belonged.

(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 215^A of the Municipal Councils Ordinance (Chapter 252) or section 178^A 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 is filled in accordance with the procedure specified in that subsection, and the member so appointed to fill such vacancy himself resigns thereafter from his office as Mayor under the sections referred to above, the vacancy so created shall not be filled following the procedure specified in subsection (2) of this section. 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 Sepcial 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.

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

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.

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 Commissioner 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 the Council.

(3) The election of the 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 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.

(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.

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 member 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.

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

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reference in those sections to “Mayor” were a reference to Deputy Mayor.

Vacancy in the office of the Mayor or Deputy Mayor.

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.”.

Amendment of section 67 of the principal enactment.

49. Section 67 of the principal enactment is hereby amended by the repeal of subsection (2) of that section, and the substitution therefor of the following subsection:—

“(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.”.

Repeal of section 68 of the principal enactment.

50. Section 68 of the principal enactment is hereby repealed.

Repeal of section 69A of the principal enactment.

51. Section 69A of the principal enactment is hereby repealed.

52. The following new section is hereby inserted immediately after section 72 of the principal enactment and shall have effect as section 72A of that enactment :—

Insertion of new section 72A in the principal enactment.

"Disturbances at polling stations. 72A. (1) Where due to the occurrence of certain events of such a nature :—

- (a) it is not possible to commence the poll at a polling station at the hour fixed for the commencement of the poll;
- (b) the poll at such polling station commences at the hour fixed for the opening 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

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turn shall inform the Commissioner of such event.

(2) The Commissioner may upon receiving any information under subsection (2) and after making such inquiries 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.”.

Replacement of section 73 of the principal enactment.

53. Section 73 of the principal enactment is hereby repealed and the following section is substituted therefor :—

"Candidates may act as his own counting agent or assist such agent.

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.”.

Replacement of section 74 of the principal enactment.

54. Section 74 of the principal enactment is hereby repealed and the following section substituted therefor :—

"Non attendance of the agents of candidates.

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.”.

Replacement of section 75 of the principal enactment.

55. Section 75 of the principal enactment is hereby repealed and the following section substituted therefor :—

"Prohibition of disclosure of vote.

75. Any person who has voted at any election under this Ordinance shall not, in any

legal proceeding instituted to question such election, be required to state for whom he voted.”.

56. Section 75A of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 75 of the principal enactment.

"Group leader.

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".

57. The following new section is hereby inserted immediately after section 76 of the principal enactment and shall have effect as section 76A of that enactment :—

Insertion of new section 76A in the principal enactment.

"Commissioner to issue directions.

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.”.

58. Section 78 of the principal enactment as last amended by Act, No. 25 of 1990, is hereby further amended in subsection (1) of that section by the repeal of paragraph (aa) of that subsection.

Amendment of section 78 of the principal enactment.

59. Section 81A of the principal enactment is hereby amended in subsection (1) of that section by the repeal of paragraph (c) of that subsection and the substitution therefor of the following paragraph:—

Amendment of section 81A of the principal enactment.

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“(c) persuading any voter not to vote for a candidate of any particular political party or independent group.”.

Amendment of section 81A of the principal enactment.

60. Section 81B of the principal enactment is hereby amended as follows :—

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

“(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 :—

(a) no *ad-hoc* appointments in any Government institution or in any public undertaking, which may have the effect of influencing the voters to vote in favour of any particular candidate contesting from the political party in power shall be made ; 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) in subsection (2) of that section, by the substitution for the words “provisions of subsection (1)”, of the words “provisions of subsections (1) or (1A)”; and

(3) in subsection (5) of that section, by the substitution for the words “the provisions of subsection (1)”, of the words “the provisions of subsection (1) or (1A)”.

Amendment of section 82 of the principal enactment.

61. Section 82 of the principal enactment is hereby amended by the substitution for the words “whether in the

same electoral area”, of the words “whether in the same ward, the same electoral area”.

62. Section 82c of the principal enactment is hereby amended in subsections (2), (3) and (4) of that section, by the substitution for the words “any recognized political party or independent group”, wherever those words appear in those subsections, of the words “for a candidate of any recognized political party or independent group”.

Amendment of section 82C of the principal enactment.

63. Section 82d of the principal enactment is hereby amended in paragraphs (h) of that section, by the substitution for the words “recognized political party or independent group” wherever those words appear in that paragraph, of the words “candidate of a recognized political party or independent group”.

Amendment of section 82D of the principal enactment.

64. Section 82P of the principal enactment is hereby amended in subsection (1) of that section, as follows :—

Amendment of section 82P of the principal enactment.

- (1) by the substitution for the words “in respect of any electoral area”, of the words “in respect of any ward of any electoral area”;
- (2) in paragraph (a) of that subsection, by the substitution for the words “for the recognized political party or independent group which it preferred”, of the words “for the candidate of any recognized political party or independent group which it preferred”.

65. Section 82Q of the principal enactment is hereby amended by the substitution for the words “election petition is in relation to an election for any electoral area”, of the words “election petition is in relation to an election for any ward of an electoral area”.

Amendment of section 82Q of the principal enactment.

66. Section 82R of the principal enactment is hereby amended as follows:—

Amendment of section 82R of the principal enactment.

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- (1) in paragraph (a) of that section, by the substitution for the words “elected at such election”, of the words “elected for any ward at such election”; and
- (2) in paragraph (b) of that section, by the substitution for the words “a candidate at such election”, of the words “a candidate for any ward at such election”.

Amendment of section 87S of the principal enactment.

67. Section 82s of the principal enactment is hereby amended in paragraph (a) of that section, by the substitution for the words “in respect of any electoral area”, of the words “in respect of any ward of any electoral area”.

Amendment of section 82U of the principal enactment.

68. Section 82U of the principal enactment is hereby amended in paragraph (e) of that section, by the substitution for the words “in respect of any electoral area”, of the words “in respect of any ward of any electoral area”.

Amendment of section 82AD of the principal enactment.

69. Section 82AD of the principal enactment is hereby amended in paragraph (c) of that section, by the substitution for the words “election in respect of any electoral area is to be declared void”, of the words “election in respect of any ward of any electoral area is to be declared void.”.

Replacement of section 82AG of the principal enactment.

70. Section 82AG of the principal enactment is hereby repealed and the following section is substituted therefore:—

“Expenses of election. 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.”.

Replacement of section 84 of the principal enactment.

71. Section 84 of the principal enactment is hereby amended by the substitution for the words “electoral lists of any electoral area”, of the words “electoral list of each ward of any electoral area”.

72. Section 86 of the principal enactment is hereby repealed and the following section is substituted therefore:—

Replacement of section 86 of the principal enactment.

"Expenses of election. 86. All expenses incurred under this Ordinance in the preparation of the electoral list of each ward of any electoral area, in connection with the nomination of candidates 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."

73. Section 89 of the principal enactment as last amended by Act, No.25 of 1990, is hereby further amended as follows :—

Replacement of section 89 of the principal enactment.

- (1) immediately after the definition of the expression "appointed date", of the following new definition:

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

- (2) by the repeal of the definition of the expression "authorized agent"; and

- (3) by the insertion immediately after the definition of the expression "Commissioner of Elections", of the following new definition :—

"Council" means a Municipal Council, an Urban Council or a Pradeshiya Sabha, as the case may be;"

Replacement of the first section to the principal enactment.

74. The First Schedule to the principal enactment is hereby repealed and the following Schedule is substituted therefor :—

“FIRST SCHEDULE [Section 28 (2)]

FORM OF NOMINATION PAPER

.....Council/Pradeshiya Sabha

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

GROUP I – CANDIDATES

1	2	3	4	5	6	7
Name and Number of ward†	Name and NIC Number	Address	Occupation	Women (W) Youth (Y)	Polling District Number and Serial Number of candidate	Signature Signifying consent of candidate

GROUP II – ADDITIONAL PERSONS

1	2	3	4	5	6
Name and NIC Number	Address	Occupation	Women (W) Youth (Y)	Polling District Number and Serial Number of additional person	Signature Signifying consent Number of additional person

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.

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Signature of Secretary of recognized political party/group leader.

Name :.....

Address :.....

Signed by the above named

.....

Secretary of recognized political party/group leader in my presence
at..... on this.....day of.....2010.

State whether it is a multi member ward, indicating by the
inclusion of one asterisk * in the case of election of two
members and by two (**) in the cause of election of three
members.

Before me
(Justice of the Peace/Commissioner for Oath)

75. The Second Schedule to the principal enactment is
hereby repealed and the following Schedule is substituted
therefor :—

Replacement of
the Second
Schedule to the
principal
enactment.

“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

Every voter shall have one vote, which may be given to the
candidate of a recognized political party 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

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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 five hundred rupees or to imprisonment of either description for a term not exceeding six months or both such fine and imprisonment.”.

Replacement of the Third Schedule to the principal enactment.

76. The Third Schedule to the principal enactment is hereby repealed and the following Schedule is substituted therefor :—

“THIRD SCHEDULE [Section 47]

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

Replacement of the Fourth Schedule to the principal enactment.

77. The Fourth Schedule to the principal enactment is hereby repealed and the following Schedule is substituted therefor :—

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“FOURTH SCHEDULE [Section 76(1)]

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 Signature of declarant

of person taking the declaration

Note – This section must be read to the declarant by the person taking the declaration.”.

78. The Seventh Schedule to the principal enactment is hereby repealed and the following Schedule is substituted therefor :—

Replacement of the Seventh Schedule to the principal enactment.

“SEVENTH SCHEDULE [Section 53A]

FORM OF THE LIST

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 appropriate mark	No valid identity document or identity not established

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Repeal of the eight schedule to the principal enactment.

79. The Eight Schedule to the principal enactment is hereby repealed.

Sinhala text to prevail in case of inconsistency.

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

Interpretation and repeal.

81. (1) Every reference in the principal enactment to “elections officer of the district” and “elections officer” shall, after the commencement of this Act, be read and construed as a reference to the district returning officer appointed under subsection (1) of section 4 of the principal enactment, for the district within which the relevant electoral area is situated.

(2) Section 34 of the Local Authorities Elections (Amendment) Act, No. 24 of 1987 is hereby repealed.

Law applicable to the holding of elections in respect of certain local authorities.

82. Where, as at the date of the coming into operation of this Act, the poll for the election of Chairman or members to the Puthukudiruppu Pradeshiya Sabha and Maritime Paththu Pradeshiya Sabha was not taken due to the said election being postponed within the limits of the said Sabhas for the reasons that the demining process has not being completed and therefore resettlement had not being completed then, notwithstanding anything to the contrary in any other written law for the time being in force, the poll for the next elections in respect of the two Pradeshiya Sabhas mentioned above shall be taken in terms of the provisions of the Local Authorities Elections Ordinance (Chapter 262) which were in operation in respect thereof on the date immediately prior to the date of the coming into operation of this Act.

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