



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

LOCAL AUTHORITIES ELECTIONS
(AMENDMENT)
ACT, No. 24 OF 1987

[Certified on 15th May, 1987]

Printed on the Orders of Government

Published as a Supplement to Part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of May 15, 1987

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Price : Rs. 3.00

Postage : Rs. 2.30

Local Authorities Elections (Amendment)
Act, No. 24 of 1987

[Certified on 15th May, 1987]

L.D.—O. 12/87.

AN ACT TO AMEND THE LOCAL AUTHORITIES ELECTIONS
ORDINANCE

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

1. This Act may be cited as the Local Authorities Elections (Amendment) Act, No. 24 of 1987.

Short
title.

2. Section 4 of the Local Authorities Elections Ordinance (hereinafter referred to as “the principal enactment”) is hereby amended by the repeal of subsection (1) of that section and the substitution of the following subsection therefor:—

Amendment
of section
4 of
Chapter
262.

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

3. Section 5 of the principal enactment is hereby amended by the repeal of paragraph (a) of subsection (2) of that section.

Amendment
of section
5 of the
principal
enactment.

4. Section 9 of the principal enactment is hereby amended as follows:—

Amendment
of section 9
of the
principal
enactment.

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

“ (dd) is a member of any other local authority or of a Development Council established under the Development Councils Act, No. 35 of 1980 ; ” ; and

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

“ (3) Without prejudice to the generality of the provisions of subsection (1) and subsection (2), no person who, at any time after the appointed date, is removed from the office of Mayor or member of a Municipal Council, Chairman or member of any Development Council or any Urban Council or any Pradeshiya Sabha, by Order published under section 277 of the Municipal Councils Ordinance or section 63 of the Development Councils Act or

section 184 of the Urban Councils Ordinance or section 185 of the Pradeshiya Sabhas Act, as the case may be, shall be qualified for a period of five years from the date of such removal from office to be elected under this Ordinance, or to sit or vote as a member of any local authority."

Replacement
of section
25 of the
principal
enactment.

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

"Date of
holding
elections.

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

Amendment
of section 26
of the
principal
enactment.

6. Section 26 of the principal enactment is hereby amended by the substitution for the words "commence on the day after the date of publication", of the words "commence on the fourteenth day after the date of publication".

Replacement
of section 27
of the
principal
enactment.

7. Section 27 of the principal enactment is hereby repealed and the following section substituted therefor:—

"Appointment
of
returning
officers.

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

(2) Where any returning officer appointed under subsection (1), is by reason of sickness or other cause, unable to exercise, discharge, and perform, the powers, functions and duties vested in, assigned to, or imposed on, him by, or under, this Ordinance such returning officer may delegate such powers, duties and functions to another public officer. Every such delegation shall, as soon as possible, be reported to the Commissioner, who may confirm or disallow the delegation,

without prejudice to the validity of anything already done by the public officer to whom such powers, duties and functions have been delegated.

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

8. Section 28 of the principal enactment is hereby amended as follows:—

Amendment
of section
28 of the
principal
enactment.

- (1) in subsection (2) of that section, by the substitution, for all the words from "setting out the names" to "one-third of such number of members." of the following:—

"setting out the names, of such number of candidates as is equivalent to the number of members to be elected for that local authority increased by three.";

- (2) by the repeal of subsection (3) of that section;
- (3) by the repeal of subsection (5) of that section and the substitution, of the following subsection therefor:—

"(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.";

and

- (4) by the repeal of subsection (7) of that section.

9. Section 29 of the principal enactment is hereby amended in subsection (1) of that section by the substitution, for the words "that independent group, a sum calculated", of the words "that independent group (and in any case, not later than 12 p.m. on the day immediately preceding the end of the nomination period) a sum calculated".

Amendment
of section 29
of the
principal
enactment.

Amendment
of section
36 of the
principal
enactment.

10. Section 36 of the principal enactment is hereby amended by the repeal of paragraph (b) of subsection (1) of that section, and the substitution of the following paragraph therefor :—

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

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

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

Amendment
of section
38 of the
principal
enactment.

11. Section 38 of the principal enactment is hereby amended as follows :—

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

“(b) the names of the candidates (as indicated by the candidates) placed in alphabetical order in Sinhala, of each recognized political party or independent group, the serial number assigned to each such candidate, the

approved symbol allotted to such party or group, and in the case of an independent group the words "independent group" and the distinguishing number if any'; and

- (2) by the substitution, in paragraph (c) of subsection (1) of that section, for the words "not less than fourteen days nor more than twenty-eight days from", of the words "not less than five weeks nor more than seven weeks from".

12. Section 39 of the principal enactment is hereby amended by the omission of the words "in the order in which their names appear".

Amendment of section 39 of the principal enactment.

13. The following section is hereby inserted immediately after section 39A, and shall have effect as section 39B of the principal enactment:—

Insertion of new section 39B in the principal enactment.

Voting by post.

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

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

- (a) by a member of the Sri Lanka Army, Sri Lanka Navy, Sri Lanka Air Force, or an officer or servant in the Department of Police, the Sri Lanka Government Railway, the Department of Posts and the Department of Telecommunications or the Sri Lanka Central Transport Board or any Regional Transport Board, on the ground that he is unable or likely to be unable to vote in person at the

polling station allotted to him by reason of the particular circumstances of his employment as such member, officer or servant, and

- (b) by any other officer or servant in the public service or of the Central Bank of Sri Lanka, or the Local Government Service on the ground of the particular circumstances of his employment on the date of the poll for a purpose connected with the election or his being likely to be employed for that purpose, and
- (c) by a candidate at an election on the ground that he is unable to or likely to be unable to vote in person at the polling station allotted to him by reason of his candidature in some other electoral area.

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

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

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

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

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

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

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

(a) a ballot paper ;

(b) a form of declaration of identity ;

(c) an envelope which shall be smaller than the envelope referred to in paragraph (d) of this subsection, and which shall be marked "ballot paper envelope" and also with the number printed on the postal ballot paper issued to such person, and in which the postal ballot paper shall be enclosed when it is returned duly marked ; and

(d) an envelope for the return of the aforementioned documents.

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

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

(12) The returning officer of any electoral area where there is an election shall, as soon as practicable, prepare a list (in this Ordinance referred to as the "postal voters list") specifying the name, address and number on

the register of electors of every person entitled to be treated as a postal voter. Such list shall be prepared in such manner as may be prescribed in that behalf by the regulations contained in the Ninth Schedule.

Replacement
of section
41 of the
principal
enactment.

14. Section 41 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Hours of poll.” 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.”.

Amendment
of section
45 of the
principal
enactment.

15. Section 45 of the principal enactment is hereby amended in paragraph (b) of subsection (1) of that section, by the repeal of all the words from “ candidates in order of priority” to the end of that section, and the substitution of the following therefor :—

“candidates (as indicated by the candidates), in alphabetical order in Sinhala of each recognized political party or independent group for election as members of the local authority, the serial number assigned to each such candidate and the approved symbol allotted to each such party or group.”.

Amendment
of section
47 of the
principal
enactment.

16. Section 47 of the principal enactment is hereby amended in paragraph (a) of that section, by the substitution, for the words “distinguishing number of such group;”, of the words “distinguishing number of such group, and immediately below this, such number of numbers, placed in serial order, as is equal to the number of members to be elected to the local authority increased by three”.

Amendment
of section
59 of the
principal
enactment.

17. Section 59 of the principal enactment is hereby amended in subsection (1) of that section by the omission of the words “of the polling station at which the poll was held”.

Insertion
of new
59A in the
principal
enactment.

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

“Counting
officers.

59A. (1) Subject to the general or special directions of the Commissioner, each returning officer of an electoral area shall appoint, and may revoke the appointment of a counting officer to be in charge of the counting of

votes at each counting centre, and such number of assistants and clerks and other officers as may be necessary to assist such counting officer in the performance of his duties.

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

19. Section 61 of the principal enactment is hereby amended in subsection (1) of that section by the substitution, for the words "of the time and places at which the count of votes will be commenced, to the", of the words "of the time and counting centres at which the count of votes will be commenced, and the polling station or stations assigned to each such centre, to the".

Amendment
of section
61 of the
principal
enactment.

20. The following new section is inserted immediately after section 61, and shall have effect as section 61A of the principal enactment :--

Insertion
of new
section
61A in the
principal
enactment.

"Counting
of postal
ballots.

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

21. Section 63 of the principal enactment is hereby amended as follows :—

Amendment
of section
63 of the
principal
enactment.

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

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

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

"(6) The counting officer shall prepare a written statement, in words as well as in figures, of the number of votes given for each recognized political party and independent group, and a separate statement, in words as well as figures, of the number of preferences indicated for every candidate

nominated by each such party or group, and each such statement shall be certified by the counting officer and witnessed by one of his assistants and clerks and the agents of any party or group as are present and desire to sign.”; and

- (3) by the insertion immediately after subsection (6) of the following subsections:—

“ (6A) The preferences indicated by a voter in his ballot paper for the candidates nominated by a recognized political party or independent group shall be disregarded if such voter has indicated preferences for more than three candidates nominated by such party or group.

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

(6c) Any preference indicated by a voter in his ballot paper which is void for uncertainty as to the candidate for whom it is indicated shall be rejected.”.

Amendment
of section
64 of the
principal
enactment.

22. Section 64 of the principal enactment is hereby amended as follows:—

- (i) in subsection (1) thereof by the omission of the words “at any polling station”; and
- (ii) in subsection (2) thereof by the substitution, for the words “independent group and the record” of the words “independent group, the number of preferences secured by each candidate nominated by each such party or groups and the record.”

Amendment
of section
65 of the
principal
enactment.

23. Section 65 of the principal enactment is hereby amended as follows:—

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

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

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

(2) by the substitution, in paragraph (c) of subsection (2) of that section, for the words “number of members, other than the Mayor and the Deputy Mayor to be elected at that election for that local authority.”, of the words “number of members to be elected at that election for that local authority reduced by two.”.

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

“(d) The number of votes polled by each recognized political party and independent group [other than those parties and group disqualified under paragraph (a)] beginning with the party or group which received the highest number of votes, shall be divided by the resulting number and the returning officer shall declare elected from each such party or group, in accordance with the number of preferences secured by each of the candidates nominated

by such party or group (the candidate securing the highest number of preferences being declared elected first, the candidate securing elected next highest number of preferences being declared next and so on), such number of members as is equivalent to the whole number resulting from the division by the number of the votes polled by such party or group. The remainder of the votes, if any, after such division, shall be dealt with, if necessary, under paragraph (e). The party or group which received the highest number of votes shall, in addition to the number of candidates it is entitled to have declared elected as members after such division, be entitled to have two additional candidates declared elected as members ;

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

(4) by the addition, at the end of subsection (2) of that section of the following paragraph :—

“ (g) Where a recognized political party or independent group is entitled, under the preceding provisions of this section, to have one of the candidates nominated by it declared elected as a member but none of the candidates nominated by it or none of the candidates remaining on the nomination paper submitted by it, have secured any preferences the returning officer shall call upon the secretary of such political party or the group leader of such group to decide within a period to be specified by the returning officer, which of the candidates nomi-

nated by such party or group or which of the candidates remaining on the nomination paper submitted by it shall be declared elected as member. If such secretary or group leader communicates his decision to the returning officer within the period specified by the returning officer, the returning officer shall declare elected as member, the candidate specified in such decision. If on the other hand, such secretary or group leader fails to communicate his decision to the returning officer within the period specified by the returning officer, the returning officer shall declare elected as member, the candidate whose name appear next in the nomination paper submitted by such party or group." and

(5) by the addition at the end of that section, of the following:—

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

24. Section 65A of the principal enactment is hereby amended as follows:—

Amendment
of section
65A of the
principal
enactment.

(1) by the repeal of subsections (1), (2), (3), (4) and (5) of that section, and the substitution of the following subsection therefor:—

" (1) If the office of Mayor or Deputy Mayor falls vacant due to death, resignation or for any other cause, the returning officer of the district shall call upon the secretary of the recognized political party or the group leader of the independent group to which the Mayor or Deputy Mayor vacating office

belonged, to decide within a period to be specified by the returning officer, which of the members of that local authority, who belong to such party or group shall be declared elected as Mayor or Deputy Mayor, as the case may be. If such secretary or group leader communicates his decision to the returning officer within the period specified by the returning officer, the returning officer shall declare elected as Mayor or Deputy Mayor, as the case may be, the member specified in such decision. If on the other hand, such secretary or group leader fails to communicate his decision to the returning officer within the specified period, the returning officer shall—

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

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

at the election of members for that local authority.

(2) If the office of a member falls vacant due to death, resignation or for any other cause, the returning officer of the district shall call upon the secretary of the recognized political party or the group leader of the independent group to which the member vacating office belonged, to nominate within a period to be specified by the returning officer, a person eligible under this Ordinance for election as a member of that local authority, to fill such vacancy. If such secretary or group leader nominates within the specified period an eligible person to fill such vacancy and such nomination is accompanied by an oath or affirmation, as the case may be, in the form set out in the Seventh Schedule to the Constitution, taken and subscribed or made and subscribed, as the

case may be, by the person nominated to fill such vacancy, the returning officer shall declare such person elected as a member of that local authority. If on the other hand, such secretary or group leader fails to make a nomination within the prescribed period, the returning officer shall declare elected as member from nomination paper submitted by that party or group the candidate who has secured the highest number of preferences at the election of members to that local authority next to the last of the members declared elected to that local authority from that party or group.

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

- (2) by the renumbering of subsections (6), (7), (8) and (9) of that section as subsections (3), (4), (5) and (6), respectively of that section ; and
- (3) by the substitution in the renumbered subsection (3) of that section, for the expression “ subsection (5) ”, of the expression “subsection (2)”.
- (4) by the repeal of the renumbered subsection (4) of that section, and the substitution of the following subsection therefor :—

“ (4) Where the office of Mayor and Deputy Mayor in any local authority are vacant when an election is held under subsection (2), the returning officer shall call upon the secretary of the recognized political party or the group leader of the independent group which has a majority of the members in such local authority after such election to decide who among such members shall be declared elected as Mayor and Deputy Mayor. and the provisions of subsection (2) shall, *mutatis mutandis*, apply thereafter to the filling of such vacancies.” ;

- (5) by the substitution, in the renumbered subsection (5) of that section—
- (a) for the expression “subsection (5)”, of the expression “subsection (2)”; and
 - (b) for the expression “subsection (7)”, of the expression “subsection (4)”; and
- (6) by the substitution in subsection (6) of that section—
- (a) for the expression “subsections (7) and (8)”, of the expression “subsections (4) and (5)”, and
 - (b) for the expression “subsection (5)”, of the expression “subsection (2)”.

Amendment of section 75 of the principal enactment.

25. Section 75 of the principal enactment is hereby amended by the substitution for the words “for whom he has voted”, of the words “the recognized political party or independent group for which he has voted or the candidate for whom he has indicated a preference”.

Insertion of section 75A in principal enactment.

26. The following section is inserted immediately after section 75, and shall have effect as section 75A of the principal enactment:—

“Group leader.

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

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

27. Section 78 of the principal enactment is hereby amended in subsection (1) of that section as follows:—

- (1) by the insertion immediately after paragraph (e) of that subsection of the following paragraph:—

“(ee) wilfully displays a marked ballot paper inside a polling station; or”; and

(2) by the insertion, immediately after paragraph (j) of that subsection, of the following paragraphs:—

“ (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 the Ninth Schedule; or

(l) without due authority, destroys, takes, opens or otherwise tampers or interferes with, any application to be treated as a postal voter, or any declaration of identity, or any covering envelope or ballot paper envelope within the meaning of the regulations set out in the Ninth Schedule.”

28. Section 89 of the principal enactment is hereby amended as follows:—

Amendment
of section
89 of the
principal
enactment.

(1) by the substitution, for the definition of “authorized agent”, of the following definition:—

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

(2) by the substitution, for the definition of “Commissioner”, of the following definition:—

““Commissioner” means the Commissioner of Elections;” and

(3) by the omission of the definition of “elections officer”.

29. The First Schedule to the principal enactment is hereby amended by the substitution for all the words from “The party, being a recognized” to “respectively of that Council.”, of the following:—

Amendment
of the First
Schedule
to the
principal
enactment.

“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.”

Amendment of the Second Schedule to the principal enactment.

30. The Second Schedule to the principal enactment is hereby amended by the substitution for the words “the independent group for which he votes”, of the words “the independent group for which he votes. He may then indicate his preferences for not more than three candidates from among the candidates nominated by such recognized political party or independent group, by placing a cross (thus X) at the bottom of the ballot paper on the cage enclosing the serial number corresponding to the serial number assigned to each such candidate.’

Replacement of the Third Schedule to the principal enactment.

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

THIRD SCHEDULE

FORM OF FRONT OF BALLOT PAPER

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

*Symbol of each party or group.’

32. The Eighth Schedule to the principal enactment is hereby amended by the omission of items 1, 2, 3 and 4 of that Schedule.

Amendment of the Eighth Schedule to the principal enactment.

33. The following Schedule is hereby inserted after the Eighth Schedule and shall have effect as the Ninth Schedule to the principal enactment :—

Insertion of Ninth Schedule in the principal enactment.

'NINTH SCHEDULE [Section 39B]

REGULATIONS

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

Short title.

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

Interpretation.

“issue” includes the original and any subsequent issue;

“postal ballot paper” means a ballot paper issued to a postal voter;

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

“Schedule” means the Schedule to these regulations;

“the Ordinance” means the Local Authorities Elections Ordinance.

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

Form of application to be treated as a postal voter.

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

Record and list of postal voter.

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

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

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

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.

Appointment
of clerks.

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

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

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

8. (1) No person other than—

- (a) the returning officer and his clerks,
- (b) an authorized agent or a group leader,
- (c) a person appointed by an authorized agent or a group leader to attend in his place, and
- (d) any agent appointed under paragraph (2) of this regulation,

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

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

(3) Notice of the appointment stating the names and addresses 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 agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under paragraph (2) of this regulation, who are within the number authorized by the returning officer.

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

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

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.

Declaration
of secrecy.

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

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

(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;

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

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

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

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

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

(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.

Notice of
issue of
ballot
papers.

Official
mark to
be made
on postal
ballot
papers.

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

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

Refusal to issue postal ballot paper.

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

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

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

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

Delivery to post office of envelopes addressed to postal voters.

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

Sealing of postal voters' list and counterfoils.

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

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

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

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Act, No. 24 of 1987

Provision
of postal
voters'
ballot
box.

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

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

Receipt of
covering
envelopes
from postal
voters.

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

Counting
officers.

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

Notice
of the
count.

19. The returning officer shall make arrangements for counting the votes on the postal ballot papers as soon as possible after the close of the poll and shall give notice in writing to each secretary or the authorized agent of a recognized political party and the group leader of any independent group contesting the election of the situation of the counting centre or each counting centre where postal ballot papers are to be counted and the date and time of the commencement of such count.

Appointment
of counting
agents.

20. Each recognized political party or independent group which has nominated candidates at an election for any local authority, may appoint not more than two agents (hereinafter referred to as "counting agents") to attend at the counting of the votes at each counting centre where postal ballot papers are to be counted before the commencement of such count. Notice in writing of such appointments stating the names and addresses of the persons appointed shall

be given by the secretary of such recognized political party or its authorized agent or the group leader to the counting officer before the commencement of the count. The counting officer may refuse to admit to the counting centre any counting agent whose name and address have not been so given.

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

Persons entitled to be present at the count.

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

Maintenance of secrecy at the count.

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

Opening of postal voters' ballot box.

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

Opening of the covering envelopes.

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

(a) finds therein—

(i) a declaration of identity and a ballot paper envelope, or

(ii) a declaration of identity, and a ballot paper not enclosed in a ballot paper envelope, or

(iii) only a declaration of identity, or

(iv) only a ballot paper not enclosed in a ballot paper envelope, or

(v) only a ballot paper envelope, or

(b) finds nothing therein,

the succeeding provisions of this regulation shall apply.

(3) In the cases referred to in sub-paragraph (a) (i) and sub-paragraph (a) (ii) of paragraph (2) of this regulation, the counting officer shall satisfy himself that the declaration of identity has been duly signed and witnessed and that the marked number on the declaration of identity corres-

ponds, 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 "receptacle for declarations of identity") and, in the case referred to in the aforesaid sub-paragraph (a) (i) the ballot paper envelope, and, in the case referred to in the aforesaid sub-paragraph (a) (ii), the ballot paper, in another receptacle (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 paragraph (3) of this regulation he shall—

(a) mark on the declaration of identity the words "declaration of identity rejected".

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

(c) attach to such declaration, in the case referred to in the aforesaid sub-paragraph (a) (i), the ballot paper envelope or in the case referred to in the aforesaid sub-paragraph (a) (ii), the ballot paper; and

(d) place such declaration and the documents which under the preceding sub-paragraph (c) are attached to such declaration in a receptacle (hereinafter referred to as the "receptacle for rejected votes of postal voters").

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

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

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

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

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

(b) if not so satisfied, shall—

(i) mark on such declaration the words "declaration of identity rejected";

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

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

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

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

(a) only a declaration of identity, or

(b) only a ballot paper, or

(c) nothing,

he shall—

(i) in the case referred to in the preceding sub-paragraph (a) mark on such declaration the words “declaration of identity rejected, no ballot paper received”;

(ii) in the case referred to in the preceding sub-paragraph (b) mark on such ballot paper the words “rejected, no declaration of identity received”;

(iii) in the case referred to in the preceding sub-paragraph (c), mark on the ballot paper envelope the words “rejected, no contents received”; and

(iv) if a declaration of identity or a ballot paper is found in the ballot paper envelope, attach such declaration or ballot paper to such envelope, and

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

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

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

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 of postal voters.

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

(a) if the marked number on such envelope corresponds to a similar marked number on such ballot paper, place such ballot paper in the receptacle for postal voters' ballot papers; and

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

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.

Sealing of
rejected
votes and
declarations
of identity.

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

The
count.

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

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

Closure
of the
count.

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

SCHEDULE TO THESE REGULATIONS

[Regulation 8]

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)

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

Electoral district No:

Polling division letter:

Polling district number:

Serial number of my name:

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

* (1) by reason of the particular circumstances of my employ-
ment—

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

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

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

* (d) as an officer or servant of the Central Bank of
Sri Lanka appointed*/likely 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)

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

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

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

Signature of Applicant:

Date:-----

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

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

Date and official frank:.....

Signature and designation of certifying officer*/ applicant.*

* Delete inapplicable words.

NOTE

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

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

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

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

5. The expression "certifying officer",—

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

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

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

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

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

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

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

FORM B

[Regulation 6]

FORM OF DECLARATION OF IDENTITY

Front of Form

Serial number of ballot paper

(To be inserted by the returning officer).

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

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

.....
Voter's signature.

Date :

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

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

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

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

.....
Signature and designation of witness.

Date and official frank :—

(See instruction on back of this form)

* Delete if inapplicable.

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

BACK OF FORM

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

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

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

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

2. The voter has only one vote.

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

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

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

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

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

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

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

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

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

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

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

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

3. The voter has only one vote.

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

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

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

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

FORM C

[Regulation 9 (1)]

Form of Declaration of Secrecy

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

Signature of declarant.

Signature of persons before
whom the declaration is made.

Date : _____

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

**Interpreta-
tion.**

34. Every reference in the principal enactment to "elections officer" or "assistant elections officer" shall, after the date of commencement of this Act; be read and construed as a reference respectively, to the returning officer appointed under section 4, for the district within which the electoral area is situated and to the assistant returning officer appointed, under that section, for the district within which the electoral area is situated.