

Referendum

AN ACT TO PROVIDE FOR THE CONDUCT OF A REFERENDUM IN TERMS OF CHAPTER XIII OF THE CONSTITUTION, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

Act Nos,

7 of 1981
17 of 1988
14 of 2004
28 of 2011

Short title and date of operation. **1.** This Act may be cited as the Referendum Act, No. 7 of 1981, and shall come into operation on such date as may be appointed by the President by Order published in the Gazette.

PART I PRELIMINARY

President to direct the conduct of a Referendum. **2.** (1) A Referendum in terms of Chapter XIII of the Constitution shall be conducted by the Commissioner of Elections (hereinafter referred to as the Commissioner), where the President has, by Proclamation published in the Gazette, directed such Commissioner to conduct a Referendum.

(2) A Proclamation issued under subsection (1) shall

- (a) specify the proposal to be put to the People at the Referendum in the form of a question which shall be answered by a 'Yes' or a 'No' ; and
- (b) appoint a day for the taking of the poll at such Referendum. Such day shall be
 - (i) a day not earlier than thirty days from the date of publication of the Proclamation ;

(ii) a day other than a Full Moon Poya day or any public holiday specified in the First Schedule to the Holidays Act, No. 29 of 1971; and if, after the publication of the Proclamation, the day specified in such Proclamation is declared to be a public holiday, such declaration shall in no way affect the validity of anything done on such day for the purpose of holding the Referendum.

Electoral districts, 3. (1) Each electoral district for the time being in force shall be
polling divisions, deemed to be an electoral district for the purposes of this Act.
&c, (2) Each polling division and each polling district for the time being
in operation shall be deemed to be a polling division and a
polling district for the purposes of this Act.

Polling stations. 4.(1) Within three weeks from the date of publication of the
Proclamation under section 2, the Commissioner shall cause to be
published in the Gazette a notice specifying the situation of the polling
station or stations for each of the polling districts in each electoral district
and the particular polling station, if any, reserved for female voters.
(2) Unless the Commissioner considers it necessary or expedient, in
the special circumstances of any case, to provide a separate polling
station for the female voters of any polling district, there shall be for
each polling district, one polling station and no more,
(3) The polling station or stations for each polling district shall be
situated within such polling district save where the Commissioner
having regard to the special circumstances in any polling district may
decide upon a polling station outside such polling district. The location
of the polling station shall be such as to cause the minimum
inconvenience to the electors of the polling district.
(4) Where due to any emergency it is necessary that the situation of
any polling station should be different from that specified in a notice
published under subsection (1), the Commissioner may cause the
situation of that polling station to be altered in such manner as he may,
in his absolute discretion, determine.

Register of 5. The register of electors to be used in any electoral district for the
electors. purposes of this Act shall be the register of electors in operation for
that electoral district on the date of the publication of the
Proclamation under section 2, notwithstanding that a new register

may have come into operation after the publication of such Proclamation.

Register of electors to be conclusive evidence of the right to vote. 6. The register of electors of any electoral district in operation on the date of the publication of the Proclamation under section 2 shall be conclusive evidence for the purpose of determining whether a person is or is not entitled to vote at a Referendum, and the right of voting of any person whose name is for the time being contained in such register shall not be prejudiced by any appeal pending under any writ law for the time being in force in respect of the entry of such person's name in the register, and any vote given by any such person during the pendency of any such appeal shall be as good as though no such appeal were pending and shall not be affected by the subsequent decision of the appeal: Provided that if any person, who by reason of his conviction of a corrupt practice or an illegal practice or by reason of any of the provisions of the Constitution is incapable of voting at a Referendum, votes at a Referendum, he shall, on conviction before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a period not exceeding six months:

Provided further that nothing in this section shall affect the liability of any person to any penalty for an infringement of the provisions of section 9 relating to voting in person or of section 25 relating to plural voting,

Referendum Returning Officer and retiring Officers. 7. (1) The Commissioner, as occasion may require, shall by notice in the Gazette, appoint by name or by office a person to be the Referendum Returning Officer for the Republic, and may appoint by name or by office one or more persons to assist the Referendum Returning Officer in the performance of his duties. A person so appointed to assist the Referendum Returning Officer shall have all the powers and may perform all the duties of the officer whom he is appointed to assist and any reference in this Act to a Referendum Returning Officer shall, unless the context otherwise requires, be deemed to include a reference to an Assistant Referendum Returning Officer.

(2) The Commissioner, as occasion may require, shall appoint by name or by office a person to be the returning officer of each electoral district, and may appoint by name or by office one or more persons to assist the returning officer in the performance of

his duties. A person so appointed to assist the returning officer shall have all the powers and may perform all the duties of the officer whom he is appointed to assist and any reference in this Act to a returning officer shall, unless the context otherwise requires, be deemed to include a reference to an assistant returning officer.

(3) An appointment made by the Commissioner under subsection (1) or subsection (2) may be revoked by him at any time.

(4) If the Referendum Returning Officer or any returning officer is by reason of illness or other cause prevented or disabled from performing any of his duties under this Act by the Commissioner, the Referendum Returning Officer or the returning officer, as the case may be, may appoint by name or by office, a deputy to act for him. Every such appointment shall, as soon as possible, be reported to the Commissioner, and may be revoked by him, but without prejudice to the validity of anything already done by such deputy.

PART II

THE POLL

- Appointment of referendum agents.
8. (1) The secretary of any recognized political party may appoint a referendum agent for each electoral district and shall furnish the name and address of each referendum agent so appointed so as to reach the Referendum Returning Officer not later than ten days from the date of publication of a Proclamation under section 2.
- (2) A referendum agent duly appointed under subsection (1) and whose name and address have been furnished to the Referendum Returning Officer as required by that sub section shall have the power to appoint polling observers and counting observers as hereinafter provided,
- (3) The failure to appoint a referendum agent or polling observers or counting observers, or their non-attendance at any proceedings under this Act, shall not invalidate any proceedings at a Referendum.
- Voting by post [2, 17 of 1988]
9. (1) A person who is entitled under this section to be treated as a postal voter for the purpose of any Referendum may vote by post, and shall not vote in person, at such Referendum. Any person who votes in person at any Referendum in contravention of the preceding provisions of this subsection shall be guilty of an offence and shall, on conviction by 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 in any electoral district may be made

(a) by a member of the Sri Lanka Army, Sri Lanka Navy or Sri Lanka Air Force, or an officer or servant in the Department of Police, Department of Prisons, 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;

(b) by any other officer or servant in the public service or of the Central Bank of Ceylon, 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 a Referendum or of his being likely to be employed for that purpose.

(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 from the date of publication of the Proclamation under section 2. Such application shall be substantially in the form prescribed for the purpose by the regulations contained in the First Schedule to this Act.

(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 may be 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 a Referendum.

(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 persons 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 First Schedule to this Act.

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

(12) The returning officer shall, as soon as practicable, prepare a list (in this Act 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 accordance with the regulations contained in the First Schedule to this Act.

- Official poll card. 10. (1) The returning officer of each electoral district shall send to each elector whose name appears in the register for that electoral district a poll card (in this Act referred to as an 'official poll card') in such form as may be determined by the Commissioner, and specifying
- (a) the name and number of the electoral district;
 - (b) the name, qualifying address, and registration number of the elector as stated in the register;
 - (c) the polling division;
 - (d) the polling district;
 - (e) the polling station allotted to the elector; and
 - (f) the date and hours of the poll: Provided that no such card shall be sent to an elector who is entitled to be treated as a postal voter.

(2) An official poll card shall be so sent to an elector by ordinary post so as to reach him at least seven days before the date of the poll. Where a post office fails to deliver such card to the person to whom it is addressed, it shall be retained in such post office until the date of the poll and

(3) Every person who

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

(b) sells or offers to sell any official poll card to any other person or purchases or offers to purchase any official poll card from any other person, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(4) Every person other than a public officer acting in the course of his duty as such officer, who has in his possession the official poll card of any other person shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Presiding officers. 11.

(1) Subject to the general or special directions of the Commissioner, each returning officer shall appoint, and may revoke the appointment of, one or more persons, hereinafter called presiding officers, to preside at each polling station in his electoral district. If more than one presiding officer is appointed for any polling station, the returning officer may appoint one of the presiding officers to be the senior presiding officer who shall exercise general supervision over the other presiding officers, and overall arrangements for the conduct of the poll in that station.

(2) If any presiding officer is by reason of illness or other cause, prevented from acting at any Referendum, and there is not time for another person to be appointed by the returning officer, the presiding officer may appoint a deputy to act for him. Every such

appointment shall as soon as possible be reported to the returning officer and may be revoked by the returning officer, but without prejudice to the validity of anything already done by such deputy.

(3) The returning officer may, if he thinks fit, preside at any polling station, and the provisions of this Act relating to a presiding officer shall apply to such returning officer.

Facilities to be provided at polling stations.

12.(1) For the purposes of a Referendum the returning officer shall

(a) appoint such officers and servants as may be necessary for taking the poll;

(b) furnish each polling station with such number of compartments as may be necessary to accommodate a reasonable number of voters at any one time and to ensure that the voters are screened from observation when they mark their ballot papers;

(c) furnish each presiding officer with a copy of that part of the register of electors containing the names of electors in such register assigned to his polling station and a list of such of the names of electors in that copy as appear in the postal voters' list. A distinguishing mark shall be placed against the name of every elector who is entitled to be treated as a postal voter in the part of that register supplied to each such presiding officer;

(d) furnish each presiding officer with such number of ballot boxes and ballot papers as, in the opinion of the returning officer, may be necessary for the number of voters assigned to that polling station.

(e) provide each polling station with materials to enable voters to mark the ballot papers, with instruments for perforating or stamping thereon the official mark;

(f) do such other acts and things as may be necessary for effectually conducting the Referendum in the manner provided by this Act.

(2) A Referendum shall not be questioned by reason of noncompliance with the provisions of subsection (1) or any informality relative to polling stations.

Notices to be exhibited at polling

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

Stations.

(a) outside the polling station and in every compartment thereof, a notice substantially in the form set out in the Second Schedule to this Act, giving directions for the guidance of voters ; and

(b) outside the polling station a notice specifying the proposal to be put to the people.

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

Ballot boxes.

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

Ballot Papers.

15. (1) The votes at every Referendum shall be given by ballot. The ballot of each voter shall consist of a ballot paper in the form and containing the particulars hereinafter prescribed,

(2) Every ballot paper shall be substantially in form A set out in the Third Schedule to this Act, and

(a) shall have printed on it the question to be put to the voters as specified by the President in terms of section 2 (2) (a), and shall have printed on it the word ' Yes ' together with the symbol, lamp, and the word ' No' together with the symbol, pot, alongside such question in two separate cages one below the other;

(b) shall be capable of being folded ;

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

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

Hours of poll.

16. Unless the Commissioner, by notification in the Gazette, appoints any other hour, the poll at the Referendum shall open at seven o'clock in the forenoon of the day appointed under section 2(2) (b) and shall close at four o'clock in the afternoon of that day

Appointment of
polling observers
[3, 17 of 1988]

17.(1) The referendum agent appointed for an electoral district may appoint a reasonable number of polling observers for each polling station having regard to the need to revoke the appointment of any polling observer for that polling station during the poll. Notice in writing of every such appointment stating the names, the numbers of the national or other identity card issued by a government department

or public corporation, and addresses of the persons appointed shall be given by such agent to the presiding officer at that station before the opening of the poll or during the poll.

(2) A referendum agent may delegate in writing the powers vested in him under subsection (1) to any person, so however, that such powers shall not be delegated to more than one person in respect of each polling division. Any delegation under this subsection shall be notified in writing to the returning officer not later than seven days before the date of the poll.

(3) Where such agent or the person to whom power is delegated under subsection (2), after informing such presiding officer of the name of any polling observer appointed to act at such station, revokes the appointment of that polling observer and appoints another polling observer to such station, such agent or such person shall inform such officer in writing of the revocation of such appointment and of the name, the number of the national or other identity card issued by a government department or public corporation, and address' of the new polling observer appointed to such station,

(4) Not more than two polling observers of each recognized political party shall at any time be admitted to or be allowed to remain in any polling station.

(5) No polling observer whose name has not been notified to the presiding officer as required by subsection (1) or subsection (3) shall be admitted to a polling station.

General conduct of **18.**
the poll.

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

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

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

(4) Any person removed from a polling station under subsection (3)

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

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

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

Sealing of ballot boxes and commencement of poll. 19.

(1) Immediately before the commencement of the poll, the presiding officer at a polling station

(a) shall show the ballot papers, the official seal, the official mark and the copies of the parts of the register of electors, to be used at the poll to such persons, if any, as may be present in such station;

(b) shall also show each ballot box to be used at the commencement of the poll empty to the persons aforesaid so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent it being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed. The duties imposed on the presiding officer by the preceding provisions of this section shall be performed by him in such manner as to ensure that the poll is opened at the hour fixed by this Act.

(2) The provisions of subsection (1) shall apply to every ballot box which is to be used after the commencement of the poll.

Issue of ballot papers.
[18, 14 of 2004]

20. (1) Each voter shall be given one ballot paper and shall have one vote.

(2) The ballot paper shall be delivered to the voter by the presiding officer or a person acting under his authority, immediately before the ballot paper is delivered to the voter

(a) the number, name and description of the voter as stated in the copy of the register of electors shall be called out;

- (aa) a valid identity document of the voter shall be inspected and the name and identity ascertained;
- (b) the number of the voter shall be marked on the counterfoil, and the ballot paper detached therefrom; let the ballot paper shall be either stamped, embossed or perforated with the official mark; and
- (c) a mark shall be placed in the register against the name of the voter to denote that he has received a ballot paper, but without showing the particular ballot paper has received.

Inspection of voter and marking with the appropriate mark.
[19, 14 of 2004]

21. (1) No ballot paper shall be delivered to any voter at a Referendum
- (a) if he refuses to allow the presiding officer or a person acting under his authority to make the appropriate inspection of the mark or valid identity document ; or
 - (b) if, having allowed such inspection, it discloses that either such voter has already been marked with the appropriate mark or facts giving rise to suspicion over the identity of the voter ; or
 - (c) if, having allowed such inspection, it discloses that such voter has not already been marked with the appropriate mark, but such voter refuses to allow such officer or person to mark such voter with the appropriate mark, and accordingly such voter shall, notwithstanding anything to the contrary in any other provisions of this Act, not be entitled to vote at such Referendum.
- (2) The presiding officer of a polling station shall enter on a list, substantially in form B set out in the Third Schedule to this Act, the following particulars relating to each voter to whom a ballot paper was not delivered at such station under subsection (1)-
- (a) the number of such voter in the register of electors ;
 - (b) the name of such voter as it appears in such register ; and
 - (c) the ground on which a ballot paper was not delivered to such voter. Such list is in this Act called the 'list of voters to whom ballot papers are not delivered under section 21.'
- (3) In this section
- (a) the expression 'appropriate mark' means a mark made with indelible ink ;
 - (b) the term 'appropriate' with reference to any context connected with or relating to the inspection or marking of a voter, means
 - (i) the little finger of his left hand or, if such finger is

missing, any other finger of his left hand ; or

(ii) if all the fingers of his left hand are missing, the little finger of his right hand or, if such, finger is missing, any other finger of his right hand ; or

(iii) if all the fingers of his left and right hands are missing, such extremity of his left or right hand as such voter possesses.

- Manner of voting. 22. (1) The voter, on receiving the ballot paper, shall forthwith proceed into the compartment to which he is directed by the presiding officer or any person acting under that officer's authority and there secretly mark the ballot paper as near as may be in accordance with the directions given for the guidance of voters in the Second Schedule to this Act and told the ballot paper so as to conceal his vote, and shall then show to the presiding officer the reverse of the paper, so as to disclose the official mark, and put the ballot paper, so folded, into the ballot box in the presence of the presiding officer.
- (2) The presiding officer may at any time while a poll is proceeding take such steps as may be necessary to ensure that no voter delays unduly in any place reserved for the marking of ballot papers.

Assistance to voters to enable them to vote.
[8, 28 of 2011]

- 23.(1) The presiding officer, or any person authorized by the presiding officer, may, if he thinks fit on the application of any voter, explain to the voter, within sight and hearing of the polling observers, a present, the method of voting specified in the directions specified in the Second Schedule to this Act but in so doing he shall carefully abstain from any action which might be construed by the voter as advice or a direction to vote in favour of or against the proposal specified in the ballot paper.
- (2) (a) Any voter who is subject to a disability and such disability prevents the voter from voting in accordance with the directions given for the guidance of voters in the Second Schedule to the principal enactment may be accompanied by a person who shall mark the ballot paper of such voter in the manner directed by the voter in the presence of the presiding officer and another member of his polling staff and cause such ballot paper to be placed in the ballot box.
- (b) A person subject to a disability who wishes to be

accompanied by a person to vote shall be eligible to do so if such person produces a Certificate of Eligibility substantially in the Form set out in the Fourth Schedule to this Act, to the presiding officer or another member of his staff.

(c) For the purposes of this section - 'accompanying person' shall be a person not less than eighteen years of age and shall-

(i) not be a candidate who is contesting at the relevant election;

(ii) not be a presiding officer, an authorized officer or a polling agent at the relevant election;

(iii) not be a person subject to a disability;

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

(i) a total or partial visual impairment; or

(ii) a physical disability,

which prevents the voter from validly marking his ballot paper.

Voting by proxy forbidden. 24. No voter shall be entitled to vote by proxy at a Referendum.

Plural voting to be an illegal practice. 25. If any person at a Referendum under this Act

(a) votes in more than one electors! district or asks for a ballot paper for the purpose of so voting; or

(b) votes more than once in the same electoral district or asks for a ballot paper for the purpose of so voting, he shall be guilty of an illegal practice.

Power to require voter to make declaration. 26.

(1) presiding officer at any polling station may in his discretion, and, if required so to do by a polling observer, shall, require any voter, before he is given a ballot paper, to make and subscribe all or any of the declarations in forms C, D, E and F set out in the Third Schedule to this Act Every such declaration shall be exempt from stamp duty.

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

(3) If any person willfully makes a false statement in any such declaration, he shall be guilty of an offence and shall, on

conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months.

Spoilt ballot papers.

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

Tendered votes.

28. If a person representing himself to be a particular elector named in the register applies for a ballot paper after another person has voted as such elector, the applicant shall on making and subscribing a declaration, which shall be exempt from stamp duty and which shall be substantially in form G set out in the Third Schedule to this Act, be entitled to receive a ballot paper and to vote in the same manner as any other voter, but the ballot paper, in this Act called a 'tendered ballot paper', shall be of a colour different from the other ballot papers, and, before being placed in the ballot box, shall be endorsed by the presiding officer with the name of the voter and his number in the register, and that number shall be entered on a list, in this Act called the 'tendered votes list' which shall be substantially in form H set out in the Third Schedule to this Act. Tendered ballot papers shall be dealt with in the manner hereinafter provided.

Closure of poll.

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

Procedure in closure of poll.

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

(a) each ballot box used at that station, each such box remaining locked as it was at the time of the open-tag of the poll and being sealed after the closure of the poll so as to prevent the introduction of any ballot papers thereafter;

- (b) the key of each ballot box;
- (c) the unused and spoilt ballot papers, placed together;
- (d) the marked copies of the register of electors and the counterfoils of the ballot papers;
- (e) the list of voters to whom ballot papers are not delivered under section 21; and
- (f) the tendered votes list, and shall deliver the packets to the counting officer.

(2) The packets shall be accompanied by a statement substantially in form I set out in the Third Schedule to this Act, (hereinafter referred to as 'the ballot paper account') made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of

- (a) ballot papers issued to voters, other than spoilt ballot papers;
- (b) spoilt ballot papers; and
- (c) unused ballot papers.

PART III THE COUNT

- Counting officers. 31. (1) Subject to the general or special directions of the Commissioner, each returning officer 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 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 Act relating to a counting officer shall apply to such returning officer.

- Notice of count. 32. The returning officer shall make arrangements for counting the votes as soon as possible after the close of the poll and shall give notice in writing to each referendum agent of the situation of each counting centre, the date and time of the commencement of the count, and a statement setting out the counting centre and the polling station or stations assigned to such counting centre.

Appointment of
counting observers.
[4, 17 of 1988]

33. (1) Each referendum agent or a person referred to in subsection (2) of section 17 may appoint not more than two observers (hereinafter referred to as 'counting observers') to attend at the counting of the votes at each counting centre.
- (2) Notice in writing stating the names, the numbers of the national or other identity card issued by a government department or public corporation, of the persons appointed under subsection (1) shall be given by the referendum agent or the person referred to in subsection (2) of section 17 to the counting officer before the counting, of votes commences. The counting officer may refuse to admit to the counting centre any counting observer whose name, the number of the national or other identity card issued by a government department or public corporation, and address have not been so given.
- (3) The counting observers appointed under subsection (1) shall, before attending at the counting of votes report to the Referendum Returning Officer, who shall grant to each one of such observers authority to seek admission to a particular counting centre.

The count.

34. (1) The counting officer shall commence the counting of votes after he has received all the ballot boxes from every polling station assigned to his counting centre under section 32.
- (2) 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 observers as attend
- (a) show such counting observers the ballot paper account and permit them to take copies thereof, and
 - (b) open each ballot box, and having taken out the ballot papers therein, count and record the number of such papers in each such box and then mix together the whole of the papers contained in the ballot boxes.
- (3) The counting officer, while counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the reverse of such papers.
- (4) The counting officer shall as far as practicable proceed continuously with counting the votes and shall endorse 'rejected' on

any ballot paper which he may reject as invalid.

(5) The counting officer shall not count the tendered ballot papers but shall place them in separate packets according to the answer given.

(6) The counting officer, his assistants and clerks and the counting observers but no other person except with the consent of the counting officer may be present at the counting of the votes.

Ballot papers to be rejected. 35.(1) Any ballot paper

- (a) which does not bear the official mark; or
- (b) on which votes are given in favour of and against the proposal; or
- (c) on which anything is written or marked by which the voter can be identified except the printed number on the reverse; or
- (d) which is unmarked; or
- (e) which is void for uncertainty,

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

(2) Where the counting officer is satisfied that any mark made on a ballot paper clearly indicates the intention of the voter to give his vote in favour of or against the proposal the counting officer shall not reject the ballot paper under subsection (1) on the ground solely that it has not been marked in all respects in accordance with the directions given for the guidance of voters under the provisions of this Act.

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

(4) Before rejecting a ballot paper the counting officer shall show it to each counting observer if present and hear his views thereon taking all proper precautions to prevent any person from seeing the number printed on the reverse of the paper.

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

(6) The counting officer shall draw up a statement showing separately the number of ballot papers rejected, under each of the grounds

specified in subsection (1), and shall on request allow any counting observer to copy the statement.

(7) The counting officer shall prepare a written statement in words as well as in figures of the number of votes given in favour of or against the proposal and such statement shall be certified by the counting officer and witnessed by one of his assistants or clerks and any counting observers as are present and desire to sign. The counting officer shall on request allow any counting observer to copy the statement.

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

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

Special provisions relating to powers, duties and functions under sections 34 and 38. 36. Any power, duty or function of a counting officer under section 34 or section 35 may be exercised, performed or discharged for and on his behalf by any of his assistants or clerks acting under the supervision and direction of such officer.

Closure at the count. 37. Upon the completion of the counting at any counting centre, the counting officer shall forthwith deliver in sealed packets to the returning officer

- (a) the counted ballot papers;
- (b) the rejected ballot papers;
- (c) the tendered ballot papers;
- (d) the ballot paper account;
- (e) the packets referred to in paragraphs (c) to (f) of section 30(1);
- (f) the record of the count under subsection (2) (b) of section 34;
- (g) the statement under section 35 (b); and
- (h) the written statement under section 35 (7) of the number of

votes given in favour of or against the proposal.

Counting of postal ballot papers. 38. The postal ballot papers shall be counted in accordance with the postal voters' regulations set out in the First Schedule to this Act at a separate counting centre or such number of counting centres as may be determined by the returning officer.

Returning officer to prepare statement. 39. (1) After the receipt of the documents referred to in section 37, the returning officer shall, from the statements under subsection (7) of section 35 furnished to him by all the counting officers (including the counting officers at the counting centres where postal ballot papers were counted) prepare a return in respect of the electoral district showing

(a) the number of votes given in favour of the proposal;

(b) the number of votes given against the proposal;

(c) the number of votes rejected; and

(d) the whole number of electors in the register of electors- Such return shall be witnessed by one of his assistants and any referendum agent as may be present and desire to sign. The returning officer shall, on request, allow any referendum agent to make a copy of such return.

(2) The returning officer may permit the referendum agent and one other person appointed by such referendum agent in writing to be present at the proceedings under subsection (1).

(3) The returning officer shall forthwith return prepared by him under subsection (1) to the Referendum Returning Officer.

Referendum Returning Officer to prepare a report. 40. (1) After the receipt of the return referred to in section 39 (3) from all the returning officers in the Republic, the Referendum Returning Officer shall prepare a report in respect of the whole Republic, showing

(a) the number of votes given in favour of the proposal;

(b) the number of votes given against the proposal;

(c) the number of votes rejected; and

(d) the whole number of electors in all the registers of electors.

(2) The Referendum Returning Officer shall forthwith forward the report prepared by him under subsection (1) to the

Commissioner, who shall immediately, on receipt of such report transmit it to the President.

Publication of result. 41. Upon the receipt of the report referred to in section 40, the President shall cause such report to be published in* the Gazette.

Disposal of ballot papers, &c. 42. The returning officer shall retain the packets and all documents forwarded to him under section 37 for a period of three months reckoned from the date of the receipt thereof and thereafter shall cause the said packets and documents to be destroyed unless otherwise directed by the Commissioner.

PART IV OFFENCES

Offences relating to ballot papers, official poll cards, &c.
[5, 17 of 1988] 43. Every person who

- (a) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper; or;
- (b) without due authority supplies any ballot paper to any person; or
- (bb) wilfully displays a marked ballot paper inside a polling station; or
- (c) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person; or
- (d) not being a person entitled under this Act to be in possession of any ballot paper which has been marked with the official mark in accordance with this Act, has any such ballot paper in his possession; or
- (e) puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or
- (f) without due authority takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station; or
- (g) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of a Referendum, or

(h) without due authority prints any ballot paper of what purports to be or is capable of being used as a ballot paper at a Referendum; or

(i) manufactures, constructs, imports into the Republic, has in his possession, supplies or uses for the purpose of a Referendum, or causes to be manufactured, constructed, imported into the Republic, supplied or used for the purpose of a Referendum, any appliance, device or mechanism by which a ballot paper may be extracted, affected or manipulated after having been deposited in a ballot box during the polling at a Referendum; or

(j) willfully makes a false statement in any application to be treated as a postal voter under this Act, or in any declaration of identity sent to him under the postal voters' regulations set out in the First Schedule to this Act; or

(k) 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 postal voters' regulations set out in the First Schedule to this Act; or

(l) without due authority prints any official poll card or what purports to be or is capable of being used as an official poll card at a Referendum; or

(m) without due authority places an appropriate mark on any voter at a Referendum or what purports to be or is capable of being mistaken for that mark; or

(n) fraudulently defaces an appropriate mark placed on any voter at a Referendum without due authority; or

(o) votes at a Referendum knowing that he is legally incapable of, or disqualified from, so voting;

shall be guilty of an offence and shall, on conviction by the High Court, be liable to imprisonment of either description for a term not exceeding two years and shall, by conviction, become incapable, for a period of seven years from the date of his conviction, of being registered as an elector or of voting at a Referendum under this Act, or of being elected as a Member of Parliament, and if at that date he has been elected as a Member of Parliament, his election shall be vacated from the date; Of such conviction.

Certain acts prohibited on polling day.

44. (1) No person shall, on any date on which a poll is taken at a polling station, do any of the following acts within the precincts, or a distance of half a kilometer of the entrance, of that polling station:
- (a) canvassing for votes;
 - (b) soliciting the vote of any elector;
 - (c) persuading any elector not to vote for or against the proposal;
 - (d) persuading any elector not to vote at the Referendum;
 - (e) distributing or exhibiting any handbill, placard, poster, drawing, or notice relating to the Referendum (other than any official handbill, placard, poster or notice) or any symbol referred to in section 15.

Every person who contravenes the 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 one hundred rupees or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment.

- (2) No person shall, on any date on which a poll is taken at any polling station
- (a) use or operate, within or at the entrance of a polling station or in any public or private place in the neighborhood thereof, any megaphone or loud-speaker or other apparatus for magnifying or reproducing the human voice, or
 - (b) shout or otherwise act in a disorderly manner within or at the entrance of a polling station or in any public or private place in the neighborhood thereof, so as to cause annoyance to any person visiting the polling station for the poll or so as to interfere with the work of the officers and other persons on duty at the polling station.

Every person who contravenes the 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 one hundred rupees or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment.

- (3) Any police officer may take such steps, and use such force, as

may be reasonably necessary for preventing any contravention of the provisions of subsection (2) and may seize any apparatus used for such contravention.

Restriction on processions.

45.No person

(a) shall, at any time from the date of publication of the Proclamation in respect of a Referendum and ending on the day immediately following the date on which the result of the poll taken at such Referendum is declared, conduct, hold or take part in any procession, other than a procession on May 1 in the year, or any procession for religious or social purposes; or

(b) shall, at any procession held or conducted during the period referred to in paragraph (a), do any act or thing calculated to affect the result of the Referendum referred to in the said paragraph (a).

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

Restriction on public meetings.

46.No public meeting shall be held during the period commencing forty-eight hours before the date fixed for the poll and ending one week after the result of the Referendum has been declared,

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

General provisions relating to offences under sections 43, 44, 45 and 46.

(1) Every person who attempts to commit an offence specified in section 43 or section 44 or section 45 or section 46 shall be liable to the punishment prescribed for that offence.

(2) Every offence under section 43 or section 44 or section 15 or section 46 shall be a cognizable offence within the meaning of the Code of Criminal Procedure Act, No, 15 of 1979.

(3) In a prosecution for an offence in relation to a box, ballot

paper or marking instrument at a the property in such ballot box, ballot paper or marking instrument, as well as the property in the counterfoil- of any ballot paper may be stated to be in the returning officer at that Referendum.

(4) A prosecution for an offence under section 43, or section 44 or section 45 or section 46 shall not be instituted without the sanction of the Attorney-General.

Printing, &c, of
Referendum
publication.

48. Every person who prints, publishes, distributes or posts up, or causes to be printed, published, distributed or posted up, any advertisement, handbill, placard or poster which refers to a Referendum and which does not bear upon its face the names and addresses of its printer and publisher, shall be guilty of an offence and shall on conviction by a Magistrate be liable to a fine not exceeding five hundred rupees:

Provided, however, that a person shall not be guilty of an offence under the preceding provisions of this section, In relation to any advertisement, handbill, placard or poster, if he satisfies the Magistrate that the omission of the aforesaid names and addresses or any such name or address, as the case may be, arose from inadvertence or from some other reasonable cause of a like nature and did not arise from any want of good faith.

Restriction on
number of
referendum offices.

49. (1) A person who is a referendum agent at a Referendum or is the agent of such referendum agent, shall not have

(a) during the period commencing from the date of the publication of a Proclamation under section 2 and ending on the day immediately following the date on which a poll is taken at such Referendum any referendum office, other than one notified central referendum office in each electoral district, and one notified branch referendum office in each polling district;

(b) during the period commencing on the day immediately preceding the date of such poll and ending on the day immediately following such date, any referendum office, other than one notified central referendum office in each electoral district and one notified branch referendum office in respect of each polling division.

(2) The use of the ordinary place of residence of any referendum agent as a referendum office shall be deemed not to be a contravention of the provisions of subsection (1).

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

(4) Every person who attempts to commit any offence specified in this section shall be liable to the punishment prescribed for that offence.

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

(6) For the purposes of this section, the term 'notified', in relation to any referendum office, means, notified to the officer in charge of the police station for the area, and the returning officer for the electoral district, in which that office is situated, before such office is established.

Provisions relating 50.
to display of
handbills, posters,
&c.

(1) During the period commencing from the date of publication of the Proclamation under section 2 and ending on the day following the day on which a poll is taken at a Referendum, no person shall, for the purpose of promoting a Referendum, display

(a) in any premises, whether public or private, any flag or banner; or

(b) any handbill, placard, poster, drawing, notice, symbol or sign on any place to which the public have a right of, or are granted, access except in or on any premises on any day on which a meeting to promote the Referendum is due to be held in that premises;

(c) any handbill, placard, poster, drawing, notice, symbol, sign, flag or banner, on or across any public road; or

(d) any handbill, placard, poster, drawing, notice, symbol or sign in or on any vehicle.

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

fine and imprisonment.

(3) Every person who attempts to commit an offence specified in this section shall be liable to the punishment prescribed for that offence.

(4) Every offence under this section shall be a cognizable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.

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

Maintenance of
secrecy at
Referendum. [9,
28 of 2011]

51.(1) Every officer, clerk, referendum agent and agent authorized to attend at a polling station, or at the counting of the votes, shall before so attending make a statutory declaration of secrecy, substantially in form J set out in the Third Schedule to this Act. Such declaration shall be made by the returning officer in the presence of a Justice of the Peace, and by a presiding officer or a counting officer in the presence of a Justice of the Peace or of the returning officer, and when made by any other person shall be made in the presence of the returning officer or of a Justice of the Peace or of a presiding officer or of a counting officer.

(2) Every officer, clerk, referendum agent and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in such station, and shall not communicate, except for some purpose authorized by law, before the poll is closed, to any person any information as to the name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark.

(3) No such officer, clerk, referendum agent or agent, and no person whosoever shall attempt to obtain in the polling station information as to whether any voter has voted for or against the proposal or whether a voter is about. at any time to any person any such information obtained in a polling station as to the aforesaid matters or as to the number on the reverse of the ballot paper given to any voter at such station.

(4) Every officer, clerk, referendum agent and counting observer in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to

ascertain at such counting the number on the reverse of any ballot paper or communicate any information obtained at such counting as to whether a voter has voted for or against the proposal.

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

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

(5) No person, except a presiding officer acting for a purpose authorized by this Act, or a person authorized by the presiding officer and acting for such purpose as afore said, shall communicate or attempt to communicate with any voter after such voter has received a ballot paper and before he has placed the same in a ballot box.

(6) Every person who acts in contravention of the provisions of this section 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.

(7) Every person who is convicted of an offence under this section shall, by conviction, become incapable for a period of seven years from the date of his conviction, of being registered as an elector or of voting at any Referendum under this Act.

CORRUPT PRACTICES

Personation.

52.

(1) Every person who at a Referendum

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

(b) votes more than once in or under his own name at such Referendum, shall be guilty of the offence of Personation which shall be a cognizable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.

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

(a) has applied for a ballot paper for the purpose of voting in person ; or

(b) has made an application to be treated as a postal voter; or

(c) has marked, whether or not validly, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted.

Treating.

53. Every person who, corruptly, by himself or by any other person, either before, during or after a Referendum, directly or indirectly gives or provides or causes to be given or provided, or is accessory to the giving or providing or pays or engages to pay wholly or in part the expense of giving or providing any meat, drink, refreshment or provision or any money or ticket or other means or device to enable the procuring of any meat, drink, refreshment, or provision, to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at such Referendum or on account of any such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such Referendum, and every elector who corruptly accepts or takes any such meat, drink or refreshment or provision or any such money or ticket or who adopts such other means or device to enable the procuring of such meat, drink, refreshment, or provision. shall be guilty of the offence of treating.

Undue influence.

54.(1) Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at a Referendum, or who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces, or prevails upon any elector either to give or refrain from giving his vote at a Referendum shall be guilty of the offence of undue influence.

(2) Every person who, at any time during the period commencing from the date of the publication of the Proclamation under section 2

and ending on the day following the date of the poll at such Referendum

(a) utters at any religious assembly any words for the purpose of influencing the result of such Referendum or inducing any elector to vote or refrain from voting in favour of or against the proposal at such Referendum;

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

(c) holds or causes to be held a public meeting at a place of worship for the purpose of promoting the Referendum or the Referendum campaign in favour of or against the proposal, shall be guilty of the offence of undue influence.

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

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

(b) excludes, or threatens to exclude, such member or adherent from such order or organization, in order to induce or compel such member or adherent to vote or refrain from voting in favour of or against the proposal at a Referendum, or to support or refrain from supporting any proposal at such Referendum, or on account of such member or adherent having voted or refrained from voting in favour of or against the proposal at such Referendum, or having supported or refrained from supporting any such proposal at such Referendum, shall be guilty of the offence of undue influence.

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

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

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

in order to induce or compel such other person to vote or refrain from voting in favour of or against the proposal at a Referendum, or to support or refrain from supporting the proposal at such Referendum, or on account of such other person having voted or refrained from

voting in favour of or against the proposal at such Referendum, or having supported or refrained from supporting the proposal at such Referendum, shall be guilty of the offence of undue influence.

Bribery.

55. The following persons shall be deemed guilty of the offence of bribery;

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

(b) every person who, directly or indirectly, by himself, or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure any office, place or employment to or for any elector or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at a Referendum under this Act;

(c) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to vote in favour of or against the proposal or the vote of any elector at a Referendum under this Act;

(d) every person who upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement votes in favour of or against the proposal at a Referendum under this Act:

(e) every person who advances or pays or causes to be paid any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at a Referendum under this Act or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such Referendum;

(f) every elector who, before or during a Referendum under this Act, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such Referendum;

(g) every person who, after a Referendum under this Act, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or to refrain from voting at any such Referendum.

Punishment and incapacities for corrupt practice.

56.

(1) Every person who

(a) commits the offence of Personation, or aids, abets, counsels or procures the commission of the offence of Personation; or

(b) commits the offence of treating, undue influence or bribery, shall be guilty of a corrupt practice, and shall on conviction by the High Court be liable, in the case referred to in paragraph (a) of this subsection, to rigorous imprisonment for a term not exceeding twelve months, and, in any other case, to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and such imprisonment.

(2) Every person who is convicted of a corrupt practice shall, by conviction, become incapable for a period of seven years from the date of his conviction of being registered as an elector or of voting at a Referendum under this Act or of being elected as a Member of Parliament, and if at that date he has been elected as a Member of Parliament, his election shall be vacated from the date of such conviction.

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

ILLEGAL PRACTICES

Certain expenditure to be illegal practice.

57.(1) No payment or contract for payment shall, at a Referendum, be made

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

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

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

(3) Subject to any such express exceptions as are or may be made by or under this Act, a person shall not let, lend, employ, hire, borrow or use, or aid or abet any other person to let, lend, employ, hire, borrow or use, any vehicle, vessel or animal, in any electoral district during the period commencing one hour before the time of the opening of the poll at a Referendum in that district, and ending one hour after the time of the closure of such poll

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

(b) for any other purpose, other than

(i) any legitimate business;

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

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

(4) Notwithstanding anything in the preceding provisions of this section

(a) where it is the ordinary business of an elector as an

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

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

(c) the conveyance of a person at his own expense to or from the poll at a Referendum in, or the use by any person at his own expense for the purpose of the conveyance of himself to or from the poll of, any public transport service provided by the Sri Lanka Central Transport Board, or any Regional Transport Board or the Sri Lanka Government Railway, shall be deemed not to be an illegal practice within, the meaning of this section;

(d) where the returning officer for any electoral district is satisfied upon written application in that behalf made to him by any person, or on behalf of such person by any other person, so as to reach such officer seven days before the day on which a poll is to be taken at a Referendum, that such person is unable, by reason of any physical disability to convey himself to and from the poll on foot or in any public transport service referred to in paragraph (c) of this subsection, the returning officer may give such person written authority to use any vehicle, vessel or animal for the purpose of conveying himself to and from the poll, and accordingly the use of a vehicle, vessel or animal for the purpose of such conveyance by such person shall be deemed not to be an illegal practice within the meaning of this section

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

(6) The High Court may, on the conviction of any person for the commission of an illegal practice within the meaning of this section, make order declaring that any vehicle, vessel or animal used in or in

connexion with the commission of such practice shall be forfeited to the Republic

False reports in newspapers. 58. (1) Where there is published in an; newspaper any false statement concerning, or relating to-

(a) the utterances or activities at a Referendum of and recognized political party or any person ; or

(b) the conduct or management of such Referendum by any such recognized political party or person, and such statement is capable of influencing the result of such Referendum, then, every person who at the time of such publication was the proprietor, the manager, the editor, the publisher or other similar officer of that newspaper or was purporting to act in such capacity,

shall each be guilty of an illegal practice unless such person proves that such publication was made without his consent or connivance, and that he exercised all such diligence to prevent such publication as he ought to have exercised having regard to the nature of his function in such capacity and in all the circumstances.

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

Certain employment to be illegal.

59.(1) No person shall, for the purpose of promoting a Referendum, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for the purpose or in the capacities following

(a) a reasonable number of polling observers for each polling district having regard to the need to revoke the appointment of any polling observer for that polling district during the poll; and not more than two counting observers for each counting centre;

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

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

Printing, &c of
Referendum
publications.

60. Any person, who prints, publishes, distributes or posts up or causes to be printed, published, distributed or posted up any advertisement, handbill, placard or poster which refers to a Referendum and which does not bear upon its face the names and addresses of its printer and publisher shall be guilty of an illegal practice.

Punishment on
conviction for
illegal practices.

61. (1) Every person who commits an illegal practice shall on conviction by the High Court be liable to a fine not exceeding three hundred rupees and shall by conviction become incapable for a period of three years from the date of his conviction of being registered as an elector or of voting at a Referendum under this Act or being elected as a Member of Parliament, and if at that date he has been elected as a Member of Parliament, his election shall be vacated from the date of such conviction.
- (2) A prosecution for an illegal practice shall not be instituted without the sanction of the- Attorney-General.

PARTV REFERENDUM PETITIONS

Avoidance of
Referendum on
Referendum
petition.
[6, 17 of 1988]

- 61A. A Referendum petition may be whole Republic, shall be declared to be void on a Referendum petition on any of the following grounds which may be proved to the satisfaction of the Supreme Court, namely
- (a) that by reason of general bribery, general treating or general intimidation or other misconduct or other circumstances whether similar to those enumerates before or not a section of electors was prevented from voting at such Referendum and thereby materially affected the result of the Referendum;
 - (b) non-compliance with the provisions of this Act relating to a Referendum, if it appears that the Referendum was not conducted in accordance with the principles laid down in such provisions and that such non-compliance materially affected the result of the Referendum.
- (2) The result of a Referendum in respect of any electoral district shall be declared to be void on a Referendum petition on the ground that a corrupt or illegal practice was committed in connection with a Referendum by the person alleged in such petition to have

committed such corrupt or illegal practice, or by any other person with his knowledge or consent and which is proved to the satisfaction of the Supreme Court.

Supreme to hear and determine Referendum petitions. **61B.** The hearing and determination of proceeding relating to a Referendum petition shall be by at least five judges of the Supreme Court of whom, unless he otherwise directs, the Chief Justice shall be one.

Who may present Petition. **61C.** A Referendum petition may be presented to the Supreme Court by a secretary of a recognized political party or by any elector.

Belief which may claimed. **61D.** All or any of the following reliefs, to which the petitioner may be entitled, may be claimed in a Referendum petition namely

- (a) a declaration that the Referendum in respect of the whole Republic is void ; or
- (b) a declaration that the Referendum in respect of any electoral district is void.

Special provisions relation to the procedure before the Supreme. **61E.**

- (1) The Supreme Court may, upon such terms as to costs or otherwise as the Court may deem fit, allow the particulars of any corrupt or illegal practice specified in a Referendum petition to be amended or amplified in such manner as may in the opinion of the Court, be necessary for ensuring a fair or effective trial of the petition so, however, that the Court shall not allow such amendment or amplification if it will result in the introduction of particulars of any corrupt or illegal practice not pre-
- (2) Every Referendum petition shall be tried as expeditiously as possible and every endeavour shall be made to conclude the trial of such petition within a period of six months after the date of the presentation of such petition. The Supreme Court shall make order deciding such petition without undue delay after the date of the conclusion of the trial of such petition.

GENERAL

Where more than one proposal is submitted. **62.** Where in any Proclamation under section 2 the President has specified more than one proposal to be put to the People at a Referendum, each such proposal shall be printed on a separate ballot

paper of a different color and accordingly the provisions of this Act shall, mutatis mutandis, apply In such Referendum

- Power to order Referendum in exceptional circumstances. 63. If at any time after the President, has by Proclamation fixed the date for a Referendum, it is shown to his satisfaction that in any electoral district or part thereof owing to any cause whatsoever no Referendum has been held in pursuance of such Proclamation he may at any time by notice in the Gazette issue another Proclamation that a Referendum shall be held in the district or part thereof and the provisions of this Act shall, mutatis mutandis apply in relation to such electoral district or part thereof:
- Provide that another Proclamation shall not be issued under the preceding total number of provisions of this section where the district or the part thereof in which no Referendum had been held is such that the result reported to the President under section 40 would not have been materially affected by the fact that the voters of such electoral district or part thereof had voted at such Referendum,
- Failure to comply with provisions of Act. 64. No Referendum shall be invalid by reason of any failure to comply with provisions of this Act relating to a Referendum if it appears that the Referendum was conducted in accordance with the principles laid down in such provisions, and that such failure did not affect the result of the Referendum.
- Use of Schools &c, polling stations. 65. (1) A returning officer may use, free of charge, as a polling station any school or any portion of a school in receipt of a grant, or in respect of which a grant is made out of moneys provided by Parliament,
- (2) A returning officer shall make good any damage done to, and defray any expenses incurred by the persons having control over, any such school or portion thereof as aforesaid by reason of its being used as a polling station.
- Presiding officer may act through officers appointed to assist him. 66. The presiding officer of a polling station may do, by officers appointed to assist him, any act which he is required or authorized by this Act to do at that polling station except ordering the arrest, exclusion, or removal of any person from the station.
- Secretary of a recognized political party may 67. The secretary of a recognized political party may himself do any act or thing which a polling observer or counting observer or other agent of such political party, if appointed, would have been required

act as his own agent or assist his agent.

or authorized to do, or may assist such agent in doing any such act or thing, but before acting under this section the secretary of the recognized political party shall make a declaration under section 51 required to be made by such agent.

Non-attendance of the agents of recognized political party.

68. Where under this Act any act or thing which is required or authorized to be done in the presence of the agent or agents of a recognized political party at a Referendum, the non-attendance of any agent or agents of such party at the time and place- if printed for the purpose shall not, if that act or thing is otherwise duly done, invalidate the act or thing done.

Inaccurate description of places and persons.

69. No misnomer or inaccurate description of any person or place named or described in any register, notice or other document whatsoever prepared or issued under or for the purpose of this act shall in any wise affect the operation of this Act as respects that person or place in that person or place is so designated in such register, notice or document as to be identifiable.

Publication of notices, &c.

70. (1) Where any notice is required by this Act to be published and, if in the opinion of the authority who is required to publish such notice, the prescribed mode of publication does not give sufficient publicity to the notice, he may, in addition to publishing the notice as required by this Act, exhibit copies of the notice in conspicuous places within the electoral district to which the notice relates or take such other steps as he may deem necessary for using publicity thereto.

(2) Every person who, without lawful authority, destroys, mutilates, defaces or removes any notice which is exhibited by any authority under subsection (1) or any document which is made available for inspection in accordance with this Act shall be guilty of an offence and shall on conviction before a Magistrate be liable to a fine not exceeding fifty rupees.

Duty of employers to grant leave to enable employees to vote.

[7, 17 of 1988]

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

(1A) Every employer shall prepare a statement setting out (a) the names of the persons applying for leave under subsection (1); and (b) the names of the persons granted leave under that subsection and the periods for which such persons have been granted such leave, and shall cause such statement to be conspicuously exhibited at the place of employment.

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

Requisitioning of premises for use of polling stations. 72.

(1) Where the Commissioner considers that any premises, other than any school referred to in section 65, are required for the purpose of being used as a polling station, he may requisition those premises for that purpose by order in writing addressed to and served on the person in actual possession of those premises, or, where no person is in such actual possession, on the owner of such premises,

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

Compensation for requisitioning premises. 73.

(1) Where any premises are requisitioned under section 72, the Commissioner shall pay, out of moneys provided for the purpose by Parliament, compensation for such requisition to the person who was in actual possession of those premises immediately before the requisition or, where no person was in such actual possession, the owner of those premises, and shall make good any damage done to those premises during the period of the requisition.

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

(a) the rent payable in respect of those premises, or, where no rent is so payable, the rent payable for similar premises in the locality, and

(b) if, in consequence of the requisition of those premises, the person who was in actual possession of those premises

immediately before the requisition was compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

(3) Where any person entitled to compensation under this section is aggrieved by the decision of the Commissioner in regard to the amount of the compensation, that person may appeal in writing to the Court of Appeal from that decision.

Right of secretary
of recognized
political party to
send matter
relating to
Referendum post
free.
[8, 17 of 1988]

74.(1) Subject to the provisions of subsection (2) of this section, the secretary of a recognized political party at any time between the date of publication of the Proclamation under section 2, and the day which is the tenth day before the day of the poll to be taken at a Referendum, be entitled and send free if any charges for postage to reach the elector whose name appears in the register of electors for such electoral district out- postal communication by ordinary post containing matter relating to such Referendum only

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

(2) The right to send a postal communication conferred on a person by subsection (1) shall be subject to the following conditions, and if any such condition is not complied with, such communication may be rejected by the Postmaster-General or any person acting under his authority:

(a) such communication shall be open for examination, and shall not exceed thirty grams in weight; and

(b) the length and width of, and the manner of franking, arranging and handling, such communication shall be as determined from time to time by the Postmaster-General.

Political
broadcasts.
[9, 17 of 1988]

75.(1) Every recognized political party shall, subject to such conditions as may be determined by the Director-General of Broadcasting, be entitled to the use of broadcasting facilities during the period commencing from the date of publication of the Proclamation under section 2 and ending seventy-two hours prior to the commencement of the poll.

(2) The broadcasting time that each recognized political party shall be

permitted to use during the period referred to in subsection (1) shall be determined in the following manner:

(a) every recognised political party shall, within one week of the publication of the Proclamation under section 2, inform the Commissioner whether it is for, or against, the proposal to be put to the People at the Referendum;

(b) a recognized political party which fails to inform the Commissioner, within one week of the publication of the Proclamation under section 2, whether it is for, or against, the proposal to be put to the People at the Referendum shall be deemed not to be for, or against, such proposal (and is in this section referred to as a 'neutral party');

(c) after receipt of the information under paragraph (a), the Commissioner shall determine whether a majority of the recognized political parties are for, or against, the proposal to be put to the People at the Referendum, and shall multiply the number of recognized political parties of which such majority consists, by fifteen. The number resulting from such multiplication is hereinafter referred to as 'the total allocation';

(d) all the parties which have informed the Commissioner that they are for the proposal to be put to the People at the Referendum, shall be permitted to use, in the aggregate

(i) in the case of radio broadcasting, a total period of minutes not exceeding the total allocation; and

(ii) in the case of television broadcasting, a total period of minutes not exceeding the total allocation. Each such party shall be permitted to use in the case of radio or television broadcasting, a period of minutes not exceeding the number resulting from the division of the total allocation by the number of parties who have informed the Commissioner, under paragraph (a), that they are for the proposal to be put to the people at the Referendum;

(e) All the parties who have informed the Commissioner that they are against the proposal to be put to the People at the Referendum, shall be permitted to use, in the aggregate

(i) in the case of radio broadcasting, a total period of minutes not exceeding the total allocation; and

(ii) in the case of television broadcasting, a total period of

minutes not exceeding the total allocation. Each such party shall be permitted to use, in the case of radio or television broadcasting, a period not exceeding the number of minutes resulting from the division of the total allocation by the number of parties who have informed the Commissioner, under paragraph (a), that they are against the proposal to be put to the People at the Referendum;

(f) a neutral party shall be permitted to use

(i) in the case of radio broadcasting, a total period not exceeding fifteen minutes;

(ii) in the case of television broadcasting, a total period not exceeding fifteen minutes;

(g) the Commissioner shall inform each recognized political party the broadcasting time it is permitted to use, in accordance with the preceding provisions of this section;

(h) where all the recognised political parties which are for, or against, the proposal to be put to the People at the Referendum, decide to use the total period of minutes which such parties are permitted to use in the aggregate, in proportions which differ from the proportions determined in accordance with the preceding provisions of this section, such parties shall inform the Commissioner, within two weeks of the Proclamation under section 2, the proportions in which they propose to use such total period of minutes and the Commissioner shall allow them to use such total period of minutes in the proportions.

(3) Where two or more recognized political parties agree to debate the proposal or proposals to be put to the People at a Referendum, it shall be the duty of the Director-General of Broadcasting to afford broadcasting facilities to such parties, so however that the time permitted for such debate shall not exceed the time allotted to each such party.

(4) The order in which each recognized political party shall use the broadcasting facilities shall be determined

(a) in the first instance by agreement among such parties;

(b) in the absence of such agreement, by lots cast or drawn in such manner as the Director-General of Broadcasting may, in his absolute discretion, determine.

(5) The Commissioner may permit every recognised political party to use, in addition to the period it is permitted to use under subsection

(2), broadcasting facilities on radio and television for such periods as may be determined by the Commissioner having regard to the principles set out in subsection (2).

(6) The Chairman of the Sri Lanka Broadcasting Corporation and the Chairman of the Sri Lanka Rupavahini Corporation shall ensure that except as provided in the preceding provisions of this section, no material is broadcast over the radio or television, during the period commencing on the date of the Proclamation under section 2 and ending on the date of publication of the result, which supports or opposes, or tends to support or oppose, the proposal to be put to the People at the Referendum. In implementing this provision, the Chairman of the Sri Lanka Broadcasting Corporation and the Chairman of the Sri Lanka Rupavahini Corporation shall act in consultation with the Commissioner.

Powers of
Commissioner.

76. The Commissioner shall

- (a) Exercise general direction and supervision over the administrative conduct of a Referendum under this Act ;
- (b) have power to issue to Deputy and Assistant Commissioners of Elections, the Referendum Returning Officer, returning officers, presiding officers and other officers such directions as he may deem necessary to ensure effective execution of the provisions of this Act;
- (c) execute and perform all other powers and duties which are conferred and imposed upon him by or under this Act.

Police to assist
Commissioner.
[10, 17 of 1988]

76A. Every police officer shall ensure the orderly conduct of a Referendum held under this Act, and shall comply with any direction given to him in that regard, by the commissioner.

Procedure for
casting vote where
there's a reasonable
fear of an inability
to cast vote at a
given polling
station.
[10, 17 of 1988]

76B. (1) Notwithstanding the provisions of any other law, any registered elector who reasonably fears that due to conditions prevailing in the area within which his polling station is situate, that he is unable to cast his vote at such polling station, may make an application to the Commissioner of Elections within one week of the notice of nomination, requesting that he may be allowed to cast his vote at another polling station determined by the Commissioner, in his absolute discretion

(2) The Commissioner shall within a week of receipt of an

application, inform such elector whether such application is accepted or rejected. The decision of the Commissioner shall be final, and conclusive and shall not be questioned in any Court of law.

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

Removal of difficulties.

77. If any difficulty arises in first giving effect to any of the provisions of this Act, the Commissioner may, by Order published in the Gazette, issue all such directions as he may deem necessary with a view to providing for any special or unforeseen circumstances or to determining or adjusting any question or matter for the determination or adjustment of which no provision or effective provision is made by this Act.

Interpretation.

In this Act, unless the context otherwise requires-

78. 'Commissioner of Elections' means the Commissioner of Elections appointed under Article 103 of the Constitution;
'elector', 'electoral district', 'polling district', 'polling division', 'register of electors' and 'registering officer' have the same meanings as in the Registration of Electors Act, No. 44 of 1980;
'Proposal' means any matter which may be submitted to the People by Referendum in terms of Chapter XIII of the Constitution; and
'voter' means a person who, whether his name does or does not appear in a register of electors, applies to vote, or votes at a Referendum.

POSTAL VOTER'S (REFERENDUM REGULATIONS, 1981

1. These regulations may be sited as the postal voters (Referendum) Regulations, 1981 Short title

2. *For the purpose of these regulations* unless the context otherwise requires,-- Interpretation .

'issue ' includes the original and any subsequent issue;

'postal ballot papers ' means a ballot paper issued to a postal voter;

'postal voter ' with reference to a Referendum means a person entitled to be treated as a postal voter for the purposes of that Referendum ;

' *proclamation* ' means the .Proclamation made by the President under section

2 of the Act;

'schedule' means the Schedule to these regulations,

' the Act ' means the Referendum Act, 1981

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 provision of this regulation, the record. and list of postal voter kept by the returning officer under the Act shall be in such form as appears to him to be convenient

Record and list of postal voters.

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

(3) The names in the postal voters' list 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 thereof available for inspection at his office.

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

Form of postal ballot paper.

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

Form of declaration of identity.

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

Appointment of clerks.

8.

(1) No person other than-

Persons entitled to be

(a) the returning officer and his clerks,

present at issue and receipt of

(b) a referendum agent, :

postal ballot

(c) a person appointed by a referendum agent to attend In His place and

papers.

(d) any agent appointed under paragraph (2) of this regulation, may be present at the proceedings on the issue of postal ballot paper

(2) Where postal ballot papers are to be issued simultaneously in two or more batches, each referendum agent 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 referendum agent.

(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 referendum agent 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 referendum agent 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 appointed.

(5) Agents may be appointed and notices of their appointment . may be given to the returning officer by any person authorized in writing by the referendum agent instead of by the referendum agent

(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) A referendum agent 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 authorised to be

done in the presence of the referendum agents 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 validity 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.

(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 persons shall be made in the presence of the returning officer or a Justice of the Peace.

* (3) Every person attending the proceedings in connexion with the issue of postal ballot papers shall maintain and aid in maintaining the secrecy of the voting and shall not-

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

(b) except for some purpose authorized by law, communicate to any person at any time information obtained at those 1 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 publication of the Proclamation , notify each referendum agent 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 the referendum agent as soon as. practicable of the time and place at which he will make such sub- sequent issue and of the number of agents he may appoint under | paragraph (2) of regulation 8 to attend the issue

Declaration
of secrecy.

Notice of
issue of
postal ballot
papers.

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

official
mark to be
made on postal
ballot
papers.

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

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

12. Where a returning officer is satisfied that two entries in the postal voters list relates to the same postal voter he shall not issue, in response 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

(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'.

number on
the ballot
paper
envelope '
and the
expression '
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 persona 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 referendum agents, shall make up in separate packets-

Sealing up of
postal voters'
list and
counter foils.

(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.

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 38 of the Act;

Provision of postal voters' ballot box.

(2) Every ballot box referred to in paragraph (1) of this regulation shall be shown open and empty to such agents of the referendum agents 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 number and name of the electoral district and the returning officer shall make provision for the safe custody of such ballot box.

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.

Receipt of covering envelopes from postal voters.

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

Counting officers.

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.

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 referendum agent of a recognized political party 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.

Notice of count.

20. Each recognized political party may appoint not more than two observers (hereinafter referred to as 'counting observers') 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 the referendum agent to the counting officer before the commencement of the count. The counting officer may refuse to admit to the counting centre any counting observer whose name and address have not been so given.

Appointment of counting observers.

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 observers may be present at the counting of the votes.

Persons entitled to be present at the count.

22. The provisions of section 51 of the Act 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 observers after the close of the poll and before such

Opening of postal voters

officer proceeds to count the votes.

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

(3) *In the cases referred 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 corresponding 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 a the 'receptacle for postal voters' ballot papers').

(4) Where in the cases referred to in sub-paragraph (a) (1) 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 observers as are present and, if any objection is made by any observer 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 para- graph (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

(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 observers as are present and, *if* any objection is made by any observer 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 not be deemed to be duly signed and witnessed unless it is signed and witnessed in accordance with the instructions contained on

the back of the form of declaration of identity.

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

Opening of
ballot paper
envelopes.

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

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

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

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

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 declarations of identity into two separate packets and shall seal up such packets.

Sealing up
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 observers 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 subsections (3) and (4) of section 34 and sections 35 and 36 of the Act 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 in favour of or against the proposal prepared in terms of subsection (7) of section 35 of the Act.

(d) the record of the count under regulation 27 (1);

(e) the statement drawn up in terms of subsection (6) of section 35 of the Act; and

(f) the two sealed packets referred to in regulation 26.

SCHEDULE TO THESE REGULATIONS

FORM A

REGULATION 3

APPLICATION TO BE TREATED AS A POSTAL VOTER

To the Returning Officer of Electoral District No.
(give number and name of electoral district)

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

Polling division letter :

Polling district number :
.....

Serial number of my name :

I hereby apply to be treated as a postal voter at the Referendum because I am
unable/likely to be unable to vote in person at the polling station allotted to
me by reason of the particular circumstances of my employment -

- * (a). as a member of the Sri Lanka Army/Sri Lanka Navy/Sri Lanka
Air Force;
- * (b). as an officer or servant in the Department of Police/Sri Lanka
Government Railway/Department of Posts
*/Telecommunication/Sri Lanka Central Transport Board/
..... Regional Transport Board;
- * ©. as an officer or servant in the public service appointed */likely
to be appointed for duties connected with the Referendum;
- * (d). as an officer or servant of the Central Bank of Ceylon
appointed */likely to be appointed for duties connected with
the Referendum;

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.

Date :

Signature of applicant :-

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 district where the applicant is registered as an elector within ten days from the date of publication of the Proclamation under section 2 of this Act.
2. Every application shall be duly filled 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 the applicant; or
 - (ii). is not a person referred to in clause (i) of this subparagraph means the officer in immediate charge of the office 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 Ceylon;
 - (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 subparagraph means the officer in immediate charge of the office in which the applicant is serving.

REGULATION 6

FORM B
Form of declaration of identity
FRONT OF FORM

Serial number of ballot paper
(to be inserted by 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 numbered as above and the envelope containing such ballot paper (both of which I now produce) were sent direct.

Date

.....
Voter's Signature

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 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 instructions on back of this form)

?? Delete if inapplicable.

** Applicable only in respect of voters 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.

RACK OF FORM

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

1. Before signing the declaration the voter in respect of whom the ballot paper and other documents have been despatched under the care of his Certifying Officer shall see -
 - (i). the envelope in which the form of declaration of identity and the ballot paper were forwarded to the voter under the care of such Officer;
 - (ii). that the serial number of the ballot paper specified in the declaration of identity is the same as the number appearing on the ballot paper handed over to him.

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

2. The voter has only one vote.
3. The voter shall vote by marking a ballot paper with a cross in the space provided for the purpose on the right hand side of such paper opposite the symbol "lamp" allotted to the word "Yes" or opposite the symbol "pot" allotted to the word "No", thus X.
4. THE VOTER SHALL NOT ALLOW ANY PERSON TO SEE HOW HE HAS VOTED.
5. Immediately after voting the voter shall fold the ballot paper, obtain the small envelope provided on which are printed the words "ballot paper envelope" from his witness, place the marked ballot paper in it without showing the front of the ballot paper and fasten the envelope up. The envelope shall then be sealed in the presence of the voter and his witness.

6. A POSTAL BALLOT PAPER SHALL NOT BE DEEMED 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.

B. Instructions to voter in respect of whom ballot paper and other documents were 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, or 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 Ceylon, 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 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 symbol "Lamp" allotted to the word "Yes" or opposite the symbol "Pot" allotted to the word "No", thus X.

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 up. 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 with out delay. Unless the voter returns the ballot paper at once it may be too late to be counted.

7. A POSTAL BALLOT PAPER SHALL NOT BE DEEMED 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

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 First Schedule to the Referendum Act 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.

SECOND SCHEDULE

SECTIONS 13 AND 22

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 in favour of or against the proposal.

The voter will go into one of the compartments and place across (thus X) on the right hand side of the ballot paper opposite the symbol "Lamp" allotted to the word "Yes" or opposite the symbol "Pot" allotted to the word "No".

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

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

If the voter votes both in favour of and against the proposal, his ballot paper will be void and will not be counted.

THIRD SCHEDULE

FORM A

Section 15(2)

FORM OF FRONT OF BALLOT PAPER

Counterfoil No. Note:- The counterfoil is to have a number to correspond with that on the back of the ballot paper. The Proposal and the words "Yes" and "No" must be printed in Sinhala, Tamil and English.	Proposal to be put to the People to be stated here in the form of a question.	Yes "Lamp"	
		No "Pot"	

FORM B

SECTION 21 (2)

LIST OF VOTERS TO WHOM BALLOT PAPERS ARE NOT DELIVERED UNDER SECTION 21

Number and Name of

Electoral District -

Polling Division -

Polling District -

Polling Station -

Date of Poll -

Number of voter in register of electors	Name of Voter			
		Refuses appropriate inspection	Already marked with the appropriate mark	Refuses to be marked with appropriate mark

.....
Signature of Presiding Officer

FORM C
SECTION 26 (1)
DECLARATION

I, (name in full) of (address), hereby declare that I am the same person whose name appears as A.B. on the register of electors now in force for this electoral district.

.....
(Signature or thumb mark of voter)

Declared before me this Day of 19.....

.....
(Signature of Presiding Officer)

Number and Name of

Electoral District -

Polling Division -

Polling District -

Polling Station -

FORM D

SECTION 26 (1)

DECLARATION

I, (name in full) of (address), hereby declare that I have not already voted either here or elsewhere at this Referendum in this electoral district.

.....
(Signature of thumb mark of voter)

Declared before me this day of 19.....

.....
(Signature of Presiding Officer)

Number and Name of

Electoral District -

Polling Division -

Polling District -

Polling Station -

FORM E
SECTION 26 (1)
DECLARATION

I, (name in full) of (address), hereby declare that I am not legally incapable of, or disqualified from, voting at this Referendum.

.....
(Signature of thumb mark of voter)

Declared before me this day of 19.....

.....
(Signature of Presiding Officer)

Number and Name of

Electoral District -

Polling Division -

Polling District -

Polling Station -

FORM F

SECTION 26 (1)

DECLARATION

I, (name in full) of (address), hereby declare that I have not already voted at this Referendum in any other electoral district.

.....
(Signature of thumb mark of voter)

Declared before me this day of 19.....

.....
(Signature of Presiding Officer)

Number and Name of

Electoral District -

Polling Division -

Polling District -

Polling Station -

FORM G

SECTION 28

DECLARATION

I solemnly and sincerely declare that I am the same person whose name appears as
(Name) No. (Serial Number) in the register of electors for the electoral district of
.....

.....
(Signature of thumb mark of voter)

Declared before me this day of 19.....

.....
(Signature of Presiding Officer)

Number and Name of

Electoral District -

Polling Division -

Polling District -

Polling Station -

FORM H

SECTION 28

TENDERED VOTES LIST

No. of Voter	Name of Voter

.....
(Signature of Presiding Officer)

Date :

Number and Name of Electoral District -
Polling Division -
Polling District -
Polling Station -

FORM I

SECTION 30

BALLOT PAPER ACCOUNT

Number and Name of Electoral District -
Polling Division -
Polling District -
Polling Station -

No. of ballot papers received -
No. of ballot papers issued other than spoilt ballot papers -
Spoilt ballot papers -
Unused ballot papers -
No. of tendered ballot papers received -

.....
(Signature of Presiding Officer)

Date :-

FORM J

SECTION 51

FORM OF DECLARATION OF SECRECY

I solemnly promise and declare that I will not at this Referendum do anything forbidden by section 51 of the Referendum Act. 1981 which has been read to me.

.....
(Signature of Declarant)

Declared before me this day of 19

.....
(Signature of person taking declaration)

Note - The section must be read to the declarant by the person taking the declaration.