



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

**LOCAL AUTHORITIES ELECTIONS
(AMENDMENT)**

A

BILL

**to amend the Local Authorities Elections Ordinance
(Chapter 262)**

*Presented by the Minister of Provincial Councils and Local Government
on 20th June, 2017*

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STATEMENT OF LEGAL EFFECT

Clause 2 : This clause amends section 12 of the Local Authorities Elections Ordinance (Chapter 262) (hereinafter referred to as the “principal enactment”) and the legal effect of the section as amended is to –

- (a) provide an identification for each ward by giving a name and a number among other requirements; and
- (b) cause consistency between the Sinhala and English texts of the Act.

Clause 3 : This clause amends section 26 of the principal enactment and the legal effect of the section as amended is to provide a distinguishing number for an independent group, in case of more than one independent group is contesting at the election.

Clause 4 : This clause amends section 28 of the principal enactment and the legal effect of the section as amended is to –

- (a) cause consistency between the Sinhala and English texts of the Act;
- (b) remove the requirement of preparing the nomination paper in duplicate; and
- (c)
 - (i) increase the percentage of youth candidates into thirty *per centum* of the total number of candidates; and
 - (ii) provide the commissioner – General to publish the number of youth candidates to be nominated in a gazette notification.

Clause 5 : This clause amends section 29 of the principal enactment and the legal effect of the section as amended is to-

- (a) reduce the deposit to be made on behalf of a candidate and for an additional person nominated by a recognized political party from five thousand rupees to Two thousand five hundred rupees;
- (b) reduce the deposit to be made on behalf of a candidate and for an additional person nominated by an independent group from Twenty thousand rupees to Five thousand rupees; and
- (c) enable the authorized agent other than the leader of the independent group to deposit the legal tender in the case of an independent group.

Clause 6 : This clause amends section 30 of the principal enactment and the legal effect of the section as amended is to Cause consistency between the Sinhala and English texts of the Act.

Clause 7 : This clause amends section 31 of the principal enactment and the legal effect of the section as amended is to provide for the rejection of the nomination paper where the total number of youth candidates as required to be nominated by the Act falls short.

Clause 8 : This clause amends section 36 of the principal enactment and the legal effect of the section as amended is to provide a timeframe for the returning officer and the leader of a recognized political party or the leader of an independent group to nominate another person in case of a multimember ward where candidates are elected without contesting.

Clause 9 : This clause amends section 39 of the principal enactment and the legal effect of the section as amended is to take away the right given to the person placed second in the nomination paper, from nominating another for a vacancy occurring due to the death of a candidate.

Clause 10 : This clause amends section 39A of the principal enactment and the legal effect of the section as amended is to –

- (a) cause consistency between the Sinhala and English texts of the Act; and
- (b) to specify among other requirements, “the name and the number of the ward”.

Clause 11 : This clause amends section 40 of the principal enactment and the legal effect of the section as amended is to cause consistency between the Sinhala and English texts of the Act.

Clause 12 : This clause amends section 43 of the principal enactment and the legal effect of the section as amended is to cause consistency between the Sinhala and English texts of the Act.

Clause 13 : This clause amends section 44 of the principal enactment and the legal effect of the section as amended is to cause consistency between the Sinhala and English texts of the Act.

Clause 14 : This clause amends section 45 of the principal enactment and the legal effect of the section as amended is to provide a distinguishing number in case of more than one independent group is contesting at the election.

Clause 15 : This clause amends section 47 of the principal enactment and the legal effect of the section as amended is to repeal paragraph (a) of that section and to substitute a new paragraph therefor to provide for the content for a ballot paper.

Clause 16 : This clause amends section 59A of the principal enactment and the legal effect of the section as amended is to –

- (a) provide provisions to make the returning officer enable to appoint another counting staff, in case the returning officer is of the opinion that the appointed staff is incapable of performing duties entrusted to them; and
- (b) provide provisions to make the returning officer enable to appoint another presiding officer or another counting officer in case the returning officer is of the opinion that the appointed counting officer is incapable of performing duties entrusted to them.

Clause 17 : This clause amends section 59B of the principal enactment and the legal effect of the section as amended is to –

- (a) provide for the returning officer to determine the new venue of the counting of votes in an event of changing the venue for counting of votes;
- (b) provide for the assistant returning officer to notify the new venue and the time of the counting of votes to the returning officer and the agents; and

- (c) provide for the presiding officer to conduct the counting of votes after the returning officer being notified of the new venue and the counting of votes as determined by the supervising assistant returning officer.

Clause 18 : This clause amends section 61 of the principal enactment and the legal effect of the section as amended is to cause consistency between the Sinhala and English texts of the Act.

Clause 19 : This clause amends section 64 of the principal enactment and the legal effect of the section as amended is to cause consistency between the Sinhala and English texts of the Act.

Clause 20 : This clause amends section 65 of the principal enactment and the legal effect of the section as amended is to require the declaration under regulation 28 (c) in addition to what is required in section 64.

Clause 21 : This clause amends section 65B of the principal enactment and the legal effect of the section as amended is to cause consistency between the Sinhala and English texts of the Act.

Clause 22 : This clause amends section 66A of the principal enactment and the legal effect of the section as amended is to cause consistency between the Sinhala and English texts of the Act.

Clause 23 : This clause amends section 66B of the principal enactment and the legal effect of the section as amended is to -

- (a) provide for the Commissioner of Local Government in case an office of a Mayor or Deputy Mayor falls vacant during a term of such Local Authority to inform such facts to the returning officer;
- (b) provide for giving the returning officer information about such vacancy within thirty days by the secretary of the recognized political party or the leader of the Independent group to which such Mayor or Deputy Mayor belonged and to make provisions to enable the returning officer to declare the new Mayor or the Deputy Mayor.
- (c) provide for the returning officer to proceed to appoint a new mayor; and
- (d) provide provisions not to fill a vacancy in the office of a Mayor occurred for the second time remain unfilled once such vacancy is filled in terms of the procedure specified in this Ordinance and the member appointed to fill such vacancy himself resigns from his office.

Clause 24 : This clause amends section 72A of the principal enactment and the legal effect of the section as amended is to substitute the word “commencing” for the word Clause “opening”.

Clause 25 : This clause amends section 81B of the principal enactment and the legal effect of the section as amended is to provide provisions not to make any appointment in public institution which otherwise may have the effect of influencing the voters in favor of any recognized political party or independent group, except for carrying out essential services.

Clause 26 : This clause amends section 89 of the principal enactment and the legal effect of the section as amended is to insert the new definitions for the expressions “Authorized agent”, “Public Corporation” and “Public Institution”.

Clause 27 : This clause repeals the First Schedule to the principal enactment and substitute a new Schedule.

Clause 28 : This clause amends the Ninth Schedule to the principal enactment and the legal effect of the section as amended is to -

- (a) provide for a returning officer to place the covering envelopes in the postal voters' ballot box upon receipt of such covering envelopes, seventy two hours before the commencement of the poll;
- (b) provide for the returning officers to separate the covering envelopes according to wards; and
- (c) provide for the returning officer to direct the counting officer to proceed to count postal ballot papers immediately before the commencement of counting of the ballot papers.

*Local Authorities Elections
(Amendment)*

L.D.—O. 35/2015

AN ACT TO AMEND THE LOCAL AUTHORITIES ELECTIONS
ORDINANCE (CHAPTER 262)

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

1. This Act may be cited as the Local Authorities Elections (Amendment) Act, No. of 2017. Short title.

5 2. Section 12 of the Local Authorities Elections Ordinance (Chapter 262) (hereinafter referred to as the “principal enactment”) is hereby amended as follows:- Amendment
of section 12
of chapter
262.

10 (1) in paragraph (ii) of the last proviso to subsection (1) of that section, by the substitution for the words, “by a name and an alphabetical letter in English.”, of the words, “by a name and a number.”;

 (2) in subsection (2) of that section –

15 (a) by the substitution for the words, “polling districts” and “Polling district” wherever those words appear in that subsection, of the words, respectively as “polling districts” and “polling district”; and

20 (b) by the substitution in paragraph (c) for the word, “district”, of the words, “polling district”.

 (3) by the substitution in subsection (2A) of that section, for the words, “each polling district” of the words, “each polling district”; and

25 (4) by the substitution in subsection (2B) of that section, for the words, “division of a polling area into polling districts” of the words, “division of a polling area into polling districts”.

3. Section 26 of the principal enactment is hereby amended by the substitution for the words, “which the approved symbols shall be allotted and in respect of a local authority area.” of the words, “which the approved symbols and where there are more than one independent group, a distinguishing number shall be allotted.”.

Amendment
of section 26
of the
principal
enactment.

4. Section 28 of the principal enactment is hereby amended as follows:-

Amendment
of section 28
of the
principal
enactment.

(1) by the substitution in subsection (1) of that section, for the words, “Any person who is qualified under section 8 of this Ordinance” of the words, “Any person who is qualified under section 8 of this Ordinance”;

(2) in subsection (2B) of that section, by deleting the words, “The nomination paper shall be prepared in duplicate, with the word “copy” being written clearly on the duplicate copy.”;

(3) in subsection (2D) of that section –

(a) by the renumbering of that subsection as paragraph (a) of that subsection;

(b) in the renumbered paragraph (a) by the substitution for the words, “twenty-five *per centum* of the total number of candidates and additional persons whose names appear in each nomination paper submitted under subsection (2) of this section, may consist of women and youth.” of the words, “not less than thirty *per centum* of the total number of candidates and additional persons whose names appear in each nomination paper submitted under subsection (2) of this section, shall consist of youth.”; and

- (c) by the addition immediately after paragraph (a) of that subsection of the following new paragraph:-

5 “(b) the commissioner shall by notice
published in the *Gazette*, specify the
number of youth candidates to be
nominated in respect of each Local
Authority. Where the total number of
10 youth candidates to be nominated is
such, that thirty *per centum* of that
number would be an integer and
fraction, the nearest integer to that
integer and fraction shall be deemed to
15 be the thirty *per centum* for purposes of
this subsection.”;

- (4) by the substitution in the subsection (2E) of that section-

20 (a) for the words, “twenty-five *per centum*”
wherever those words appear in that
subsection, of the words, “thirty *per centum*”;
and

(b) for the words and number, “subsection (2B)
is an integer”, of the words and number,
“subsection (2D) is an integer”.

25 **5.** Section 29 of the principal enactment is hereby
amended in subsection (1) of that section as follows:-

Amendment
of section 29
of the
principal
enactment.

(1) by the substitution in paragraph (a) of that
subsection, for the words, “and in any case not later
than twelve noon on the day immediately preceding
the end of the nomination period, deposit”, of the
30 words, “(and in any case not later than twelve noon
on the day immediately preceding the end of the
nomination period), deposit”;

8. Section 36 of the principal enactment is hereby amended by the addition, at the end of subsection (1) of that section, of the following new paragraph:-

Amendment
of section 36
of the
principal
enactment.

- 5 “(c) where in a local authority consisting of multi
member ward or wards, candidates are elected
without contesting, the returning officer shall
within one week after the last date of nomination
request the Secretary of the recognized political
party or the leader of the independent group to
10 nominate within three weeks from the date of request
another person or persons qualified under section 8
of this Ordinance to that ward or wards,
respectively.”.

9. Section 39 of the principal enactment is hereby amended in subsection (2) of that section, by the repeal of the words, “or person whose name appears in the second place in the nomination paper submitted by such recognized political party or independent group.”.

Amendment
of section 39
of the
principal
enactment.

10. Section 39A of the principal enactment is hereby amended as follows:-

Amendment
of section
39A of the
principal
enactment.

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

“(c) the name and the number of the ward;”.

11. Section 40 of the principal enactment is hereby amended in paragraph (a) of subsection (1) of that section, by the substitution for the words, “polling district;”, of the words, “polling district;”.

Amendment
of section 40
of the
principal
enactment.

12. Section 43 of the principal enactment is hereby amended, by the substitution for the words, “any ward” and “for that ward” of the words, “any ward” and “for the ward”, respectively.

Amendment
of section 43
of the
principal
enactment.

5 **13.** Section 44 of the principal enactment is hereby amended in paragraph (d) of that section by the substitution for the words, “for that ward”, of the words, “for that ward”.

Amendment
of section 44
of the
principal
enactment.

10 **14.** Section 45 of the principal enactment is hereby amended in paragraph (b) of subsection (1) of that section, by the substitution for the words, “in alphabetical order in Sinhala and the approved symbol allotted to each such party or group.” of the words, “the approved symbol allotted to each such party or group and where there are more than one independent group the distinguishing number allotted to

15 each such group as indicated in the nomination paper”.

Amendment
of section 45
of the
principal
enactment.

15. Section 47 of the principal enactment is hereby amended by the repeal of paragraph (a) of that section, and the substitution therefor of the following paragraph:-

Amendment
of section 47
of the
principal
enactment.

20 “(a) shall contain the names of the recognized political parties contesting at the election, in Sinhala, Tamil and English arranged in the Sinhala alphabetical order and with the symbol allotted to each such party set out against the name of each such party, and immediately thereafter, if there are any

25 independent groups contesting at such election, the words, “Independent Group” repeated for each such group and the distinguishing number in the serial order and the symbol allotted to each such group set out against the distinguishing number of

30 such group and a blank cage against each symbol for a voter to cast his vote. A voter shall cast his vote within the cage provided therefor.”.

16. Section 59A of the principal enactment is hereby amended as follows:-

Amendment
of section
59A of the
principal
enactment.

- 5 (1) in subsection (2) of that section, for the words,
“function as the counting staff.” of the words,
“function as the counting staff. However, where the
returning officer is of the opinion that the counting
staff or an officer of such staff of that station is
incapable of performing the duties entrusted to such
staff or such officer, or is not suitable for the
10 performance of the duties as, a counting staff or as
an officer of such staff, the returning officer may,
appoint another counting staff in place of such
counting staff or another officer in the place of such
officer of that staff as the case may be”; and

- 15 (2) in subsection (4) of that section, by the repeal of all
the words from, “the Commissioner of Elections”
to the end of that subsection, and substitution
therefor of the following:-

20 “or if the returning officer is of the opinion that
the counting officer appointed to any polling station
is incapable of performing the duties entrusted to
him or is not suitable for the performance of the
duties as a counting officer, the returning officer
25 may appoint any other senior presiding officer or
an assistant returning officer as a counting officer
in place of the first mentioned officer.”.

17. Section 59B of the principal enactment is hereby amended as follows:-

Amendment
of section
59B of the
principal
enactment.

- 30 (1) by the substitution, in subsection (1) of that section,
for the words, “he shall inform the assistant
returning officer appointed by the returning officer
to supervise the polling in the ward in which such
polling station is situated, of such fact and such
assistant returning officer shall”, of the words, “he

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Amendment
of section 61
of the
principal
enactment.

Amendment
of section 64
of the
principal
enactment.

Amendment
of section 65
of the
principal
enactment.

5 **21.** Section 65B of the principal enactment is hereby amended in subsection (8) of that section by the substitution for the words, “is entitled to return and request such secretary or leader,” of the words, “is entitled to return and request such secretary or leader,”.

Amendment
of section
65B of the
principal
enactment.

10 **22.** Section 66A of the principal enactment is hereby amended by the substitution in paragraph (b) of subsection (1) of that section for the words, “Municipal Councils Ordinance (Chapter 252) or paragraph (b) of subsection (1) of section 5 of the Urban Councils Ordinance (Chapter 255)” of the words, “Municipal Councils Ordinance (Chapter 252) or paragraph (b) of subsection (1) of section 5 of the Urban Councils Ordinance (Chapter 255)”.

Amendment
of section
66A of the
principal
enactment.

15 **23.** Section 66B of the principal enactment is hereby amended as follows:-

Amendment
of section
66B of the
principal
enactment.

(1) by the substitution, in subsection (2) of that section –

20 (a) for the words, “falls vacant during the term of office of such local authority, the Commissioner shall,” of the words, “falls vacant during the term of office of such local authority, the Commissioner of Local Government shall inform such fact to the returning officer in writing and the returning officer shall,”; and

30 (b) for the words, “within thirty days, to the Commissioner. Upon receipt of such determination, the Commissioner shall” of the words, “within thirty days to the returning officer. Upon receipt of such determination, the returning officer shall”;

(2) by the substitution, in subsection (3) of that section for the words, “the Commissioner shall proceed to

appoint as the new Mayor” of the words, “the returning officer shall proceed to appoint as the new Mayor”; and

- (3) by the substitution, in subsection (4) of that section, for the words, “such vacancy is filled in accordance with the procedure specified in that subsection, and the member so appointed to fill such vacancy himself resigns thereafter from his office as Mayor under the sections referred to above, the vacancy so created shall not be filled following the procedure specified in subsection (2) of this section.” of the words, “such vacancy in the office of Mayor is filled in terms of the procedure specified in this Ordinance, and the member so appointed to fill such vacancy himself resigns from his office, the vacancy so created thereafter shall not be filled in terms of the procedure specified in this Ordinance.”.

20 **24.** Section 72A of the principal enactment is hereby amended by the substitution, in paragraph (b) of subsection (1) of that section, for the word, “opening”, of the word, “commencing”.

25 25. Section 81B of the principal enactment is hereby amended by the repeal of paragraph (a) of subsection (1A) of that section and the substitution therefor of the following paragraph:-

- 30 “(a) (i) no appointments in any public institution
which may have the effect of influencing the
voters to vote in favour of any recognized
political party or any independent group shall
be made;
- 35 (ii) notwithstanding anything in subparagraph (i)
above an appointment in such institution may
be made for the purpose of carrying out
essential services as are urgent, the
postponement of which will affect the normal
life of the public or cause severe hazards or
harm to the public; and”.

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

26. Section 89 of the principal enactment as last amended by the Act, No. 22 of 2012, is hereby further amended as follows:-

Amendment
of section 89
of the
principal
enactment.

- 5 (1) by the insertion immediately after the definition of
“approved symbol” of the following definition:-

10 ““authorized agent” means in relation to a
recognized political party or independent
group as the case may be, a person expressly
authorized in writing by the Secretary of that
recognized political party or the group
15 leader of that independent group, to be the
authorized agent of that recognized political
party or that independent group as the case
may be and whose authorization has been
communicated by such Secretary or such
group leader to the returning officer for the
electoral area, in respect of which the
election is being held, at least seventy two
20 hours before the commencement of the
nomination period;”.

- (2) by the insertion immediately after the definition of
expression “Parliamentary register for the time being
in operation” of the following definitions:-

25 ““public corporation” means any corporation,
board or other body which was or is
established by or under any written law other
than the Companies Act, No. 7 of 2007, with
funds or capital wholly or partly provided
by the Government by way of grant loan or
30 otherwise;

“Public Institution” includes a Ministry, a
government department, a public
corporation, any institution established by
a Provincial Council or by a statute of a
35 Provincial Council, a local authority, any

business or other undertaking vested in the government and a Company registered or deemed to be registered under the Companies Act, No. 7 of 2007, in which the Government, a public corporation or any Local authority holds more than fifty *per centum* of the shares;”.

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

Replacement
of the First
Schedule to
the principal
enactment.

“FIRST SCHEDULE [Section 28(2)]

FORM OF NOMINATION PAPER

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

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

1- CANDIDATES

[illegible]

[illegible]

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

[Section 28 (2A)]

FORM OF NOMINATION PAPER FOR THE RETURNING OF
WOMEN CANDIDATES

Returning officer,
..... Council.

Local Authorities Elections

The list of names submitted under section 28 (2A) of the Local Authorities Elections Ordinance.

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

I as the secretary/group leader of the party which is a recognized political party/independent group which is contesting for the Municipal Council/Urban Council/Pradeshiya Sabha submit herewith the list of names of the female candidates prepared in accordance with the order of priority under section 28 (2A) of the Local Authorities Elections Ordinance.

| 1 | 2 | 3 | 4 | 5 | 6 |
|------------|--|----------------------------|---------------------|------------|---|
| Serial No. | Name (as indicated in the national identity card or birth certificate) | National Identity card No. | Residential Address | Occupation | Signature signifying consent of candidate |
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |
| 6 | | | | | |
| 7 | | | | | |
| 8 | | | | | |
| 9 | | | | | |
| 10 | | | | | |
| 11 | | | | | |
| 12 | | | | | |
| 13 | | | | | |
| 14 | | | | | |
| 15 | | | | | |

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

Name :

Address :

Official seal :

Date : ”.

28. The Ninth Schedule to the principal enactment is hereby amended as follows:-

Amendment
of the Ninth
Schedule to
the principal
enactment.

(1) in regulation 17 of that Schedule by the substitution for the words, “before the close of the poll” of the words, “seventy two hours before the commencement of the poll”;

(2) by the substitution for the regulation 18 of that Schedule of the following regulation:-

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

(3) by the substitution for regulation 19 of that Schedule of the following regulation:-

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

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(Amendment)

(4) by the repeal of regulations 20, 21, 22, 23 and paragraph (1) of regulation 24 of that Schedule;

(5) by the substitution for paragraph (c) of regulation 28 of that Schedule of the following paragraph:-

5 “(c) written declaration of the votes given to each candidate;”;

(6) in form A of that Schedule –

10 (a) by the substitution for the words, “the polling division, the polling district” of the words, “the polling district, name and the No. of the ward”;

(b) by the substitution for the words, “Polling division letter” of the words, “Polling District No. :”; and

15 (c) by the substitution for the words, “Polling District No.” of the words “Name and the No. of the ward:”.

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

Sinhala text to prevail in case of inconsistency.

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