



# THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

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## PART II.—LEGAL.

### DRAFT ORDINANCES.

#### MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

L. D.—O. 37/45/M. L. A.—BA. 657

**An Ordinance to amend and consolidate the law relating to the election of members of local authorities.**

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1. This Ordinance may be cited as the Local Authorities Elections Ordinance, No. of 194 , and shall come into operation on such date as the Governor may appoint by Proclamation published in the *Gazette* (hereinafter referred to as "the appointed date").

Short title.

2. (1) The provisions of this Ordinance shall, with effect from the appointed date, apply to every Municipal Council, Urban Council and Town Council.

Application of Ordinance.

(2) The provisions of this Ordinance shall apply to each Village Committee with effect from such date as the Governor may specify, by Order published in the *Gazette*, in relation to such Committee.

3. Every municipality, every town, and the village area administered by each Village Committee to which this Ordinance has been applied by Order published under section 2, shall be an electoral area for the purposes of this Ordinance.

Electoral areas.

#### Part I.

##### SUPERVISING STAFF.

4. (1) The Governor may, for the purposes of this Ordinance, appoint, whether by name or by office—

Officers and staff

(a) a fit and proper person to be or to act as the Commissioner of Elections and any other such person or each of two or more such persons to be or to act as an Assistant Commissioner of Elections ; and

(b) for each district of the Island a fit and proper person to be or to act as the Elections Officer and any other such person or each of two or more such persons to be or to act as an Assistant Elections Officer.

(2) The Governor may also appoint or authorise the appointment of such clerical and minor staff as may be necessary to assist the aforesaid officers in the performance of their duties under this Ordinance.

(3) Every person appointed under the preceding provisions of this section shall be deemed for all purposes to be a public servant and shall be paid such salary and allowances out of the general revenue as may be determined or approved by the Governor.

5. (1) In the exercise or performance of the powers or duties conferred or imposed by this Ordinance—

Powers and duties of officers.

(a) the Commissioner shall be subject to the general or special directions of the Minister for Local Administration ; and

(b) each Elections Officer shall be subject to the general supervision and control of the Commissioner.

(2) Subject to any directions issued by the Minister, and subject to the general supervision and control of the Commissioner—

- (a) each Assistant Commissioner may exercise or perform the powers or duties conferred or imposed by this Ordinance upon the Commissioner ; and
- (b) each Assistant Elections Officer may exercise or perform the powers or duties conferred or imposed by this Ordinance upon an Elections Officer.

## Part II.

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

#### *Qualifications of voters.*

Disqualifica-  
tions of  
voters.

6. (1) No person shall, at any time, be qualified to vote at any election under this Ordinance of a member of a local authority if such person at that time—

- (a) is not a British subject ; or
- (b) is less than twenty-one years of age ; or
- (c) is a person who stands adjudged by a competent court to be of unsound mind ; or
- (d) is serving, or has during the period of five years immediately preceding completed the serving of, a sentence of not less than three months imposed on him upon conviction by any court in Ceylon of any offence made punishable with imprisonment of either description for a period of not less than one year by the Penal Code (not being an offence under Chapter VI thereof or an offence of abetting or conspiring to commit any offence under that Chapter) or upon conviction of a like offence by any court in any other part of His Majesty's dominions or in any territory under His Majesty's protection or in any territory in which His Majesty has from time to time jurisdiction ; or is under sentence of death imposed by any such court or is serving, or has during the period of five years immediately preceding completed the serving of, any term of imprisonment for a period of not less than three months awarded in lieu of execution of such sentence of death ; or
- (e) is a person to whom section 81 of this Ordinance applies ; or
- (f) is a person to whom the provisions of section 5 of the Public Bodies (Prevention of Corruption) Ordinance apply.

(2) Without prejudice to the generality of the provisions of sub-section (1), no person who, at any time after the appointed date—

- (a) is removed from the office of Chairman or member of any Urban Council or Town Council by Order published under section 196 of the Urban Councils Ordinance or section 197 of the Town Councils Ordinance, as the case may be ; or
- (b) is removed from the office of Chairman of any Village Committee by Order published under section 61 of the Village Communities Ordinance ; or
- (c) is convicted of the offence of bribery or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election held for the purposes of the Village Communities Ordinance, such conviction not being set aside in appeal ; or
- (d) is convicted of an offence under sub-section (5) or sub-section (6) of section 19 of the Village Communities Ordinance, such conviction not being set aside in appeal,

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shall be qualified, for a period of five years reckoned from the date of such removal from office or such conviction, as the case may be, to vote at any election under this Ordinance of a member of a local authority.

(3) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to vote at any election under this Ordinance of a member of a Municipal Council if such person—

- (a) has, during the period of five years immediately preceding that time, been convicted of an offence under any of the following provisions of the Colombo Municipal Council (Constitution) Ordinance, prior to their repeal by this Ordinance, namely, sections 19, 53, and 55 (1), such conviction not having been set aside in appeal ; or

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(b) has, during the period aforesaid, been convicted of the offence of bribery (including bribery by treating) or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with an election held under that Ordinance, such conviction not having been set aside in appeal.

(4) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to vote at any election under this Ordinance of a member of an Urban Council if such person—

(a) has, during the period of five years immediately preceding that time, been convicted of an offence under any of the following provisions of the Urban Councils Ordinance, prior to their repeal by this Ordinance, namely, sections 23, 27 and 28, such conviction not having been set aside in appeal; or

(b) has, during the period aforesaid, been convicted of the offence of bribery (including bribery by treating) or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election held under that Ordinance, such conviction not having been set aside in appeal.

(5) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to vote at any election under this Ordinance of a member of a Town Council if such person—

(a) has, during the period of five years immediately preceding that time, been convicted of an offence under any of the following provisions of the Town Councils Ordinance, prior to their repeal by this Ordinance, namely, sections 23, 27 and 28, such conviction not having been set aside in appeal; or

(b) has, during the period aforesaid, been convicted of the offence of bribery (including bribery by treating) or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election held under that Ordinance, such conviction not having been set aside in appeal.

(6) (a) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to vote at any election under this Ordinance of a member of a Village Committee if such person at that time—

(i) is a labourer, or kangany in charge of labourers, employed on any plantation and in occupation of any building on the plantation provided by the employer for the accommodation of any such labourer or kangany, or is the spouse or a child or a dependent of any such labourer or kangany and is living with him in any such building on any such plantation; or

(ii) is a person to whom the provisions of section 5 (1) (a) or section 5 (2) (a) of the Village Communities Ordinance apply.

(b) Without prejudice to the generality of the provisions of sub-section (1), no person who, at any time before the appointed date—

(i) has been removed from the office of Chairman of a Village Committee by Order published under section 61 of the Village Communities Ordinance; or

(ii) has been convicted of the offence of bribery or undue influence or personation, within the meaning of Chapter IXA of the Penal Code at or in connexion with any election held for the purposes of that Ordinance, such conviction not having been set aside in appeal; or

(iii) has been convicted of an offence under sub-section (5) or sub-section (6) of section 19 of that Ordinance, such conviction not having been set aside in appeal,

shall be qualified, for a period of four years reckoned from the date of such removal from office or such conviction, as the case may be, to vote at any election under this Ordinance of a member of a Village Committee.

7. (1) Every person who, on the date of the commencement of the preparation or revision of the electoral list of any ward of an electoral area (not being a village area), is not disqualified by reason of the operation of any of the provisions of section 6, from voting at any election of a member of the local authority of such area, shall be entitled to have his name entered in the list if such person on that date—

(a) is resident within the limits of the ward to which the list relates and has been resident within the limits of that or any other ward of the area for a continuous

Insertion of names in electoral lists of electoral areas which are not village areas.

period of at least six months in the period of eighteen months immediately preceding that date, being either—

- (i) the tenant of any qualifying property situated within the limits of the ward to which the list relates, in respect of which property he pays a monthly rental of not less than one rupee, or
  - (ii) the owner of any qualifying property which is situated within the limits of the area and is assessed at an annual value of not less than ten rupees; or
  - (iii) a person in possession of an income of not less than sixty rupees a year; or
- (b) not being or having been so resident, is the owner of any qualifying property which is situated within the limits of the ward to which the list relates and is assessed at an annual value of not less than six hundred rupees.

(2) The wife or husband, as the case may be, of every person who is entitled, under sub-section (1), to have his or her name entered in the electoral list prepared or revised for any ward of an electoral area (not being a village area) and whose name is so entered therein, shall also be entitled to have her or his name entered in the list if such wife or husband on the date of the commencement of the preparation or revision of the list is not disqualified, by reason of the operation of any of the provisions of section 6, from voting at any election of a member of the local authority of such area.

(3) A company which, on the date of the commencement of the preparation or revision of the electoral list of any ward of an electoral area (not being a village area), is either the tenant of any qualifying property situated within the limits of that ward, in respect of which such company pays a monthly rental of not less than one rupee or the owner of any qualifying property which is so situated and is assessed at an annual value of not less than ten rupees, shall be deemed to be a person entitled to be included in the list, and the registered name of that company may accordingly be entered in the list.

Any person authorised in that behalf by a company whose name has been so entered in the list, either by a general power of attorney or by a special resolution of the directors of the company, shall be entitled to vote on behalf of the company at any election of a member for that ward:

Provided that nothing in this sub-section shall be construed or deemed, for the purposes of this Ordinance, to confer on any company or any person authorised to vote on behalf of a company any qualification or right to be a candidate for election or to be elected as a member of the local authority of such area.

(4) Where two or more persons are the tenants of any qualifying property, the monthly rental payable under the contract of letting or hiring relating to such property shall, for the purposes of this section, be divided in the proportion of the amounts respectively payable as monthly rental by each tenant under such contract; and if, upon such division, the amount of the monthly rental payable by any tenant is equal to or exceeds one rupee, that tenant shall, for the purposes of paragraphs (a) (i) of sub-section (1) or of sub-section (3), be deemed to be a tenant of such property, notwithstanding that he is not the sole tenant of such property.

(5) Where two or more persons are the owners of any qualifying property, the annual value at which such property is assessed, shall, for the purposes of this section, be divided in the proportion of their several shares in such property; and if, upon such division, the amount of the annual value which corresponds to the share of any owner—

- (a) is equal to or exceeds ten rupees, such owner shall, for the purposes of paragraph (a) (ii) of sub-section (1) or of sub-section (3), be deemed to be an owner of such property, notwithstanding that he owns only a share in such property and that such share does not bear a separate assessment number; or
- (b) is equal to or exceeds six hundred rupees, such owner shall, for the purpose of paragraph (b) of sub-section (1), be deemed to be an owner of qualifying property, notwithstanding that he owns only a share in such property and that such share does not bear a separate assessment number.

(6) For the purposes of this section—

“company” means any company which is incorporated or registered in Ceylon or in any other part of the British Empire under any law for the time being in force therein in that behalf;

“owner” includes a fiduciary and a person entitled to a usufruct for life, but does not include a usufructuary mortgagee;

“qualifying property”—

(a) in relation to a tenant, means any land, house, building or tenement, or any part thereof, whether or not it bears a separate assessment number;

(b) in relation to an owner, means any land, house, building or tenement, or any part thereof, which bears a separate assessment number;

“tenant” means the person in possession or occupation, whether as lessee, sub-lessee, tenant, or sub-tenant, of any property under any contract of letting or hiring.

8. Every person who, on the date of the commencement of the preparation of the electoral list of any ward of an electoral area which is a village area, is not disqualified, by reason of the operation of any of the provisions of section 6, from voting at any election of a member of the Village Committee of such area, shall be entitled to have his name entered in the list if such person, on that date, is resident within the limits of that ward and has been resident within the limits of that or any other ward of the area for a continuous period of at least six months in the period of eighteen months immediately preceding that date.

Insertion of names in electoral lists of electoral areas which are village areas.

*Qualifications of members.*

9. Every person, who is not disqualified as provided by section 10, and whose name appears in the electoral list, for the time being in force, of any ward of an electoral area shall—

General qualifications for membership.

(a) where such area is a municipality or a town, be qualified for election under this Ordinance to the local authority of the area as a member for that or any other ward of the area; and

(b) where such area is a village area, be qualified for election under this Ordinance to the local authority of the area as a member for that or any other ward of the area if such person is possessed of immovable property the value of which, exclusive of any mortgage debts thereon, is not less than two hundred rupees, or of an income of not less than sixty rupees per annum.

10. (1) No person shall, at any time, be qualified to be elected under this Ordinance, or to sit or to vote, as a member of any local authority, if such person—

Disqualifications for membership.

(a) at that time—

(i) is not a British subject; or

(ii) is less than twenty-one years of age; or

(iii) is unable to read and write English or Sinhalese or Tamil; or

(iv) is the holder of any public office under the Crown in Ceylon; or

(v) is an officer or servant of such authority in actual employment by and in receipt of a salary from such authority; or

(vi) directly or indirectly, himself or by any other person whatsoever in trust for him or for his use or benefit or on his account, holds or enjoys, in the whole or in part, any contract or agreement or commission made or entered into with or accepted from any person for or on account of such authority: provided that nothing herein contained shall extend to any pension or gratuity granted by such authority in respect of past service, nor to any contract, agreement or commission entered into or accepted in its corporate capacity by any incorporated trading company in which such person may be a member or a shareholder; or

(vii) is a person who has been adjudged by a competent court to be of unsound mind; or

(viii) is an uncertificated or undischarged bankrupt or insolvent; or

(ix) is serving a sentence of penal servitude or imprisonment imposed by any court in any part of the British Empire, for an offence punishable with hard labour or rigorous imprisonment for a term exceeding twelve months; or is under sentence of death

imposed by any such court or is serving any term of imprisonment awarded in lieu of execution of that sentence ; or

- (x) is a person to whom the provisions of section 81 of this Ordinance apply ; or
- (xi) is a person to whom the provisions of section 5 of the Public Bodies (Prevention of Corruption) Ordinance apply ; or
- (xii) is serving the whole or a part of a sentence of imprisonment of either description for a term of three months or any longer term on conviction of any crime within the meaning of the Prevention of Crimes Ordinance ; or

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(b) has, within the period of five years immediately preceding that time, served the whole or a part of a sentence of imprisonment of either description for a term of three months or any longer term on conviction of any crime within the meaning of the Prevention of Crimes Ordinance.

(2) Without prejudice to the generality of the provisions of sub-section (1), no person who, at any time after the appointed date—

- (a) is removed from the office of Chairman or member of any Urban Council or Town Council by Order published under section 196 of the Urban Councils Ordinance or of section 197 of the Town Councils Ordinance, as the case may be ; or
- (b) is removed from the office of Chairman of a Village Committee by Order published under section 61 of the Village Communities Ordinance ; or
- (c) is convicted of the offence of bribery or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election held for the purposes of the Village Communities Ordinance, such conviction not being set aside in appeal ; or
- (d) is convicted of an offence under sub-section (5) or sub-section (6) of section 19 of the Village Communities Ordinance, such conviction not being set aside in appeal,

shall be qualified, for a period of five years reckoned from the date of such publication or conviction, as the case may be, to be elected under this Ordinance, or to sit or to vote, as a member of any local authority.

(3) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to be elected under this Ordinance, or to sit or to vote, as a member of any Municipal Council if such person—

- (a) has, during the period of five years immediately preceding that time, been convicted of an offence under any of the following provisions of the Colombo Municipal Council (Constitution) Ordinance, prior to their repeal by this Ordinance, namely, sections 19, 53 and 55 (1), such conviction not having been set aside in appeal ; or
- (b) has, during the period aforesaid, been convicted of the offence of bribery (including bribery by treating) or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with an election held under that Ordinance, such conviction not having been set aside in appeal.

(4) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to be elected under this Ordinance, or to sit or to vote, as a member of any Urban Council if such person—

- (a) has, during the period of five years immediately preceding that time, been convicted of an offence under any of the following provisions of the Urban Councils Ordinance prior to their repeal by this Ordinance, namely, sections 23, 27 and 28, such conviction not having been set aside in appeal ; or
- (b) has, during the period aforesaid, been convicted of the offence of bribery (including bribery by treating) or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election held under that Ordinance, such conviction not having been set aside in appeal.

(5) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to be elected under this Ordinance, or to sit or to vote, as a member of any Town Council if such person—

- (a) has, during the period of five years immediately preceding that time, been convicted of an offence under

any of the following provisions of the Town Councils Ordinance, prior to their repeal by this Ordinance, namely, sections 23, 27, and 28, such conviction not having been set aside in appeal; or

(b) has, during the period aforesaid, been convicted of the offence of bribery (including bribery by treating) or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election held under that Ordinance, such conviction not having been set aside in appeal.

(6) (a) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to be elected under this Ordinance, or to sit or to vote, as a member of any Village Committee if such person at that time—

- (i) is a labourer, or kangany in charge of labourers, employed on any plantation and in occupation of any building on the plantation provided by the employer for the accommodation of any such labourer or kangany, or is the spouse or a child or a dependant of any such labourer, or kangany, and living with him in any such building on any such plantation; or
- (ii) is a person to whom the provisions of section 5 (1) (a) or section 5 (2) (a) of the Village Communities Ordinance apply.

(b) Without prejudice to the generality of the provisions of sub-section (1), no person who, at any time before the appointed date—

- (i) has been removed from the office of Chairman of any Village Committee by Order published under section 61 of the Village Communities Ordinance; or
- (ii) has been convicted of the offence of bribery or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with an election held for the purposes of that Ordinance, such conviction not having been set aside in appeal; or
- (iii) has been convicted of an offence under sub-section (5) or sub-section (6) of section 19 of that Ordinance, such conviction not having been set aside in appeal,

shall be qualified, for a period of four years reckoned from the date of such publication or conviction, as the case may be, to be elected under this Ordinance, or to sit or to vote, as a member of any Village Committee.

(7) For the purposes of this section, the expression "the holder of any public office under the Crown" does not include—

- (a) a Justice of the Peace;
- (b) a Justice of the Peace and Unofficial Magistrate;
- (c) a Commissioner for Oaths;
- (d) an Inquirer appointed under section 120 of the Criminal Procedure Code; or
- (e) the holder of any other public office declared by the Governor by Order published in the *Gazette* to be an office not included in that expression.

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#### *Vacation of office.*

11. (1) Where any member of a local authority is, by reason of the operation of any of the provisions of section 10, disqualified from sitting or voting as a member of such authority, his seat or office shall *ipso facto* become vacant.

Vacation of membership.

(2) Where the seat or office of a member of a local authority becomes vacant by reason of the operation of the provisions of sub-section (1), the provisions of the Ordinance by or under which such authority is constituted shall apply for the purpose of filling up the vacant seat or office in like manner as they would have applied if such member had resigned his seat or office.

12. Every person who knowingly acts in the office of a member of any local authority, after his seat or office becomes vacant under the provisions of section 11, 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 in respect of each day on which he so acts as a member.

Penalty for acting as member after office is vacated.

### Part III.

#### PREPARATION AND REVISION OF ELECTORAL LISTS.

##### *Notice of preparation of lists.*

13. (1) For the purposes of each general election of the members of the local authority for any electoral area, the Elections Officer of the district in which that area is

Preparation of electoral lists.

situated shall, unless the Governor by Order published under section 14 otherwise directs, prepare, in English, and according to the requirements of the area, in Sinhalese or in Tamil or both in Sinhalese and in Tamil, an electoral list for each ward of the area.

(2) The preparation of the electoral lists for the purposes of a general election shall—

- (a) where the electoral area is a municipality or a town, commence on the first day of May of the year preceding the year in which the term of office of the members to be elected at the general election is due to commence; and
- (b) where the electoral area is a village area, commence on the first day of September of the year preceding the year in which the term of office of the members to be elected at the general election, is due to commence.

(3) The elections Officer shall, not later than ten days before the date of the commencement of the preparation of the electoral lists, publish a notice of his intention to prepare the lists. The date aforesaid shall be specified in the notice.

Governor's power to direct that electoral lists should not be prepared.

14. The Governor may, as respects any general election of the members of a local authority, by Order published in the *Gazette*, direct that, notwithstanding anything in this Ordinance, no electoral lists shall be prepared for the purposes of such election. The Governor may, by the same or any subsequent Order, further direct that the electoral lists to be used for the purposes of such election shall be such lists as may be specified in the Order; and every such order shall, upon such publication, be as valid and effectual as if it were herein enacted.

Revision of electoral lists for the time being in force.

15. (1) The electoral lists prepared in any year for the purposes of a general election of any local authority (other than a Village Committee), shall be revised in each of the two succeeding years.

(2) The revision of the electoral lists shall commence on the first day of May of each year in which the lists are required to be so revised by sub-section (1).

(3) The Elections Officer shall, not less than ten days before the date of the commencement of the revision of the electoral lists, publish a notice of his intention to revise the lists. The date aforesaid shall be specified in the notice.

*Duties of Elections Officer in preparation and revision of lists.*

Duties of Elections Officer in preparation and revision of electoral lists.

16. (1) In the preparation of electoral lists, an Elections Officer shall enter in the lists the name of every person who is entitled, under this Ordinance, to have his name so entered.

(2) In the revision of electoral lists an Elections Officer shall—

- (a) erase from the lists the name of every person who has died, or who is not or has ceased to be entitled under this Ordinance to have his name entered therein;
- (b) enter in the lists the name of any person who, not being a person whose name appears in the lists, is entitled as aforesaid to have his name so entered;
- (c) rectify any error or supply any omission in the particulars relating to any person;
- (d) make such other alterations in the lists as may appear to the Elections Officer to be necessary, not being an alteration referred to in any of the preceding paragraphs.

(3) For the purposes of the preparation or revision of electoral lists under this Ordinance, an Elections Officer may make such house-to-house or other inquiry as he may deem necessary, either by himself or through any fit and proper person authorised by him in that behalf.

(4) All officers in the service of the Government other than officers in the Income Tax Department, and all local authorities are hereby authorised and required to furnish to an Elections Officer all such information as he may require to enable him to prepare or revise electoral lists under this Ordinance.

*Notice of completion of preparation or revision of lists.*

Notice of completion of preparation of electoral lists.

17. An Elections Officer shall, on the completion of the preparation or revision of the electoral lists of the wards of any electoral area, publish a notice stating that such preparations or revision has been completed. The lists or copies thereof shall be open for inspection, free of charge, during office hours at the office of the local authority of such area and the notice aforesaid shall contain a statement to the effect that the lists are so open for inspection.



*Claims and objections.*

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

Claims and objections.

- (a) any person who claims to be entitled, under this Ordinance, to have his name entered in any such list and whose name is not so entered, may apply to have his name entered therein;
- (b) any person who claims that his name has been entered in the wrong electoral list, may apply to have his name transferred to any other list;
- (c) any person whose name is entered in any such list and who objects to the name of any other person appearing therein, may apply to have the name of such other person erased therefrom.

Every application under paragraph (a) or paragraph (b) (hereinafter referred to as a "claim") and every application under paragraph (c) (hereinafter referred to as an "objection") shall be made in writing to the Elections Officer of the district in which the area is situated not later than fourteen days from the date of the publication of the notice.

(2) No claim or objection shall be entertained by the Elections Officer unless it is made within the time specified by sub-section (1).

19. (1) Upon the expiry of a period of fourteen days from the date of the publication of the notice under section 17 in respect of the electoral lists of the wards of any electoral area, the Elections Officer of the district in which the area is situated shall, if any claim or objection has been duly made in respect of the lists, publish a notice—

Publication and hearing of claims and objections.

- (a) setting out each claim or objection so made;
- (b) indicating that at a time and date specified in such notice he will attend at the office of the local authority of the area or at such other place as he may specify in such notice for the purpose of hearing each such claim or objection; and
- (c) calling upon every claimant and every person who desires to oppose any claimant, every objector and every person in regard to whom an objection has been made, to appear before him at the date and at the time and place so indicated.

(2) (a) The Elections Officer shall attend on the date and at the time and place, indicated in the notice and shall decide each claim or objection set out in the notice after such summary inquiry as he may deem necessary, either on that date or within the period of ten days next succeeding that date.

(b) Before deciding any claim or objection under this section, the Elections Officer shall give the claimant and every person who desires to oppose the claim or the objector and the person in regard to whom the objection is made, as the case may be, an opportunity of being heard.

(c) The Elections Officer shall keep a record in writing of all proceedings taken by him under this section for the purpose of deciding any claim or objection.

(3) For the purpose of deciding any claim or objection, the Elections Officer may administer an oath or affirmation, and any person knowingly making any false statement upon such oath or affirmation shall be guilty of an offence and shall be liable to the penalties prescribed by the Penal Code for the offence of giving false evidence in a judicial proceeding.

(4) The decision of the Elections Officer under this section on every claim or objection shall, subject to the provisions of sections 21 and 22, be final and conclusive.

(5) The Elections Officer shall, after deciding all the claims and objections made in respect of the electoral lists, make such amendments in the lists as he may deem necessary to give effect to any such decision.

20. No person shall be entitled to have his name entered in the electoral list of more than one ward of any electoral area, and in the event of any person's name being entered in the electoral list of more than one such ward, the Elections Officer of the district in which the area is situated may, at any time, by notice in writing served upon such person, call upon him to declare, within seven days from the date of service, the electoral list in which he desires his name to be retained, and in default of such declaration being made, the Elections Officer may himself determine the electoral list in which the name of such person shall be retained, and may erase the name from the other electoral lists accordingly.

No person's name to appear in the electoral list of more than one ward.

*Appeals.*

Appeals from  
decision of  
Elections  
Officer.

21. (1) If any claimant or objector or person in regard to whom an objection has been made is dissatisfied with the decision of any Elections Officer on any claim or objection, relating to the electoral lists of the wards of any electoral area, he may, not later than ten days from the date of such decision appeal therefrom to the Supreme Court on any question of law involved in such decision, but not on any other grounds.

(2) Every appeal under this section shall be preferred by means of a petition bearing a stamp or stamps to the value of five rupees. The petition of appeal shall be filed with the Elections Officer, who shall forward it forthwith to the Registrar of the Supreme Court together with the record of the proceedings to which the appeal relates.

(3) The appellant in his petition shall name a respondent to the appeal, and such respondent shall—

- (a) if the appellant is a claimant, be the Elections Officer ;
- (b) if the appellant is an objector, be the person in regard to whom the objection is made ;
- (c) if the appellant is a person in regard to whom an objection is made, be the objector.

(4) The appellant shall, within three days of the filing of the petition with the Elections Officer, serve a copy of the petition on the respondent either personally or by leaving the copy at the last known place of abode of the respondent and shall, within five days of the service of the copy, file with the Registrar of the Supreme Court an affidavit stating the time, place, and circumstances of such service.

(5) Every appeal under this section shall be heard and determined by a single Judge of the Supreme Court. No appeal shall lie from an order made by such Judge on any such appeal.

Order of the  
Supreme Court.

22. At the hearing of any appeal duly preferred in respect of any claim or objection under this Ordinance, the Supreme Court shall, after giving the appellant and the respondent or their respective advocates an opportunity of being heard, make such order as to the claim or objection, and as to the payment of the costs of the inquiry, as it thinks just ; and such order if it directs the insertion, transfer or erasure of any name in the electoral lists shall forthwith be complied with by the Elections Officer by whom the lists were prepared or revised.

*Certification of lists.*

Certification  
of electoral  
lists.

23. (1) In the case of each electoral area other than a village area, the electoral lists prepared or revised in any year and amended, where necessary, in accordance with the provisions of section 19 or section 20 or section 22, shall be certified by the Elections Officer of the district in which the area is situated on or before the seventh day of October of that year.

(2) In the case of each electoral area which is a village area, the electoral lists prepared for the purposes of any general election and amended as aforesaid, shall be certified by the Elections Officer of the district in which the area is situated on or before the seventh day of March of the year in which the general election is due to be held.

(3) The Elections Officer may certify the electoral lists under this section during the pendency of any appeal preferred under section 21 in respect of the lists, and shall thereafter, if the order made by the Supreme Court on such appeal so directs, insert, transfer or erase any name in the lists.

(4) Upon the certification as hereinbefore provided of the electoral lists, the lists or copies thereof shall forthwith be open for inspection, free of charge, during office hours at the office of the local authority of the electoral area to which the lists relate. A notice to the effect that the lists are so open for inspection shall be published by the Elections Officer, and if any appeals are pending before the Supreme Court in respect of the lists, the notice aforesaid shall include a statement setting out particulars of every such appeal.

Date on which  
electoral lists  
come into  
force.

24. The electoral lists of the wards of any electoral area, prepared or revised and certified in any year, shall come into force on the date of such certification and, subject to such alterations as may subsequently be made therein in accordance with section 23 (3), such lists shall continue in force until the date on which lists prepared or revised in the next succeeding year are certified as hereinbefore provided.

## Part IV.

*Elections.*

25. Every general election of the members of a local authority and every by-election of any such member shall be held in the manner hereinafter provided, by this Ordinance.

Elections to be held under this Ordinance.

26. (1) Every general election of the members of a local authority shall—

Date of holding elections.

- (a) where such authority is a Municipal Council or an Urban Council or a Town Council, be held in the month of November or December of the year preceding the year in which the term of office of the members who are to be elected is due to commence ; or
- (b) where such authority is a Village Committee, be held in the month of April, May or June of the year in which the term of the office of the members who are to be elected is due to commence.

(2) Every by-election of a member of a local authority shall be held on a date not later than six months from the date of the occurrence of the vacancy for the purpose of filling which the by-election is to be held.

*Notice of Nominations.*

27. (1) (a) Whenever a general election of the members of a local authority is due to be held in any year, the Elections Officer of the district in which the electoral area of such authority is situated shall publish a notice of his intention to hold such election. The notice shall state, as respects each ward of the area, the date (not being a date earlier than fourteen days or later than twenty-one days from the date of the publication of the notice) on which, and the place at which, candidates for election must be nominated.

Notice of nominations.

(b) The date of the publication of the notice under paragraph (a) shall—

- (i) where the local authority is a Municipal Council or an Urban Council or a Town Council, be a date not earlier than the eighth day or later than the twenty-first day of October of the year in which the general election is due to be held ; or
- (ii) where the local authority is a Village Committee, be a date not earlier than the eighth day or later than the twenty-first day of March of the year in which the general election is due to be held.

(2) (a) Whenever a by-election of a member of a local authority is due to be held, the Elections Officer of the district in which the electoral area of such authority is situated shall publish a notice of his intention to hold such election. The notice shall state the ward in which the election is to be held and the date (being a date not earlier than fourteen days or later than twenty-one days from the date of the publication of the notice) on which, and the place at which, candidates for election must be nominated.

(b) The date of the publication of the notice under paragraph (a) shall be such date as may be determined by the Elections Officer.

(3) The date specified in any notice published under this section as the date on which candidates for election must be nominated is hereinafter referred to as the "nomination day" and the place so specified as the place at which such candidates must be nominated is hereinafter referred to as the "place of nomination".

*Appointment of returning officers.*

28. (1) For the purposes of every general election of the members of a local authority, the Elections Officer of the district in which the electoral area of such authority is situated shall appoint a person, by name or by office, to be or to act as the returning officer of each ward of the area for the purposes of the election.

Appointment of returning officers.

(2) For the purposes of every by-election of a member of a local authority, the Elections Officer of the district in which the electoral area of such authority is situated shall appoint a person, by name or by office, to be or to act as the returning officer of the ward in which the election is to be held.

(3) The Elections Officer may, under this section, appoint the same person to be or to act as the returning officer of more than one ward of the same electoral area.

(4) Where any returning officer is, by reason of sickness or other cause, unable to exercise, discharge and perform the powers, functions and duties vested in, assigned to or imposed on him by or under this Ordinance, such returning officer may appoint any other person to act in his place. Every such

acting appointment shall, as soon as possible, be reported to the Elections Officer and may be confirmed or disallowed by the Elections Officer, but without prejudice to the validity of anything already done by the person so appointed.

(5) Any Elections Officer may exercise, discharge and perform, in any ward of any electoral area in his district, the powers, functions and duties vested in, assigned to or imposed on returning officers by or under this Ordinance.

*Nomination papers and deposits by candidates.*

Nomination  
papers.

29. (1) Any person who is qualified, under this Ordinance, for election as a member of a local authority may be nominated as a candidate for election for any ward of the electoral area of such authority.

(2) (a) Each candidate for election for any ward shall be nominated by means of a nomination paper or two but not more than two nomination papers, each signed by two persons whose names appear in the electoral list for the time being in force for such ward, as proposer and seconder, respectively.

(b) No person whose name appears in the electoral list for the time being in force for any ward shall sign as proposer or seconder more than one nomination paper for that ward, and if he does so, his signature shall be operative only in the case of the nomination paper which is first delivered.

(c) The written consent of the candidate who is nominated by each nomination paper shall be annexed to, or endorsed on, the nomination paper.

(3) The signatures of the proposer and of the seconder shall be attested by a Justice of the Peace or by a Commissioner for Oaths or by a notary public.

(4) Every nomination paper shall be substantially in the form set out in the First Schedule.

(5) The returning officer of a ward shall, on application made at any date after the publication of the notice under section 27 and before 1 P.M. on the nomination day appointed for that ward, supply free of charge a nomination paper in the prescribed form to any person whose name appears in the electoral list for the time being in force for that ward; but nothing in this Ordinance shall be deemed to preclude the use of any form of nomination paper not supplied by the returning officer, so long as such form does not differ substantially from the form set out in the First Schedule.

Deposits by  
candidates.

30. (1) (a) Each candidate for election for any ward of an electoral area or someone on his behalf shall, between the publication of the notice under section 27 in respect of the election and 1 P.M. on the day immediately preceding the nomination day appointed for that ward, make a deposit with the returning officer of that ward—

(b) The deposit required by paragraph (a) shall—

- (i) where the electoral area is a municipality, be a sum of two hundred and fifty rupees;
- (ii) where such area is a town, be a sum of one hundred rupees;
- (iii) where such area is a village area, be a sum of ten rupees.

(2) No deposit made by or on behalf of a candidate under this section shall be accepted by the returning officer unless it is made within the time limit prescribed by sub-section (1).

(3) Where a deposit under this section is accepted by the returning officer, such officer shall forthwith issue to the person by whom the deposit is made a receipt in writing, signed by such officer, acknowledging his acceptance of such deposit. The receipt shall state—

(a) the name of the candidate by or on whose behalf the deposit was made; and where the deposit is made on his behalf by any other person acting otherwise than as an agent or servant for the purpose of making such deposit, the name of such other person;

(b) the amount of the deposit; and

(c) the time and date of the deposit.

Disposal of  
deposits.

31. (1) Every deposit made with a returning officer under section 30 shall forthwith be credited by such officer to a deposit account and shall be disposed of according to the provisions of the sub-sections next following.

(2) Where the person, in respect of whose candidature a deposit has been made, is not nominated as a candidate for election or withdraws or is deemed to have withdrawn from his candidature under section 35, the deposit shall—

(a) if it was made by him, be returned to him; or

(b) if it was made on his behalf by any other person acting otherwise than as an agent or servant for the purpose of making the deposit, be returned to such other person.

(3) Where the person, in respect of whose candidature a deposit has been made, dies before the polling commences, the deposit shall—

- (a) if it was made by him, be returned to his legal personal representative ; or
- (b) if it was made on his behalf by any other person acting otherwise than as an agent or servant for the purpose of making the deposit, be returned to such other person.

(4) Where the person, in respect of whose candidature a deposit has been made, is not elected, in every case where the number of votes polled by him does not exceed one-eighth of the total number of votes polled at that election, the deposit shall be declared forfeit and shall be transferred by the returning officer with whom it was made from the deposit account to the general revenue of the Island, and in every other case the deposit shall be returned to such person as soon as may be after the result of the election is declared.

(5) Where the person, in respect of whose candidature a deposit has been made, is elected, the deposit shall be returned to him as soon as may be after he assumes office as a member.

(6) For the purposes of this section, the number of votes polled at any election shall be deemed to be the number of votes actually counted and shall not include any votes rejected as void.

*Proceedings on nomination day.*

32. (1) On the nomination day appointed for any ward, the returning officer of that ward shall attend at the place of nomination from 12 noon to 1 P.M. to receive the nomination papers of the candidates for election for that ward.

Delivery of  
nomination  
papers.

(2) Every nomination paper of a candidate must be delivered to the returning officer together with a true copy thereof on nomination day at the place of nomination between 12 noon and 1 P.M., by the candidate or by his proposer or seconder. The receipt referred to in section 30 (3) shall be attached to the first nomination paper so delivered, and if such receipt is not so attached, such candidate shall be deemed to have withdrawn from his candidature under section 35. Every nomination paper delivered otherwise than in accordance with this sub-section shall be rejected by the returning officer.

(3) The returning officer shall forthwith, upon accepting a nomination paper, cause a copy thereof to be posted outside the place of nomination.

(4) The returning officer shall permit each candidate and his proposers and seconders and if the candidate so desires, one other person appointed by the candidate in writing, to be present on nomination day at the place of nomination between 12 noon and 1.30 P.M. and to examine there and between those hours the nomination papers delivered by or on behalf of the other candidates.

33. (1) Objection may be lodged against a nomination paper of a candidate for election for any ward of an electoral area on all or any of the following grounds but on no other ground—

Objections  
to nomination  
papers.

- (a) that the description of the candidate is insufficient to identify the candidate ;
- (b) that the nomination paper does not comply with or was not delivered in accordance with the provisions of this Ordinance ;
- (c) that it is apparent from the contents of the nomination paper that the candidate is not qualified to be elected ;
- (d) that the provisions of section 30 relating to deposits have not been duly observed.

(2) No objection to a nomination paper of a candidate shall be entertained by the returning officer unless it is lodged between 12 noon and 1.30 P.M. on nomination day.

(3) Every objection to a nomination paper of a candidate shall be in writing signed by the objector and shall specify the ground of the objection.

(4) The returning officer may make a record of and deal with any objection which he may himself find it necessary to take against a nomination paper of a candidate.

(5) The returning officer shall, with the least possible delay, decide on the validity of every objection to a nomination paper of a candidate and inform the candidate of his decision, and, where the objection is upheld, of the grounds of his decision. The decision of the returning officer shall be final and conclusive.

Who may be present at nominations.

34. Except for the purpose of assisting the returning officer of any ward, no persons other than the persons specified in sub-section (4) of section 32 shall be permitted by the returning officer or be entitled to be present at the proceedings specified in sections 32 and 33.

Withdrawal of candidates.

35. (1) Before 1 P.M. on the nomination day appointed for any ward, but not afterwards, a candidate for election for that ward, who has delivered or has caused to be delivered any nomination paper or papers, may withdraw his candidature by giving notice to that effect signed by him to the returning officer of that ward.

(2) The returning officer shall forthwith cause notice of such withdrawal to be posted up in a conspicuous position outside the place of nomination.

Procedure where no candidate is nominated on nomination day.

36. (1) Where in the case of any ward of an electoral area the returning officer finds that no candidate stands duly nominated for election, by reason—

(a) that at 1 P.M. on the nomination day appointed for that ward, no nomination paper has been duly delivered by or on behalf of any candidate or that the candidate or each of the candidates by or on whose behalf any nomination paper has been duly delivered has withdrawn or is deemed to have withdrawn his candidature as hereinbefore provided; or

(b) that the objection or any of the objections taken against the nomination paper or each nomination paper that has been duly delivered has been upheld by the returning officer, the returning officer shall forthwith report to the Elections Officer of the district in which the area is situated the fact that no candidate has been duly nominated for that ward, and the Elections Officer shall, not later than seven days after the receipt of such report, publish a notice prescribing a date, not being a date less than fourteen days or more than twenty-one days from the date of the publication of the notice, as the second nomination day on which a further opportunity will be afforded for the nomination of candidates for election for that ward, and the place at which such nomination must be made; and all the provisions of this Ordinance, except the provisions of paragraph (b) of section 27 (1), shall thereupon apply as though such second nomination day were the nomination day referred to in section 27 (3) and as though the place prescribed in the notice published under this sub-section was the place of nomination referred to in section 27 (3).

(2) If for any reason set out in sub-section (1), on the second nomination day appointed for any ward of an electoral area no candidate stands duly nominated for election, the returning officer shall forthwith report the fact through the Elections Officer to the Commissioner, and upon the receipt of such report, the Commissioner shall cause a notice to be published in the *Gazette*, and in such other manner as may appear to him to be best calculated to give publicity thereto, to the effect that no candidate stands duly nominated for such ward on the second nomination day.

(3) From the date of the publication of a notice under sub-section (2) in respect of any ward of an electoral area, no further steps shall be taken under this Ordinance for the nomination of a candidate or for the election of a member for that ward and the vacant seat or office shall thereafter remain unfilled until the next general election of members of the local authority concerned:

Provided, however, that it shall be lawful for the Executive Committee of Local Administration to nominate any person, who is eligible under this Ordinance for election as a member of that authority, to fill up the vacant seat or office; and the person so nominated shall be deemed, for all purposes, to be a member under the provisions of this Ordinance.

#### *Uncontested elections.*

Uncontested elections.

37. Where in the case of any ward of an electoral area, not more than one candidate has been duly nominated for election, or after the withdrawal of any other candidate or candidates or after the disposal of any objection or objections taken against any other candidate or candidates, not more than one candidate stands duly nominated for election, the returning officer of that ward shall forthwith declare such candidate to be elected and shall report the result of the election through the Elections Officer of the

district in which the area is situated to the Commissioner, and upon the receipt of the report, the Commissioner shall forthwith cause a notice of the result to be published in the *Gazette* and in such other manner as may appear to him to be best calculated to give publicity thereto.

*Contested elections.*

38. If at 1 P.M. on the nomination day appointed for any ward of an electoral area and after deciding all objections which have been or may be lodged, more than one candidate stands duly nominated for that ward, the returning officer of that ward shall forthwith—

Contested elections.

- (a) adjourn such election to enable a poll to be taken in accordance with the provisions hereinafter set out ;
- (b) report to the Elections Officer of the district in which the area is situated that the election is contested ; and
- (c) send to such elections Officer copies of the nomination papers of the candidates who stand duly nominated.

39. Upon the receipt of a report under section 38 in respect of any ward of an electoral area, the Elections Officer of the district in which the area is situated shall forthwith publish a notice specifying—

Notice of poll.

- (a) the ward in which the election is contested ;
- (b) the names of the candidates as set out in their respective nomination papers and the names of their proposers and seconders ;
- (c) the date on which a poll will be taken, such date being not less than fourteen days nor more than twenty-eight days from the date of the publication of the notice ;
- (d) (i.) the situation of each of the polling stations that will be provided for the purposes of the election ;
- (ii.) the groups of voters for whom each such polling station will be set apart, such group being specified either by reference to the area in which such voters reside or to the numbers assigned to them in the electoral lists ; and
- (iii.) the particular polling stations, if any, set apart for female voters or any specified class or group of female voters.

40. In the event of the death of a candidate for election for any ward of an electoral area between the adjournment of the election for the purposes of the poll and the commencement of the poll, the Elections Officer of the district in which the area is situated shall, upon being satisfied of the fact of such death, publish a notice countermanding the poll, and shall publish a fresh notice under section 27 for the purposes of the election. In such case, all proceedings with reference to the election shall be commenced afresh under this Ordinance, provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

Death of candidate after nomination.

41. (1) For the purposes of each election for any ward, the returning officer of that ward shall appoint one or more persons (hereinafter referred to as "presiding officers") to preside at each polling station in his ward. Where more than one presiding officer is appointed to any one polling station, the returning officer shall declare which one of them is to be the senior presiding officer, and the senior presiding officer shall exercise general supervision over other presiding officers, and over all arrangements for the conduct of the poll in that election.

Appointment of presiding officers.

(2) Where any presiding officer is, by sickness or other cause, prevented from performing any of his duties under this Ordinance at any election, and there is no time for another person to be appointed by the returning officer, the presiding officer may appoint a deputy to act for him. Every such appointment shall, as soon as possible, be reported to the returning officer and may be confirmed or disallowed by the returning officer, but without prejudice to the validity of anything already done by such deputy.

(3) The returning officer may, if he thinks fit, preside at any polling station in his ward, and the provisions of this Ordinance relating to a presiding officer shall apply to such returning officer with the necessary modifications as to the things to be done by the returning officer in regard to the presiding officer or by the presiding officer in regard to the returning officer.

- General conduct of poll.** 42. The poll at every election for any ward of an electoral area shall be conducted in the manner hereinafter provided, and shall—
- (a) where such area is a municipality, or a town, open at 8 A.M., on the day appointed for the purpose by notice under section 39 and shall close at 5.30 P.M., on that day; and
  - (b) where such area is a village area, open and close at such times on the day aforesaid as the Elections Officer of the district in which the area is situated may appoint for the purpose by notice published in the area.
- Votes to be given by ballot.** 43. The votes at every election for any ward 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.
- Electoral list to be conclusive evidence of right to vote.** 44. The electoral list for the time being in force for any ward shall be conclusive evidence for the purpose of determining whether or not a person is entitled to vote at any election for that ward, and the right of voting of any person whose name is contained in such list shall not be prejudiced by any appeal pending before the Supreme Court under this Ordinance in respect of the inclusion of such person's name in the list, and any vote given by any such person during the pendency of any such appeal shall be as valid as though no such appeal were pending and shall not be affected by the subsequent decision of the appeal:
- Provided, however, that where any person whose name appears in the list, is by reason of the operation of any of the following provisions of section 10 of this Ordinance, namely, paragraphs (d) to (f) of sub-section (1) and sub-sections (2) to (6) disqualified from voting at an election, he shall not vote at the election; and if he votes thereat, 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 any term not exceeding six months:
- And Provided further that nothing in this section shall affect the liability of any person to any penalty for a contravention of any of the provisions of section 80 relating to plural voting.
- Supply of ballot boxes, etc.** 45. For the purposes of each election for any ward, the returning officer of that ward shall—
- (a) appoint such officers and servants as may be necessary for taking the poll and counting the votes;
  - (b) furnish each polling station in that ward 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 such number of ballot boxes and ballot papers as in the opinion of the returning officer may be necessary for the number of voters assigned to that polling station;
  - (d) provide each polling station with materials to enable voters to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the electoral list, for the time being in force for that ward or that part of the list which contains the names of voters who are assigned to that polling station;
  - (e) do such other acts and things as may be necessary for effectually conducting the election in the manner provided by this Ordinance.
- Notice to be exhibited at polling stations.** 46. (1) During the taking of the poll, the presiding officer of every polling station shall cause to be exhibited—
- (a) outside the polling station and in every compartment thereof, a notice, substantially in the form set out in the Second Schedule, giving directions for the guidance of voters; and
  - (b) outside the polling station, a notice, specifying the names of the several candidates.
- (2) Every notice under this section shall be in English, Sinhalese and Tamil.
- Ballot boxes.** 47. 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.



48. Every ballot paper shall be substantially in the form set out in the Third Schedule and— Ballot papers.

- (a) shall contain the surnames of the several candidates in alphabetical order and shall set out under the surname of each candidate his full name, place of residence and description as shown on his nomination paper, the order in which the names of any two or more candidates having the same surname should be arranged in relation to each other being determined by the alphabetical order of their first names ;
- (b) shall be capable of being folded up ;
- (c) shall have a number printed on the face.

49. (1) The official mark shall be kept secret. Official mark.

(2) The official mark used at any election under this Ordinance shall not be used at any other election for the same electoral area until an interval of seven years has elapsed.

50. (1) Each candidate for election for any ward may appoint not more than two agents (hereinafter referred to as "polling agents") to represent him at each polling station during the taking of the poll. Notice in writing of every such appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer of that ward at least two days before the opening of the poll. Appointment of polling agents.

(2) If a polling agent appointed by a candidate dies, or becomes incapable of acting, the candidate may appoint another polling agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the polling agent so appointed.

(3) (a) No person who—

- (i) holds office for the time being as a member of any local authority ; or
- (ii) is an officer or servant of such authority,

shall be eligible to be appointed or to act as the polling agent of any candidate for election for any ward of the electoral area of such authority :

Provided, however, that any person holding office for the time being as a member of such authority may act as his own polling agent at any election at which he is a candidate.

(b) No male person shall be eligible to be appointed or to act as the polling agent of a candidate at any polling station which is set apart for female voters.

(4) Any polling agent who has been duly appointed, and in respect of whom the notice required by this section has been given, may, during the hours of the poll, attend at the polling station to which he has been appointed.

51. (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 : Admission to polling station.

Provided, however, that where a voter for any ward is employed as a presiding officer or as a police officer, or in any other official capacity at a polling station, and it is inconvenient to him to vote at the polling station set apart for the group of voters to which he belongs, the returning officer of that ward may, by a certificate under sub-section (2), authorise the voter to vote at any other polling station in such ward, and that polling station shall, for the purposes of this section, be deemed to be the polling station at which he is entitled to vote.

(2) The certificate shall be given under the hand of the returning officer, and shall state the name of the voter, his number, and description on the electoral list, and the fact that he is employed as aforesaid.

(3) The presiding officer shall keep order in his station, and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons, except the candidates, the polling agent or agents of each candidate, the police officers on duty, and other persons officially employed at the polling station.

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

(5) Any person removed from a polling station under sub-section (4)—

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

52. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons as may be present at the polling station so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent its being opened except by breaking the seal, shall place it in his view for the receipt of ballot papers, and shall keep it so locked and sealed.

Power to  
require voter  
to make  
declarations.

53. (1) The presiding officer at any polling station may, and if requested so to do by a candidate or his polling agent, shall require any voter, at the time he applies for a ballot paper but not afterwards, to make and subscribe all or any of the following declarations (which shall be exempt from stamp duty), namely:—

*First.*—“I (*name in full*) of (*address*), hereby declare that I am the same person whose name appears as A.B. on the electoral list now in force for this ward.”

(Signature or mark of voter).

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signature of Presiding Officer).

*Second.*—“I (*name in full*) of (*address*), hereby declare that I have not voted either here or elsewhere at this election for the election of a member for this ward.”

(Signature or mark of voter).

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signature of Presiding Officer).

and,

*Third.*—When the election is a general election “I (*name in full*) of (*address*), hereby declare that I have not already voted at this general election in any other ward.”

(Signature or mark of voter).

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signature of Presiding Officer).

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

(b) If any person wilfully makes a false statement in any such declaration, he shall be guilty of an offence and shall be liable upon conviction after summary trial by a Magistrate to a fine not exceeding five hundred rupees or to imprisonment of either description for any term not exceeding six months.

(3) Where a ballot paper is to be issued to any voter—

- (a) the ballot paper shall be either embossed or perforated with the official mark;
- (b) the number, name, and description of the voter as stated in the copy of the electoral list shall be called out;
- (c) the number of the voter shall be marked on the counter-foil, and the ballot-paper detached therefrom; and
- (d) a mark shall be placed in the list against the number of the voter to denote that he has received a ballot paper, but without showing the particular ballot paper he has received.

Manner of  
voting.

54. 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 place a mark on the ballot paper against the name of the candidate for whom he intends to vote and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper, so folded up, into the ballot box in the presence of the presiding officer.

Assistance to  
voters to  
enable them to  
vote.

55. (1) On the application of any voter to whom a ballot paper has been issued and who—

- (a) is incapacitated by blindness or other physical cause from voting in the manner required by this Ordinance; or
- (b) states that he is unable to read and makes, as provided in sub-section (3) a declaration to that effect (hereinafter referred to as “the declaration of inability to read”),

the presiding officer shall ascertain, within sight but not within hearing of the polling agent, the name of the candidate for whom that voter desires to vote, shall mark the ballot paper in accordance with the desire of the voter in such manner as not to allow any person present in the polling station to ascertain the name against which the mark is placed, and shall cause the ballot paper so marked to be placed in the ballot box.

(2) The name of every voter whose ballot-paper is marked in pursuance of sub-section (1), his number on the electoral list, and the reason why the ballot paper is so marked, shall be entered in a list (hereinafter referred to as "the list of votes marked by the presiding officer").

(3) The declaration of inability to read—

(a) shall be substantially in the form set out in the Fourth Schedule; and

(b) shall be made before the presiding officer at the time when the voter applies for a ballot paper, shall be authenticated with the thumb impression of the voter and shall be attested and retained by the presiding officer.

56. No voter shall be entitled to vote by proxy at any election for any ward.

Voting by proxy  
forbidden.

57. If a person, representing himself to be a particular voter named on the electoral list, applies for a ballot paper after another person has voted as such voter, the applicant shall, upon satisfactorily answering the questions set out in section 53, be entitled to receive and to mark a ballot paper in the same manner as any other voter, but the ballot paper (hereinafter referred to as "a tendered ballot paper") shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the electoral list. The name of the voter and his number on the list shall be entered in a list to be known as "the tendered votes list". The tendered ballot papers shall be set aside in a separate packet and shall not be counted by the returning officer.

Tendered ballot  
papers.

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

Spoilt ballot  
papers.

*Closure of poll.*

59. 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.

Closure of poll.

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

Procedure on  
closure of poll.

- (a) each ballot box used at that station together with the key of the box, each such box remaining locked as it was at the time of the opening of the poll and being sealed after the closure of the poll so as to prevent the introduction of any ballot papers thereafter;
- (b) the unused and spoilt ballot papers, placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the electoral list and the counter-foils of the ballot papers;
- (e) the tendered votes list, the list of votes marked by the presiding officer and the declarations of inability to read,

and shall deliver the packets to the returning officer of the ward in which the poll was held.

(2) The packets shall be accompanied by a statement (hereinafter referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of—

- (a) ballot papers in the ballot box;
- (b) unused and spoilt ballot papers;
- (c) tendered ballot papers.

61. (1) Each candidate at any election for any ward may appoint one agent (hereinafter referred to as a "counting agent") to attend at the counting of the votes at such election.

Appointment  
of counting  
agents.

Notice in writing of such appointment, stating the name and address of the person appointed, shall be given by such candidate to the returning officer two clear days at least before the opening of the poll at such election. The returning officer may refuse to admit to the place where the votes are counted any counting agent whose name and address has not been so given, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to a counting agent by the returning officer, may be sent by post to, or delivered at, the address stated in the notice.

(2) If a counting agent dies, or becomes incapable of acting, the candidate may appoint another counting agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the counting agent so appointed.

Notice of  
the counting  
of the votes.

62. The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as possible after the close of the poll, and shall give to the agents notice in writing of the time and place at which he will begin to count the votes.

The count.

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

(2) Before the returning officer proceeds to count the votes, he shall, in the presence of the counting agents, open each ballot box and, taking out the ballot papers therein, shall count and record the number thereof, and then mix together the whole of the papers contained in the ballot boxes.

(3) The returning officer, while counting and recording the number of ballot papers and 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 back of the papers.

Void ballot  
papers.

64. (1) Any ballot paper—

- (a) which does not bear the official mark ; or
- (b) on which votes are given for more than one candidate ;  
or
- (c) on which anything is written or marked by which the voter can be identified except the printed number on the back ; or
- (d) which is unmarked or void for uncertainty,

shall not be counted.

(2) The returning officer shall endorse the word " rejected " on any ballot paper which under sub-section (1) is not to be counted.

(3) The returning officer shall draw up a statement showing the number of ballot papers rejected, under the several heads of—

- (a) rejected for want of official mark ;
- (b) rejected for voting for more than one candidate ;
- (c) rejected for bearing writing or mark by which the voter could be identified ;
- (d) rejected as unmarked or wholly void for uncertainty ;

and shall, on request, allow any counting agent to copy the statement.

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

Equality of  
votes.

65. Where an equality of votes is found to exist between any candidates for election for any ward, and the addition of a vote would entitle any of the candidates to be elected, the determination of the candidate to whom such one additional vote shall be deemed to have been given shall be made by lot in the presence of the returning officer in such manner as he shall determine.

Declaration  
of result.

66. When the result of the poll has been ascertained, the returning officer of the ward in which the poll was taken shall forthwith declare to be elected the candidate to whom the greatest number of votes has been given ; provided that upon the application of any candidate or his agent a recount shall be made before the returning officer makes the declaration.

Publication of  
result.

67. (1) Upon the declaration of the result of any election for any ward of an electoral area, the returning officer of that ward shall—

- (a) publish a notice specifying the name of the candidate elected ; and
- (b) report the result through the Elections Officer of the district in which the area is situated to the Commissioner.

(2) The Commissioner shall forthwith, upon the receipt of the report of the result, cause the name of the candidate elected to be published in the *Gazette*.

68. (1) Upon the completion of the counting at any election for any ward of an electoral area, the returning officer of that ward shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packets containing the marked copies of the electoral list and counterfoils but shall proceed, in the presence of the counting agents, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him under section 63 (2), and the unused and spoilt ballot papers in his possession and the tendered votes list, and where he has opened any such packet shall reseal such packet after examination. The returning officer shall draw up a statement as to the result of the verification and shall, on request, allow any counting agent to take copies of the statement.

Disposal of ballot papers, etc., after poll.

(2) The returning officer shall forward to the Elections Officer of the district in which the electoral area is situated all the packets of ballot papers in his possession, together with the said statements, the ballot paper accounts, tendered votes lists, lists of votes marked by the presiding officer, statements relating thereto, declarations of inability to read, packets of counterfoils, and the marked copies of electoral lists, sent by each presiding officer, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the ward in which the election was held.

(3) The Elections Officer shall retain the packets of ballot papers and all documents forwarded to him for a period of six months reckoned from the date of the receipt thereof and shall thereafter cause the said packets and documents to be destroyed.

(4) No person shall be entitled or be permitted by the Elections Officer to inspect any packet of ballot papers or documents referred to in sub-section (3) while it is in the custody of such officer :

Provided, however, that nothing in the preceding provisions of this sub-section shall be construed or deemed to debar any competent court from ordering the production of, or from inspecting, or from authorising the inspection of, any such packet or document at any time within the period of six months specified in that sub-section.

*General provisions as to elections.*

69. No election shall be invalid by reason of any failure to comply with the provisions of this Part of this Ordinance relating to elections if it appears that the election was conducted in accordance with the principles laid down in such provisions, and that such failure did not affect the result of the election.

Non-compliance with provisions of this Part.

70. The presiding officer of a polling station may do, by the officers appointed to assist him, any act which he is required or authorised by this Part of this Ordinance to do at that polling station except ordering the arrest, exclusion, or removal of any person from the station.

Presiding officer may act through officers appointed to assist him.

71. A candidate for election at any election under this Ordinance may himself do any act or thing which an agent of his, if appointed, would have been required or authorised to do, or may assist his agent in doing any such act or thing, but before acting under this section the candidate shall make the declaration hereinafter required to be made by an agent.

Candidate may act as his own agent or assist his agent.

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

Non-attendance of the agents of candidates.

73. No person who has voted at any election under this Ordinance shall, in any legal proceeding to question the election, be required to state for whom he has voted.

Prohibition of disclosure of vote.

74. (1) Every returning officer, and every officer, polling agent or counting agent, authorised to attend at a polling station or at the counting of the votes at any election under this Ordinance, shall, before the opening of the poll at such election, or in the case of an agent appointed after the opening of the poll, before acting as such agent, make a declaration of secrecy substantially in the form set out in the Fifth Schedule. In the case of a returning officer the declaration

Maintenance of secrecy at elections.

shall be made in the presence of a Justice of the Peace, and in the case of any other officer or of an agent, the declaration shall be made either in the presence of a Justice of the Peace or of the returning officer.

(2) Every returning officer, and every officer, polling agent or counting agent in attendance at a polling station or at the counting of the votes at any election under this Ordinance shall maintain and aid in maintaining the secrecy of the voting.

(3) No person, being an officer or agent referred to in sub-section (1), shall—

(a) except for some purpose authorised by law, communicate, before the poll at any election under this Ordinance is closed, to any person any information as to—

(i) the name or number on the electoral list of any voter who has or has not applied for a ballot paper or voted at a polling station; or  
(ii) the official mark; or

(b) ascertain or attempt to ascertain at the counting of the votes at such election, the number on the back of any ballot paper; or

(c) communicate any information obtained at such counting, as to the candidate for whom any vote is given on any particular ballot paper.

(4) No person, whether or not such person is an officer or agent referred to in sub-section (1), shall—

(a) interfere with or attempt to interfere with a voter when recording his vote at any election under this Ordinance; or

(b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted at such election; or

(c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted at such election, or as to the number on the back of the ballot paper given to a voter at that station; or

(d) directly or indirectly induce a voter at such election to display his ballot paper after he has marked it, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(3) No person, except a presiding officer of a polling station acting for a purpose authorised by this Ordinance, or a person authorised by the presiding officer and acting for such purpose as aforesaid, shall communicate with any voter at any election under this Ordinance after such voter shall have received the ballot paper and before he shall have placed the same in a ballot box.

*Offences relating to elections.*

75. Every person who contravenes any of the provisions of section 74 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 any term not exceeding six months, or to both such fine and such imprisonment.

76. (1) Every person who—

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

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

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

(d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person; or

(e) not being a person entitled under this Ordinance to be in possession of any ballot paper which has been marked with the official mark in accordance with the provisions of section 53, has any such ballot paper in his possession; or

(f) puts into any ballot box anything other than the ballot paper which he is authorised to put into that ballot box under this Ordinance; or

(g) without due authority takes out of a polling station any ballot paper; or

Contravention of provisions regarding secrecy.

Offences in respect of nomination papers, ballot papers, etc.

- (h) 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 any election under this Ordinance; or
- (i) without due authority prints any ballot paper or what purports to be or is capable of being used as a ballot paper at such election; or
- (j) manufactures, constructs, imports into the Island, has in his possession, supplies or uses for the purposes of such election, or causes to be manufactured, constructed, imported into the Island, supplied or used for the purposes of such election, any appliance, device or mechanism by which a ballot paper may be extracted, affected or manipulated after having been deposited in a ballot box;

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 any term not exceeding six months or to both such fine and such imprisonment.

(2) Every person who aids or abets or attempts to commit an offence specified in this section shall be liable to the punishment provided for the offence.

(3) In any prosecution for an offence in relation to the nomination papers, ballot papers, ballot boxes, and marking instruments at any election under this Ordinance, the property in such papers, boxes and instruments may be stated to be in the returning officer at such election as well as the property in the counterfoils.

77. (1) Whoever being qualified to vote, or claiming to be qualified to vote at any election under this Ordinance, accepts or obtains, or agrees to accept or attempts to obtain for himself or for any other person any gratification whatsoever as an inducement or reward for giving or forbearing to give his vote at such election, 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 any term not exceeding six months or to both such fine and imprisonment.

Giving or receiving gratification.

(2) Whoever gives or offers to give any gratification whatsoever to any person as an inducement or reward for giving or forbearing to give his vote in favour of any person at any election under this Ordinance, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for any term not exceeding six months or to both such fine and such imprisonment.

78. Any person who, at any election under this Ordinance, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or, who having voted once at such election, applies at the same election for a ballot paper in his own name, shall be guilty of the offence of personation, which shall be a cognizable offence within the meaning of the Criminal Procedure Code and shall, on conviction after summary trial before a Magistrate, be liable to rigorous imprisonment for a term not exceeding one year or to both such imprisonment and a fine not exceeding one thousand rupees.

Personation.

(Cap. 16.)

79. 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 at any election under this Ordinance or on account of such person having voted or refrained from voting at such election, or who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any voter, or thereby compels, induces, or prevails upon any voter either to give or refrain from giving his vote at such election, shall be guilty of the offence of undue influence 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.

Undue influence.

80. If any person at any general election under this Ordinance votes in more than one ward of any electoral area or asks for a ballot paper for the purposes of so voting, such 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.

Plural voting.

Incapacities  
for offences at  
elections.

81. (1) Any person who—

- (a) is convicted of an offence under the provisions of any of the following sections of this Ordinance, namely, sections 75 to 80 (both inclusive); or
- (b) is convicted of the offence of bribery (including bribery by treating) or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election under this Ordinance,

shall, in addition to any other penalty to which he may be liable for that offence, be disqualified for a period of five years reckoned from the date of such conviction, from voting at any election under this Ordinance, or from being elected or from sitting or voting, as a member of any local authority.

(2) Where any person who is convicted of any offence referred to in sub-section (1) appeals against such conviction, the following provisions shall have effect:—

- (a) nothing in that sub-section shall apply unless such conviction is affirmed in appeal; and
- (b) where such conviction is so affirmed, the provisions of that sub-section shall apply as though the reference therein to the date of his conviction were a reference to the date of the affirmation of his conviction in appeal.

#### Part V.

##### *Miscellaneous.*

Power to  
modify or  
supplement  
Ordinance.

82. All matters connected with the preparation or revision of the electoral lists of the wards of any electoral area under this Ordinance or connected with any general election or by-election of any local authority for which no provision is made by this Ordinance or in respect of which the provisions of this Ordinance require to be supplemented or modified so as to meet unforeseen or special circumstances, may be provided for by Order of the Governor published in the *Gazette*; and every such Order shall upon such publication, be as valid and effectual as if it were herein enacted.

Publication  
of notices.

83. Save as otherwise expressly provided, every notice required to be published by this Ordinance shall—

- (a) be in English, and according to the requirements of the area to which the notice relates, in Sinhalese or in Tamil or both in Sinhalese and in Tamil, and
- (b) be exhibited at the office of the local authority of such area, and otherwise published in such manner as the Officer responsible for the publication thereof may consider best calculated to give publicity thereto.

Expenses of  
elections.

84. All expenses incurred under this Ordinance in the preparation or revision of the electoral lists of the wards of any electoral area, in connexion with the nomination of candidates for the purpose of any general election or by-election of any local authority, and in the conduct of any general election or by-election, shall be defrayed out of the general revenue of the Island.

Fines to be  
credited to the  
general revenue

85. All fines imposed by any court under this Ordinance shall, when recovered, be paid by the court into the general revenue of the Island.

Modification of  
Ordinance in its  
application to  
local authorities  
other than Village  
Committees.

86. For the purpose of determining whether or not a person who holds office on the appointed date as a member of any local authority (other than a Village Committee) is entitled to continue to sit or to vote as such member, and no further, the provisions of section 10 shall—

- (a) where such authority is a Municipal Council, have effect subject to the modifications set out in Part I. of the Sixth Schedule; and
- (b) where such authority is an Urban Council, or a Town Council, have effect subject to the modifications set out in Part II. of that Schedule.

Ordinance not  
to apply in  
certain matters  
relating to  
Village  
Committees.

87. Nothing in this Ordinance shall apply for the purposes of any by-election held in any village area between the date on which the provisions of this Ordinance are applied to the Village Committee of such area by Order published under section 2 and the date on which the first general election of the members of such Committee is held under this Ordinance or for the purpose of determining whether or not any person is entitled to vote or to stand as a candidate at such by-election, or for the purpose of determining whether or not any person who is elected at any such by-election or who



holds office on the first-mentioned date as a member of the Committee is entitled to sit or to vote as such member; and, accordingly, the provisions of the Village Communities Ordinance shall, for the purposes aforesaid, apply in like manner and to the same extent as they would have applied if that Ordinance had not been modified by this Ordinance in its application to such Committee.

88. In this Ordinance, unless the context otherwise requires— Interpretation.

“Commissioner” means the Commissioner of Elections appointed under this Ordinance;

“district” means a revenue district;

“Elections Officer” means the Elections Officer of a district appointed under this Ordinance;

“local authority” means any Municipal Council, Urban Council, Town Council or Village Committee;

“municipality” means any municipal town within the meaning of the Municipal Councils Ordinance, and includes the municipality of Colombo; (Cap. 193.)

“Public Bodies (Prevention of Corruption) Ordinance” means the Public Bodies (Prevention of Corruption) Ordinance, No. 49 of 1943;

“Schedule” means a Schedule to this Ordinance;

“town” means any town within the meaning of the Urban Councils Ordinance or the Town Councils Ordinance;

“Town Councils Ordinance” means the Town Councils Ordinance, No. 3 of 1946;

“Urban Councils Ordinance” means the Urban Councils Ordinance, No. 61 of 1939;

“ward” means any of the wards into which any electoral area is for the time being divided by or under the provisions of written law applicable in that behalf.

89. (1) The Urban Councils Ordinance, the Town Councils Ordinance, the Colombo Municipal Council (Constitution) Ordinance and the Public Bodies (Prevention of Corruption) Ordinance, respectively, are hereby amended in the manner and to the extent specified in the Seventh Schedule. Amendments of Ordinances and savings.

(2) Notwithstanding the amendment of the Urban Councils Ordinance and the Town Councils Ordinance, the electoral divisions into which each town was divided on the day immediately preceding the appointed date, shall, for the purposes of this Ordinance or any other written law applicable to such town, be deemed to be the wards of such town.

(3) Notwithstanding the amendment of the Municipal Council (Constitution) Ordinance, the Urban Councils Ordinance and the Town Councils Ordinance, the electoral registers of each municipality or town, in force on the day immediately preceding the appointed date, shall be deemed to be electoral lists prepared under this Ordinance and may accordingly be revised under this Ordinance and shall continue in force until the date of the first certification of electoral lists for such municipality or town under this Ordinance:

Provided, however, that the fact that the name of any voter is or is not marked on any such register with a double qualification mark shall be of no effect whatsoever for the purpose of determining whether or not such person is qualified to be a candidate at any election under this Ordinance or to sit or to vote as a member of the local authority constituted for such municipality or town.

(4) For the purposes of this section, “electoral registers”—

(a) in relation to any municipality, means the lists of persons possessing the qualifications of voters and of members, prepared or revised under any of the provisions of the Colombo Municipal Council (Constitution) Ordinance repealed by this Ordinance, and

(b) in relation to any town, means the lists of persons possessing the qualifications aforesaid, prepared under any of the provisions of the Urban Councils Ordinance or the Town Councils Ordinance, as the case may be, repealed by this Ordinance.

90. Upon the publication in the *Gazette* of an Order under section 2 applying the provisions of this Ordinance to any Village Committee, the provisions of the Village Communities Ordinance, in their application to such Committee, shall, without prejudice to the operation of the provisions of section 87, have effect subject to the exceptions, modifications and amendments set out in the Eighth Schedule. Modification of village Communities Ordinance.

## FIRST SCHEDULE.

(Section 29 (4)).

Nomination Paper for the \_\_\_\_\_ ward of the electoral area of the \_\_\_\_\_/Municipal Council/Urban Council/Town Council/Village Committee.

1. Name of candidate in full : \_\_\_\_\_.
2. Address : \_\_\_\_\_.
3. Occupation : \_\_\_\_\_.
4. Name of proposer in full : \_\_\_\_\_.
5. Name of seconder in full : \_\_\_\_\_.

Signature of proposer : \_\_\_\_\_.

Signed by the above-named \_\_\_\_\_ (proposer) this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A.B. (A Justice of the Peace or a Commissioner for Oaths or a Notary Public).

Signature of Seconder : \_\_\_\_\_.

Signed by the above-named \_\_\_\_\_ (seconder) this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A.B. (A Justice of the Peace or a Commissioner for Oaths or a Notary Public).

## SECOND SCHEDULE.

(Section 46).

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.

The voter may vote for only one candidate.

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross in the space provided for the purpose on the right-hand side of the ballot paper, opposite the name of the candidate for whom he votes.

The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, 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 paper.

If the voter votes for more than one candidate, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station, or puts into a ballot box anything other than a ballot paper which he is authorised to put into that box, he will be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding five hundred rupees or to imprisonment of either description for a term, not exceeding six months or to both such fine and imprisonment.

## THIRD SCHEDULE.

(Section 48).

Form of ballot paper.

## Form of Front of Ballot Paper

Counterfoil No.:	Name of candidate (also in Sinhalese and Tamil)	Mark of voter (also in Sinhalese and Tamil)
<p><i>Note:</i> The counterfoil* is to have a number* to correspond with* that on the back of* the ballot paper.</p>	<p style="text-align: center;">DE SILVA (also in Sinhalese and Tamil)</p> <p>1. (William de Silva of 21, Colombo Street, Kandy, merchant) (also in Sinhalese and Tamil)</p> <p style="text-align: center;">FERNANDO 2. (also in Sinhalese and Tamil). (John Fernando of 23, Trincomalee Street, Kandy, Proctor) (also in Sinhalese and Tamil)</p> <p style="text-align: center;">PERERA 3. (also in Sinhalese and Tamil) (Matilda Perera of Cres- cent Cottage, Pera- deniya road, Kandy, married woman) (also in Sinhalese and Tamil)</p>	

## Form of Back of Ballot Paper.

No.:

Election for the \_\_\_\_\_ ward of the electoral area of the \_\_\_\_\_/Municipal Council/Urban Council/Town Council/Village Committee.

*Note.*—The number on the ballot paper is to correspond with that on the counterfoil.

*Directions as to printing ballot paper.*

Nothing is to be printed on the ballot paper except in accordance with this Schedule.

The surname of each candidate, and if there are two or more candidates, with the same surname, also the other names of such candidates, shall be printed in large characters, in English and Sinhalese and Tamil as shown in the form. The names, places of residence and descriptions of the candidates shall be printed in small characters, in English and Sinhalese and Tamil, as shown in the form. The number on the back of the paper shall be printed in small characters.

**FOURTH SCHEDULE.**

(Section 55 (2)).

**Form of Declaration of Inability to Read.**

I, A.B. of \_\_\_\_\_, being numbered on the electoral list, for the time being in force, of the \_\_\_\_\_ ward of the electoral area of the \_\_\_\_\_/Municipal Council/Urban Council/Town Council/Village Committee, do hereby declare that I am unable to read.

A.B. \_\_\_\_\_ his mark \_\_\_\_\_ day of \_\_\_\_\_ 194—.

I, the undersigned, being the presiding officer for the \_\_\_\_\_ polling station for the \_\_\_\_\_ ward of the electoral area of the \_\_\_\_\_/Municipal Council/Urban Council/Town Council/Village Committee, do hereby certify that the above declaration having been first read to the abovenamed A.B., was signed by him in my presence with his mark.

\_\_\_\_\_  
Signature of Presiding Officer.

Date \_\_\_\_\_.

**FIFTH SCHEDULE.**

(Section 74 (1)).

**Form of Declaration of Secrecy.**

I solemnly promise and declare that I will not at this election for the \_\_\_\_\_ ward of the electoral area of the \_\_\_\_\_ Municipal Council/Urban Council/Town Council/Village Committee, do anything forbidden by section 74 of the Local Authorities Elections Ordinance, which has been read to me.

\_\_\_\_\_  
Signature of person taking  
the declaration.

\_\_\_\_\_  
Signature of declarant.

*Note.*—This section must be read to the declarant by the person taking the declaration.

**SIXTH SCHEDULE.**

(Section 86).

**Modification of section 10.****Part I.**

As if in paragraph (a) (iii) of sub-section (1), there were substituted, for the words "read and write", the words "read or write".

**Part II.**

1. As if in paragraph (a) (iii) of sub-section (1), there were substituted for the words "read and write", the words "read or write".

2. As if for paragraph (a) (iv) of sub-section (1), there were substituted the following new paragraph:—

"(iv) is the holder of any pensionable office under the Crown in Ceylon;".

**SEVENTH SCHEDULE.**

(Section 89).

Column I.	Column II.	Column III.
Ordinance.	Section of Ordinance.	Amendments.
A. Colombo Municipal Council (Constitution) Ordinance.	1. 5.	(1) For the words "in accordance with the provisions of this Ordinance come into office—", substitute the words "after the date of the commencement of this Ordinance come into office—". (2) In paragraph (3), for the words "by or under the provisions of this Ordinance.", substitute the words "by or under the provisions of written law for the time being applicable in that behalf."
	2. 6.	In sub-section (1), for the words "in accordance with the provisions of this Ordinance", substitute the words "in accordance with the provisions of written law for the time being applicable in that behalf".
	3. 14.	Section 14 shall be repealed and the heading immediately above that section shall be omitted.
	4. 15.	Section 15 shall be repealed.

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
	5. 16.	For this section, substitute the following new section :— Election for more than one ward. 16. No person shall be entitled to be elected as a Councillor for more than one ward of the Municipality, and in the event of any person being elected as a Councillor for more than one ward, the Elections Officer of the district in which the Municipality is situated shall forthwith, by notice in writing served upon such person, call upon him to declare, within seven days from the date of service, for which ward he desires to be a Councillor, and in default of such declaration being made, the Elections Officer shall himself determine for which ward he is to be a Councillor; and upon such declaration or determination, as the case may be, being made, such person shall <i>ipso facto</i> vacate his seat as a Councillor for any other ward of the Municipality, and the provisions of section 63 (3) shall thereupon apply.
6.	17, 18, 19 and 20	Sections 17 to 20 (inclusive) shall be repealed.
7.	21.	Section 21 shall be repealed and the heading immediately above that section omitted.
8.	22, 23, 24, 25 and 26	Sections 22 to 26 (inclusive) shall be repealed.
9.	27.	Section 27 shall be repealed and the heading immediately above that section shall be omitted.
10.	28 to 55	Sections 28 to 55 (inclusive) shall be repealed.
11.	56.	For this section, substitute the following new section :— Term of office of Councillors elected at a general election shall— 56. The term of office of each Councillor elected at a general election shall— (a) commence on the first day of January next succeeding the date of the election or on such other date as the Governor may appoint by Order published in the <i>Gazette</i> ; and (b) expire on the thirty-first day of December of the third year thereafter or on the last day of such other month whether in that year or in the year immediately preceding or following that year as the Governor may appoint by Order published in the <i>Gazette</i> .
12.	62.	For this section, substitute the following new section :— General elections. 62. Where the term of office of the Councillors elected at a general election is due to expire under section 56, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing new Councillors in place of such Councillors.
13.	63.	For this section, substitute the following new section :— Refusal, resignation or vacation of office. 63. (1) Where any person who is elected as a Councillor decides for any reason not to serve as a Councillor, he may relinquish the office— (a) by a written communication of his refusal of office to the Elections Officer of the district in which the Municipality is situated, at any time before the date fixed for the first meeting of the Council after his election; or (b) by a written communication of his resignation of office to such Elections Officer, either direct or through the Mayor, at any time after such first meeting. (2) Any Councillor who is absent without leave of the Council from more than three consecutive general meetings of the Council shall <i>ipso facto</i> vacate his office.

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
		(3) If any person elected as a Councillor refuses or resigns his office, or dies, or vacates his office under sub-section (2) of this section, or if a casual vacancy occurs in any other manner in such office, a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall, unless the Governor by Order published in the <i>Gazette</i> otherwise directs, be held for the purpose of filling up such vacancy, and the person thereupon elected shall serve as a Councillor until the expiry of the term of office of the Councillors elected at the next preceding general election.
14.	64.	Section 64 shall be repealed.
15.	66.	(1) In sub-section (1), for all the words from "their office," to the end of that sub-section, substitute the words "their office, and a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall be held in each such ward for the purpose of filling up such vacancy." (2) In sub-section (2), for all the words from "an election" to the end of that sub-section, substitute the words "a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall be held in each such ward for the purpose of electing a Councillor for that ward." (3) Sub-section (3) shall be repealed. (4) In sub-section (4), for the word "divisions", substitute the words "wards".
16.	98.	Sub-section (2) shall be repealed.
17.	101	Section 101 shall be repealed.
18.	102.	In sub-section (1), for the words "so elected", substitute the words "elected at the first general election held after the commencement of this Ordinance".
19.	106.	Section 106 shall be repealed.
20.	108.	Immediately after the definition "Councillor", insert the following new definitions:— "district" means a revenue district; "Elections Officer" means the Elections Officer of a district appointed under the provisions of written law for the time being applicable in that behalf and includes any Assistant Elections Officer so appointed;.
21.	Second Schedule.	The Second Schedule shall be repealed.
22.	Third Schedule.	The Third Schedule shall be repealed.
B. Urban Councils Ordinance.	1. 6.	(1) For the heading immediately above this section, substitute the following new heading: "Wards". (2) For the words "electoral divisions", substitute the word "wards". (3) For the words "electoral division", substitute the word "ward". (4) For the marginal note, substitute the following new marginal note:— "Wards."
	2. 7, 8, 9, 10 and 11 and 12.	Sections 7, 8, 9, 10, 11 and 12 (inclusive) shall be repealed.
	3. 13.	For this section, substitute the following new section:— 13. Where an Urban Council is to be constituted for any town under this Ordinance, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing the first members of the Council.
	4. 14.	For all the words from "under this Ordinance" to "any such Council," substitute the words "under this Ordinance,".
	5. 15.	(1) For all the words from "Upon the completion" to "in the Order.", substitute the words "The term of office of an Urban Council to be constituted for any town under this Ordinance shall commence on such date as the Governor may appoint by Order published in the <i>Gazette</i> ." (2) For the marginal note, substitute the following new marginal note:— "Commencement of term of office of Urban Councils and date of constitution of such Councils".

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
6. 16.	For this section, substitute the following new section :— Term of office of members elected at the first and each subsequent general election.	16. The term of office of each member elected at a general election shall commence— * (a) in the case of the first general election, on the date appointed by the Governor under section 15; and (b) in the case of any general election subsequent to the first general election, on the first day of January next succeeding the date of the election or on such other date as the Governor may appoint by Order published in the <i>Gazette</i> , and shall expire on the thirty-first day of December of the third year thereafter or on the last day of such other month, whether in that year or in the year immediately preceding or following that year as the Governor may appoint by Order published as aforesaid.
7. 17.	For this section, substitute the following new section :— Subsequent general elections.	17. Where the term of office of the members elected at the first or any subsequent general election of the members of an Urban Council is due to expire under section 16, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall, unless the Governor by Order published in the <i>Gazette</i> otherwise directs, be held for the purposes of electing new members in place of such members.
8. 18.	(1) In sub-section (1)—	(a) in paragraph (a), for the words “the Government Agent,” substitute the words “the Elections Officer of the district in which the town for which the Council is constituted is situated,”; and (b) in paragraph (b), for the words “the Government Agent,” substitute the words “such Elections Officer.”
	(2) For sub-section (2), substitute the following new sub-section :—	“ (2) Any member of an Urban Council who is absent without leave of the Council from more than three consecutive ordinary meetings of the Council shall <i>ipso facto</i> vacate his office.”
	(3) In sub-section (3), for all the words from “the Government Agent” to “such vacancy,” substitute the words “a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of filling up such vacancy.”	
9. 19.	(1) The heading immediately above this section shall be omitted. (2) For this section, substitute the following new section :—	19. No person shall be entitled to be elected as a member for more than one ward of a town, and in the event of any person being so elected, the Elections Officer of the district in which the town is situated shall forthwith, by notice in writing served upon such person, call upon him to declare, within seven days from the date of service, for which ward he desires to be a member, and in default of such declaration being made, the Elections Officer may himself determine for which ward he is to be a member; and upon such declaration or determination, as the case may be, being made, such person shall <i>ipso facto</i> vacate his seat as a member for any other ward of the town, and the provisions of section 18 (3) shall thereupon apply.
10. 20.	..	Section 20 shall be repealed.

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
	11. 21.	.. Section 21 shall be repealed and the heading immediately above that section shall be omitted.
	12. 22.	.. Section 22 shall be repealed.
	13. 23.	.. Section 23 shall be repealed and the heading immediately above that section shall be omitted.
	14. 24, 25, 26, 27, 28, and 29	Sections 24, 25, 26, 27, 28 and 29 (inclusive) shall be repealed.
	15. 30.	.. (1) In the heading immediately above this section, for the words "electoral divisions", substitute the word "wards". (2) For the words "electoral divisions", substitute the word "wards". (3) In the marginal note, for the words "electoral division", substitute the word "ward".
	16. 31.	.. (1) For the words "electoral divisions" wherever they occur collectively in this section, substitute the word "wards". (2) In sub-section (1)— (a) for all the words from "that division" to "Ordinance:", substitute the words "that ward shall thereupon vacate his office and a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall be held in that ward for the purpose of filling up such vacancy:"; and (b) in the proviso, for the words "electoral list of the division", substitute the word "ward".  (3) Immediately after sub-section (2), insert the following new sub-section:—  " (2A) If the effect of an Order under section 30 is to abolish any ward that was in existence before the date of the order, the member elected for that ward shall thereupon vacate his office, and no election shall be held for the purpose of electing a member in his place." (4) Sub-section (3) shall be repealed. (5) In sub-section (4), for the words "held under" substitute the words "referred to".
	17. 172.	.. In sub-section (1), paragraph (a) shall be omitted.
	18. 196.	.. In paragraph (e) (ii) of sub-section (1) for all the words from "the Government Agent" to "so removed";, substitute the words "that a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing a member in place of each member so removed";.
	19. 205.	.. In sub-section (2), paragraph (a) shall be omitted.
	20. 258.	.. (1) The following new definition shall be inserted immediately after the definition "Commissioner":— " "district" means a revenue district; " (2) The following new definition shall be inserted immediately after the definition "Executive Committee":—  " "Elections Officer" means the Elections Officer of a district appointed under the provisions of written law for the time being applicable in that behalf and includes any Assistant Elections Officer so appointed; " (3) The following new definition shall be inserted immediately after the definition "Elections Officer":— " "first general election" means a general election held for the purpose of electing the first members of an Urban Council to be constituted for a town under this Ordinance; "
	21. First Schedule.	The First Schedule shall be repealed.
C. Town Councils Ordinance.	I. 6.	.. (1) For the heading immediately above this section, substitute the following new heading:— " Wards " (2) For the words "electoral divisions", substitute the word "wards". (3) For the words "electoral division", substitute the word "ward". (4) For the marginal note, substitute the following new marginal note:— " Wards "
	2. 7, 8, 9, 10, 11 and 12.	Sections 7, 8, 9, 10, 11 and 12 (inclusive) shall be repealed.

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
	3. 13.	For this section, substitute the following new section :— First general 13. Where a Town Council is to be election of constituted for any town under this members. Ordinance, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing the first members of the Council.
	4. 14.	For all the words from "under this Ordinance" to "any such Council," substitute the words "under this Ordinance,".
	5. 15.	For all the words from "Upon the completion" to "in the Order," substitute the words "The term of office of a Town Council to be constituted for any town under this Ordinance shall commence on such date as the Governor may appoint by Order published in the <i>Gazette</i> ."
	6. 16.	For this section, substitute the following new section :— Term of office of members elected at the first and each subsequent general election. 16. The term of office of each member elected at a general election shall commence— (a) in the case of the first general election, on the date appointed by the Governor under section 15; and (b) in the case of any general election subsequent to the first general election, on the first day of January next succeeding the date of the election or on such other date as the Governor may appoint by Order published in the <i>Gazette</i> , and shall expire on the thirty-first day of December of the third year thereafter or on the last day of such other month whether in that year or in the year immediately preceding or following that year as the Governor may appoint by Order published as aforesaid.
	7. 17.	For this section; substitute the following new section :— Subsequent general elections. 17. Where the term of office of the members elected at the first or any subsequent general election of the members of a Town Council is due to expire under section 16, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing new members in place of such members.
	8. 18.	(1) In sub-section (1)— (a) in paragraph (a), for the words "the Government Agent," substitute the words "the Elections Officer of the district in which the town for which the Council is constituted is situated,"; and (b) in paragraph (b), for the words "the Government Agent," substitute the words "such Elections Officer,". (2) For sub-section (2), substitute the following new sub-section :— " (2) Any member of a Town Council who is absent without leave of the Council from more than three consecutive ordinary meetings of the Council shall <i>ipso facto</i> vacate his office." (3) In sub-section (3), for all the words from "the Government Agent" to "such vacancy," substitute the words "a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall, unless the Governor by Order published in the <i>Gazette</i> otherwise directs, be held for the purpose of filling up such vacancy,".
	9. 19.	(1) The heading immediately above this section shall be omitted. (2) For this section, substitute the following new section :— Election for more than one ward. 19. No person shall be entitled to be elected as a member for more than one ward of a town, and in the event of any person being so elected, the Elections Officer of the district in



Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
		which the town is situated shall forthwith, by notice in writing served upon such person, call upon him to declare, within seven days from the date of service, for which ward he desires to be a member, and in default of such declaration being made, the Elections Officer may himself determine for which ward he is to be a member; and upon such declaration or determination, as the case may be, being made, such person shall <i>ipso facto</i> vacate his seat as a member for any other ward of the town, and the provisions of section 18 (3) shall thereupon apply.
10.	20.	Section 20 shall be repealed.
11.	21.	Section 21 shall be repealed and the heading immediately above that section shall be omitted.
12.	22.	Section 22 shall be repealed.
13.	23.	Section 23 shall be repealed and the heading immediately above that section shall be omitted.
14.	24, 25, 26 27, 28 and 29	Sections 24, 25, 26, 27, 28 and 29 (inclusive) shall be repealed.
15.	20.	(1) In the heading immediately above this section, for the words "electoral divisions", substitute the word "wards". (2) For the words "electoral divisions", substitute the word "wards". (3) In the marginal note, for the words "electoral division", substitute the word "ward".
16.	31.	(1) For the words "electoral divisions" wherever they occur collectively in this section, substitute the word "wards". (2) In sub-section (1)— (a) for all the words from "that division" to "Ordinance:", substitute the words "that ward shall thereupon vacate his office and a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall be held in that ward for the purpose of filling up such vacancy:"; and (b) in the proviso, for the words "electoral list of the division", substitute the word "ward". (3) In sub-section (2A)— (a) for the words "electoral division", substitute the word "ward"; and (b) for the word "division", substitute the word "ward". (4) Sub-section (3) shall be repealed.
17.	197.	In paragraph (e) (ii) of sub-section (1), for all the words from "the Government Agent" to "so removed;", substitute the words "that a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing a member in place of each member so removed;".
18.	206.	In sub-section (2), paragraph (a) shall be omitted.
19.	259.	(1) The following new definition shall be inserted immediately after the definition "Commissioner":— "district" means a revenue district;'. (2) The following new definition shall be inserted immediately after the definition "Executive Committee":— "Elections Officer" means the Elections Officer of a district appointed under the provisions of written law for the time being applicable in that behalf and includes any Assistant Elections Officer so appointed;'. (3) The following new definition shall be inserted immediately after the definition "Elections Officer":— "first general election" means a general election held for the purpose of electing the first members of a Town Council to be constituted for a town under this Ordinance;'. The First Schedule shall be repealed.
D. The Public Bodies (Prevention of Corruption) Ordinance.	1. 5.	In sub-section (2), for the words "be incapable" to the end of that sub-section, substitute the words "be disqualified from being registered as a voter or from voting at any election of members of any public body or from being elected, nominated or appointed, or from sitting or voting, as a member of any public body."
	2. 6.	In the definition "public body", for the words "Urban Council," substitute the words "Urban Council, Town Council,".

## EIGHTH SCHEDULE.

(Section 90).

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
Village Communities Ordinance.	1. 5.	(1) For paragraph (a) of the proviso to subsection (1), substitute the following new paragraph:— “(a) no inhabitant of any such urban area shall be qualified to vote at any election of a member of the Village Committee of that village area, or to be elected or to sit or to vote as a member of such Committee;”.  (2) For paragraph (a) of sub-section (2), substitute the following new paragraph:— “(a) no inhabitant of such town or village shall be qualified to vote at any election of a member of the Village Committee of any village area, or to be elected or to sit or to vote as a member of such Committee;”.
	2. 8.	For this section, substitute the following new section:—  8. A Village Committee in accordance with the provisions of this Ordinance shall be constituted for each village area.
	3. 9 and 10	Sections 9 and 10 shall be repealed.
	4. 12.	For this section, substitute the following new section:—  12. Where a Village Committee is to be constituted for any village area under this Ordinance, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing the first members of the Committee.
	5. 13.	For this section, substitute the following new section:—  13. The term of office of a Village Committee to be constituted for any village area under this Ordinance shall commence on such date as the Governor may appoint by Order published in the <i>Gazette</i> . Such date shall be deemed to be the date of the constitution of the Committee for all the purposes of this Ordinance, and the Committee shall be deemed to be duly constituted on that date notwithstanding that a member has not been elected for any ward of that area.
	6. 14, 15, and 16.	Sections 14, 15 and 16 (inclusive) shall be repealed.
	7. 17.	For this section, substitute the following new section:—  17. (1) The term of office of each member of a Village Committee elected at a general election shall commence— (a) in the case of the first general election, on the date specified by the Governor by Order under section 13; and (b) in the case of any general election subsequent to the first general election, on the first day of July next succeeding the date of the election or on such other date as the Governor may appoint by Order published in the <i>Gazette</i> .  (2) (a) The term of office of each member of a Village Committee elected at the first or any subsequent general election shall expire on the last day of June of the third year after such election. (b) Notwithstanding the provisions of paragraph (a), the Governor may, as respects any Village Committee, by Order published in the <i>Gazette</i> , substitute for the date specified in that paragraph the last day of any other month, whether in the year so specified or in the year immediately preceding or following that year, but so that the period by which the term of office of the Committee is extended or curtailed by the Order shall not exceed eighteen months.

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
8.	18.	.. For this section, substitute the following new section :— Subsequent general elections. 18. Where the term of office of the members elected at the first or any subsequent general election is due to expire under section 17, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing new members in place of such members.
9.	19.	.. For this section, substitute the following new section :— Vacation of office by operation of law. 19. Any member of a Village Committee who is absent without leave of the Committee from more than three consecutive meetings of the Committee shall <i>ipso facto</i> vacate his office.
10.	20.	.. For this section, substitute the following new section :— Refusal or resignation of office. 20. Where any person who is elected as a member of a Village Committee decides for any reason not to serve as a member thereof, he may relinquish the office— (a) by a written communication of his refusal of office to the Elections Officer of the district in which the village area for which the Committee is constituted is situated, at any time before the date fixed for the first meeting of the Committee to be held after his election ; or (b) by a written communication of his resignation of office to such Elections Officer, either direct or through the Chairman, at any time after such first meeting.
11.	21.	.. (1) For all the words from " Village Committee dying," to " section 62 (a)," substitute the words " Village Committee dying, or vacating his office by virtue of the provisions of section 19,". (2) For all the words and figures from " the Government Agent " to " sections 14, 15 and 16 ;", substitute the words " a by-election, in accordance with the provisions of written law for the time being applicable in that behalf shall, unless the Governor by Order published in the <i>Gazette</i> otherwise directs, be held for the purpose of filling up such vacancy ;".
12.	22.	.. For this section, substitute the following new section :— Election for more than one ward. 22. No person shall be entitled to be elected as a member for more than one ward of a village area, and in the event of any person being so elected, the the Elections Officer of the district in which the area is situated shall forthwith, by notice in writing served upon such person, call upon him to declare, within seven days from the date of service, for which ward he desires to be a member, and in default of such declaration being made, the Elections Officer may himself determine for which ward he is to be a member ; and upon such declaration or determination, as the case may be, being made, such person shall <i>ipso facto</i> vacate his seat as a member for any other ward, and the provisions of section 21 shall thereupon apply.
13.	23 and 24.	Sections 23 and 24 shall be repealed.
14.	41A.	.. In sub-section (1), for all the words from " it becomes necessary " to the end of that sub-section, substitute the following :— " it becomes necessary to elect the first members of the Village Committee to be constituted for that area, a general election in accordance with the provisions of written law for the time being applicable in that behalf may be held before the specified date for the purpose of electing such members, and for the purposes of such election— (a) every village headman's division in that town or village shall, subject to any sub-

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
		division or amalgamation made by notification under section 11, be deemed to be a ward of the village area ;
		(b) electoral lists in accordance with the provisions of written law aforesaid may be prepared for the wards of such village area ;
		(c) every person who is qualified under the provisions of written law aforesaid shall be entitled to vote at such election ; and
		(d) every person who is qualified under the provisions of written law aforesaid shall be entitled to stand for election and to be elected as a member of the Village Committee.
15.	57.	.. Section 57 shall be repealed.
16.	59.	.. In sub-section (1), paragraphs (a) and (b) shall be omitted.
17.	61.	.. In paragraph (d) (ii), for all the words from " the Government Agent " to the end of that paragraph, substitute the words " that a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing a fresh Committee or direct the Government Agent to administer the affairs of that area for such period as may be specified in the Order. ".
18.	62.	.. In paragraph (a), for all the words from " the office of Charman, " to the end of that paragraph, substitute the words " the office of Chairman ; ".
19.	129.	.. (1) The following new definition shall be inserted immediately after the definition " co-operative society " :— " district " means a revenue district ; " Elections Officer " means the Elections Officer of a district appointed under the provisions of written law for the time being applicable in that behalf and includes any Assistant Elections Officer so appointed ; (2) The following new definition shall be inserted immediately after the definition " Executive Committee " :— " first general election " means a general election held for the purposes of electing the first members of a Village Committee to be constituted for a village area under this Ordinance.

#### *Objects and Reasons.*

A feature of elections to local bodies in recent years has been the large-scale impersonation of voters and the unsatisfactory manner in which such elections have been conducted. The absence of a central authority responsible for the conduct of such elections and the unsatisfactory method of voting prescribed by law have largely been responsible for this regrettable state of affairs. It is felt that in the public interest immediate steps should be taken to prevent impersonations at elections and to ensure that elections are conducted in an orderly and efficient manner. The object of this Bill is therefore to enact a new body of law applicable to elections to Municipal Councils, Urban Councils, Town Councils and Village Committees.

2. Power is to be taken to enable the Governor to bring the new law into operation on such date as he may appoint by Proclamation published in the *Gazette*. The new law is to apply to every Municipal Council, Urban Council and Town Council with effect from that date, and to a Village Committee with effect from such date as the Governor may apply such law to that Committee by Order published in the *Gazette*. (Clauses 1 and 2).

3. The conduct of elections under the new law is to be placed in the charge of a central authority to be called the Commissioner of Elections who is to be appointed by the Governor. The Commissioner is to be assisted by Assistant Commissioners of Elections, Elections Officers and Assistant Elections Officers, all of whom are to be appointed by the Governor. (Clauses 4 and 5).

4. Electoral lists are to be prepared for the purposes of every general election, and, except in the case of village areas, are to be subject to annual revision. The authority responsible for the preparation and revision of electoral lists is to be the Elections Officer of the district in which the area to which the lists relate is situated. (Part III.).

5. The authority responsible for the proceedings relating to the nomination of candidates for election is to be the returning officer appointed for the purposes of such election by the Elections Officer of the district in which the election is to be held. (Clause 28). A candidate will be required to make his deposit with the returning officer before 1 p.m. on the day immediately preceding nomination day and to obtain a receipt from the returning officer acknowledging the payment. The receipt will have to be attached to the first nomination paper delivered on behalf of the candidate on nomination day. (Clause 32).

6. The returning officer of a ward is to be the authority responsible for the conduct of the polling at any election for that ward. He will have the assistance of presiding officers appointed by him for each polling station. (Clause 41).

7. The present practice of allotting a coloured ballot box to each candidate at each polling station is to be abandoned and only one ballot box placed within sight of the presiding officer is to be used at each polling station. (Clause 52).

8. A voter is to be provided with a ballot paper on which the name of each candidate is specified in English, Sinhalese and Tamil, and will be required to place a mark against the name of the candidate for whom he desires to vote and to insert the ballot paper in the ballot box. (Clause 54). Compartments are to be provided in each polling station to enable a voter to mark his ballot paper in secrecy. (Clause 45). Power is to be taken to enable a presiding officer to mark the ballot paper of a voter who makes a declaration to the effect that he is unable to read. (Clause 55).

9. The penalty for the offence of personation is to be rigorous imprisonment for a term not exceeding one year or both such imprisonment and a fine not exceeding one thousand rupees. (Clause 78).

S. W. R. D. BANDARANAIKE,  
Minister for Local Administration.  
Colombo, May 31, 1946.