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# THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

No. 9,576 — TUESDAY, JULY 9, 1946.

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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. 27/46.—M.L.A.—BA 657

**An Ordinance to make special provision for the conduct of polls at the general elections of members of Municipal Councils due to be held in the year 1946, and at by-elections of such members held thereafter.**

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 Municipal Councils (Conduct of Polls) Ordinance, No. of 1946.

Short title.

2. This Ordinance shall apply to every general election of members of any Municipal Council due to be held in the year 1946 and to every by-election of a member of any such Council held thereafter.

Application of Ordinance.

3. In the case of every election to which this Ordinance applies, the Colombo Municipal Council (Constitution) Ordinance (hereinafter referred to as the "principal Ordinance") shall have effect as if there had been omitted from that Ordinance the provisions, and all references to the provisions, whereby—

Special provisions as to ballot boxes, form of ballot paper and manner of voting.

Cap. 194.

- (a) colours are required to be allotted to the several candidates at a contested election ;
- (b) the colours so allotted are required to be specified in any notice to be published or exhibited under that law ;
- (c) one ballot box for each candidate, being a box of the colour allotted to him, is required to be provided in each compartment of a polling station ;
- (d) the form of the ballot paper to be used is prescribed or required to be prescribed ;
- (e) each voter is required to place his ballot paper in the ballot box of the colour allotted to the candidate whom he prefers ; and
- (f) a presiding officer or a person acting under the authority of such officer is required or authorised to give assistance to a voter to enable him to vote or to explain to a voter the method of voting ;

and as if the following provisions had been inserted in the appropriate contexts in the principal Ordinance, namely :—

- (1) Immediately before the commencement of the poll, the presiding officer shall show the ballot box unlocked and 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.

Ballot boxes.

- Form of ballot paper.** (2) Every ballot paper shall be substantially in the form set out in the First Schedule, and—
- (a) shall set out the full names of the several candidates in the alphabetical order of their surnames, or, in the case of candidates having no surnames, in the alphabetical order of the names by which they are ordinarily known, the order in which the names of any two or more candidates having the same surname or ordinarily known by the same name are to be arranged in relation to each other being determined by the alphabetical order of their first names, and the alphabetical order for any of the purposes of this sub-paragraph being the alphabetical order of names as written in English ;
- (b) shall be capable of being folded up ;
- (c) shall have a number printed on the back ; and
- (d) shall have attached a counterfoil with the same number printed on the face.
- Manner of voting.** (3) Every voter, on receiving the ballot paper, shall forthwith proceed into the compartment to which he is directed by the presiding officer or any person acting under that officer's authority and there secretly mark the ballot paper as near as may be in accordance with the directions given for the guidance of voters under this Ordinance and fold up the ballot paper 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.
- Directions for the guidance of voters in voting.** (4) During the taking of the poll, the presiding officer shall cause to be exhibited outside his polling station and in every compartment thereof, a notice, in English and Sinhalese and Tamil, substantially in the form set out in the Second Schedule, giving directions for the guidance of voters in voting.
- Assistance to voters to enable them to vote.** (5) (a) The presiding officer, or any person authorised by the presiding officer, shall, on the application of any voter, explain to the voter, in the presence of the polling agents of the candidates if present, the method of voting specified in the directions under paragraph (4), but in so doing he shall carefully abstain from any action which might be construed by the voter as advice or a direction to vote for any particular candidate.
- (b) The presiding officer, on the application of any voter who is incapacitated by blindness or other physical cause from voting in accordance with the directions under paragraph (4) or of any voter who states that he is unable to read or to vote as aforesaid, shall, in the presence of the polling agents of the candidates if present, mark the ballot paper of such voter in the manner directed by the voter and shall cause such ballot paper to be placed in the ballot box.
- Special provisions as to rejection of ballot papers.** 4. At the counting of the votes at any election to which this Ordinance applies—
- (1) the following shall, in addition to the grounds specified in the principal Ordinance, be grounds on which a ballot paper shall be rejected by the returning officer, namely :—
- (a) that votes for more than one candidate have been given on that ballot paper,
- (b) that the ballot paper is void for uncertainty, and
- (c) that the ballot paper is unmarked ;
- (2) where the returning officer is satisfied that any mark made on a ballot paper clearly indicates the intention of the voter to give his vote and the candidate for whom he gives his vote, the returning officer shall not reject the ballot paper on the ground solely that it has not been marked in all respects in accordance with the directions given for the guidance of voters under the provisions of this Ordinance.
- Special provisions as to personation.** 5. In the case of every election to which this Ordinance applies, every person who is convicted by a competent court of the offence of personation within the meaning of Chapter IXA of the Penal Code shall, notwithstanding anything in that Chapter, be liable to rigorous imprisonment for a term not exceeding one year or to a fine of not less than two hundred and fifty rupees and not more than one thousand rupees or to both such imprisonment and such fine.
- Interpretation.** 6. In this Ordinance, the expressions " presiding officer " and " voter " shall have the same meaning as in the principal Ordinance.

**FIRST SCHEDULE.**

## Form of ballot paper.

*Front of ballot paper.*

Counterfoil No.	Name of candidate (also in Sinhalese and Tamil)	Mark of voter (also in Sinhalese and Tamil)
<i>Note :</i> The counterfoil is to have a number to correspond with that on the back of the ballot paper.	1. Cassie Lebbe ABDUL RAHI-MAN (also in Sinhalese and Tamil)	
	2. Mohamed ABDUL RAHI-MAN (also in Sinhalese and Tamil)	
	3. Mudiyansele DON ELARIS (also in Sinhalese and Tamil)	
	4. Edwin FOENANDER (also in Sinhalese and Tamil)	
	5. Canagasabai PONNIAH (also in Sinhalese and Tamil)	

*Back of ballot paper.*

No. :  
 Election for the \_\_\_\_\_ ward of the town of \_\_\_\_\_.

*Directions as to printing ballot paper.*

(Not to be reproduced in the ballot paper).

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

The full name of each candidate shall be printed in English and Sinhalese and Tamil.

The number on the back of the ballot paper shall be printed in small characters, and shall be the same as the number on the face of the counterfoil.

**SECOND SCHEDULE.**

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.

A voter may vote for only one candidate.

A voter will go into one of the compartments, and mark 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, thus ×

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 rejected, and will not be counted.

*Objects and Reasons.*

In order to meet the demand for a reform in the procedure followed at elections of members of local authorities, a very elaborate Bill consisting of 90 Clauses and 8 Schedules has been prepared and published. In view of its size and importance, and the contentious nature of some of the provisions it contains, however, the passage of that Bill through the State Council will probably take some time. But there seems to be a general desire that any reforms that are intended to deal with such serious abuses as impersonation or the sale of ballot papers should take effect before the date of the general elections of the Municipal Councils of Colombo, Kandy and Galle, that are due to be held at the end of this year. It is therefore proposed in this Bill, as a temporary measure, that in the case of every such general election and of every by-election of a member of any such Council held thereafter—

- (a) the present method of voting which consists in placing unmarked ballot papers in one or other of several coloured ballot boxes kept in secret compartments, should be replaced by a system under which ballot papers will be marked in secret and then placed in a single ballot box in the presence of the presiding officer and
- (b) the penalty for the offence of impersonation should be rigorous imprisonment for a term not exceeding one year or to a fine of not less than two hundred and fifty rupees and not more than one thousand rupees or to both such imprisonment and such fine.

S. W. R. D. BANDARANAIKE,  
 Minister for Local Administration.

Colombo, July 8, 1946.