



PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
SRI LANKA

DEVELOPMENT COUNCILS ELECTIONS  
ACT, No. 20 OF 1981

[Certified on 19th March, 1981]

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**Development Councils Elections  
Act, No. 20 of 1981**

[Certified on 19th March, 1981]

L. D.—O. 66/80.

AN ACT TO MAKE PROVISION FOR THE PROCEDURE OF THE ELECTION OF MEMBERS OF DEVELOPMENT COUNCILS, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Development Councils Elections Act, No. 20 of 1981, and shall come into operation on such date as may be appointed by the Minister by Order published in the Gazette.

Short title  
and date of  
operation.

**PART I**

**PRELIMINARY**

2. The provisions of this Act shall apply to every Development Council constituted or to be constituted under the provisions of the Development Councils Act, No. 35 of 1980.

Application  
of Act

3. Every Development Council area shall be an electoral area for the purposes of this Act.

Electoral  
areas.

4. (1) Each polling district for the time being in force under the Registration of Electors Act, No. 44 of 1980, shall be deemed to be a polling district for the purposes of this Act.

Polling  
divisions  
and polling  
districts.

(2) Each polling division for the time being in force under the Registration of Electors Act, No. 44 of 1980, shall be deemed to be a polling division for the purposes of this Act.

5. (1) The register to be used for the purposes of an election under this Act shall be the register in operation on the date of publication of the notice of nomination under section 10, notwithstanding that a new register may have come into operation after the publication of such notice.

Registers of  
electors.

(2) For the purposes of subsection (1) a "register in operation" means a register of electors in operation in terms of the Registration of Electors Act, No. 44 of 1980, and includes a register or registers or a part of a register or any combination of them corresponding to the area of a Development Council.

Register of electors to be conclusive evidence of right to vote.

6. A register of electors referred to in section 5 shall be conclusive evidence for the purpose of determining whether a person is or is not entitled to vote at an election under this Act and the right of voting of any person whose name is for the time being contained in such register shall not be prejudiced by any appeal pending under any written law for the time being in force in respect of the entry of such person's name in the register, and any vote given by any such person during the pendency of such appeal shall be as good as though no such appeal were pending and shall not be affected by the subsequent decision of the appeal :

Provided that if any person, who by reason of his conviction of a corrupt practice or an illegal practice or by reason of any of the provisions of the Constitution or by reason of his disqualification under section 67, is incapable of voting at an election under this Act, votes at such election, he shall, on conviction before a Magistrate be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a period not exceeding six months :

Provided further that nothing in this section shall affect the liability of any person to any penalty for an infringement of the provisions relating to voting in person under section 24 or to plural voting under section 40.

returning officers.

7. (1) The Commissioner shall, from time to time, by notice in the Gazette appoint by name or by office a person to be the returning officer of each Development Council area, and may appoint by name or by office one or more persons to assist the returning officer in the performance of his duties. A person so appointed to assist any returning officer shall have all the powers and may perform all the duties of the officer whom he is appointed to assist, and any reference in this Act to a returning officer shall, unless the context otherwise requires, be deemed to include a reference to an assistant returning officer. An appointment made by the Commissioner under this subsection may be revoked by him at any time.

(2) If any returning officer is by reason of illness or other cause prevented or disabled from performing any of his duties under this Act and there is not time for another person to be appointed by the Commissioner, the returning officer may appoint by name or by office, a deputy to act for him. Every such appointment shall as soon as possible be reported to the Commissioner and may be revoked by him, but without prejudice to the validity of anything already done by such deputy.

8. (1) Every political party which, on the day immediately preceding the date of coming into operation of this Act, is entitled to be treated as a recognized political party under the Parliamentary Elections Act, No. 1 of 1981, or under the Local Authorities Elections Ordinance, shall, so long as that political party continues to be treated as a recognized political party under that Act or Ordinance, be deemed to be a recognized political party for the purpose of elections under this Act.

Recognized  
political  
parties for  
the purpose  
of elections

(2) Where a political party is deemed by virtue of the operation of the provisions of subsection (1) to be a recognized political party for the purpose of elections under this Act, the approved symbol allotted to that party under the Parliamentary Elections Act, No. 1 of 1981, or the Local Authorities Elections Ordinance or any other law, shall be deemed to be the approved symbol of that party until such party ceases to be so entitled under subsection (1).

9. No person shall be qualified to be elected as a member of a Development Council or to sit or vote as an elected member of such Council—

Disquali-  
cation of  
membership

- (a) if such person is subject to any of the disqualifications specified in paragraphs (a), (c), (d), (e), (f) and (g) of Article 91 (1) of the Constitution;
- (b) if such person is subject to any of the disqualifications specified in the Local Authorities (Imposition of Civic Disabilities) (No. 1) Law, No. 38 of 1978, or the Local Authorities (Imposition of Civic Disabilities) (No. 2) Law, No. 38, of 1978, or who, under any other law for the time being in force, is disqualified from voting at an election of members to any Municipal Council or Urban Council;
- (c) if he is a Member of Parliament;
- (d) if such person is a member of any other Development Council or stands nominated as a candidate for election for more than one Development Council;
- (e) if he is a member of any Municipal Council or Urban Council;

- (f) if such person is an officer or servant of a Development Council in actual employment by and in receipt of a salary from such Council, or is a person whose employment by such Council was terminated within a period of one year before the date of the election of members to such Council ;
- (g) if such person 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 Council :

Provided that nothing herein contained shall extend to any pension or gratuity granted by such Council 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 ;

- (h) if such person is a member of the Local Government Service established by the Local Government Service Law, No. 16 of 1974 :

Provided that nothing herein contained shall extend to a person who holds a post the initial of the salary scale of which is less than Rs. 6,720 per annua, if he seeks election to a Development Council under which he is not employed at the time of the election in question, or under which he was not employed during a period of one year immediately preceding such election ; or

- (i) if such person stands nominated as a candidate for election by more than one recognized political party or independent group in respect of any Development Council.

## PART II

### NOMINATIONS

Nomination  
period.

10. (1) Whenever an election of the members of a Development Council is due to be held in any year, the returning officer of that Development Council area shall publish a notice of his intention to hold such election. The notice shall specify the period (hereinafter referred to as the "nomination period") during which nomination papers shall be received by the returning officer during normal office

hours at his office, and the number of candidates required under section 13(1) to be set out on the nomination paper.

(2) The nomination period shall commence on the fourteenth day after the date of publication of the notice referred to in subsection (1) and expire at twelve noon on the twenty-first day after the date of publication of such notice.

11. (1) Where the Commissioner has reasonable cause to believe that difficulties may arise at an election which is due to be held in any Development Council area by reason of the fact that there are rival sections of a recognized political party all of whom claim to be that party, the Commissioner may, in order to remove such difficulties, issue in his absolute discretion a direction to the returning officer for that Development Council area that in the case of such election such recognized political party is either any one such section or none of such sections. It shall be the duty of such returning officer or any other officer, at such election, to act in accordance with that direction.

Power of Commissioner to direct which one of the rival sections of recognized political party is that party.

(2) No suit or other proceeding shall lie against—

(a) the Commissioner by reason of his having issued a direction under subsection (1); or

(b) a returning officer or any other officer for any act or thing done or omitted to be done in accordance with that direction.

(3) A direction issued to a returning officer under subsection (1) shall be final and conclusive, and shall not be called in question in any court.

(4) The preceding provisions of this section and any direction issued thereunder shall have effect notwithstanding anything to the contrary in any other provisions of this Act.

12. Any person who is not disqualified to be elected as a member of a Development Council in terms of section 9 of the Act may be nominated as a candidate for election.

Who may contest election.

13. (1) Any recognized political party or any group of persons contesting as independent candidates (hereinafter referred to as an "independent group") may for the purpose of an election of members of a Development Council submit one nomination paper setting out the names, in order

Nomination papers

of priority, of such number of candidates as is equivalent to the number of members to be elected for that Development Council, increased by one-third. Where one-third of the number of members to be elected for any Development Council is an integer and fraction or fraction, the integer immediately higher to that integer and fraction or fraction shall be deemed to be the one-third for the purposes of this subsection. Such nomination paper shall be substantially in form A set out in the First Schedule to this Act.

(2) The written consent of each candidate to be nominated by a recognized political party or an independent group shall be endorsed on the nomination paper.

(3) Each nomination paper shall be signed by the secretary of a recognized political party or in the case of an independent group, by the candidate whose name appears first in the nomination paper (hereinafter referred to as the "group leader") and shall be attested by a Justice of the Peace or by a notary public.

(4) Such nomination paper shall be delivered to the returning officer at his office during normal office hours within the nomination period by the secretary of a recognized political party or by the candidate whose name appears first in such nomination paper (hereinafter referred to as the "authorized agent") in the case of a recognized political party, or by the group leader in the case of an independent group.

(5) Where, due to any reason whatsoever, the secretary of a recognized political party or the authorized agent or the group leader is unable to deliver a nomination paper, the candidate whose name appears second on such nomination paper shall deliver such nomination paper to the returning officer as required by subsection (4).

(6) The returning officer shall as soon as practicable make a copy of each nomination paper received by him and display such copy on his notice-board.

(7) The returning officer shall, on application made at any date after the publication of the notice of nomination and before the expiry of the nomination period, supply free of charge a nomination paper to any recognized political party or any independent group; but nothing in this Act 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 form A set out in the First Schedule to this Act.

(5) (a) Where it appears to the secretary of a recognized political party or an authorized agent or a group leader that there is any omission or clerical error in a nomination paper submitted by such party or independent group he may make an application to the returning officer before the expiry of the nomination period to correct such omission or error on such paper.

(b) Where the returning officer is satisfied that such omission or error is due to inadvertence, the returning officer may allow such secretary or authorized agent or group leader to correct such omission or error in his presence.

(c) For the purposes of this subsection the omission of the name of a candidate, or the failure of a candidate to endorse his consent on a nomination paper, or the failure of the secretary of a recognized political party or a group leader to sign a nomination paper, or the failure of a Justice of the Peace or a notary public to attest such signature shall be deemed not to be an omission or a clerical error due to inadvertence.

14. (1) A group leader or any person authorized by such group leader, shall, between the date of publication of the notice under section 10 and the submission of the nomination paper of that group, deposit in legal tender with the returning officer a sum calculated at two thousand rupees in respect of each candidate nominated by such group.

Deposits.

(2) No deposit made by a group leader or a person authorized by such group leader under subsection (1) shall be accepted by the returning officer unless it is made within the time prescribed in that subsection.

(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 was made a receipt in writing signed by such officer acknowledging his acceptance of such deposit, and the receipt shall state—

(a) the name of the group leader by whom the deposit was made or of the authorized person by whom and on whose behalf the deposit was made;

(b) the number of candidates;

(c) the amount of the deposit; and

(d) the time and the date of the deposit.

15. (1) Every deposit made with a returning officer under section 14 shall forthwith be credited by such officer to a deposit account and shall be disposed of according to the provisions of subsections (2), (3) and (4).

Disposal of deposits.



(2) Where a nomination paper of an independent group is rejected under the provisions of section 17, the deposit shall be returned to the person who made the deposit.

(3) Where the number of votes polled by an independent group is less than one-eighth of the total number of votes polled at the election in such Development Council area, the deposit made in respect of the candidates of such group shall be declared forfeit and shall be transferred by the returning officer from the deposit account to the Consolidated Fund, and in every other case the deposit shall be returned to the person who made the deposit, as soon as may be after the result of the election is declared.

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

16. Where any person who is not qualified to be elected as a member of a Development Council—

- (a) by reason of his conviction for a corrupt or illegal practice or by reason of the report of an Election Judge under the Ceylon (Parliamentary Elections) Order in Council, 1946, or under the Parliamentary Elections Act, No. 1 of 1981, or by reason of the report of the Supreme Court under the law relating to the election of the President; or
- (b) by reason of the imposition of civic disability on him in terms of Article 81(1) of the Constitution; or
- (c) by reason of his being subject to any of the disqualifications specified in the Local Authorities (Imposition of Civic Disabilities) (No. 1) Law, No. 23 of 1978, or the Local Authorities (Imposition of Civic Disabilities) (No. 2) Law, No. 29 of 1978,

signifies his consent to be nominated as a candidate at an election of members of any Development Council, he shall be guilty of an offence, and shall, on conviction before a Magistrate be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.

17. (1) The returning officer shall, immediately after the expiry of the nomination period, examine the nomination papers received by him and reject any nomination paper—

- (a) that has not been delivered in accordance with the provisions of subsection (4) or subsection (5) of section 12; or

Consent to nomination an offence under certain circumstances.

Rejection of nomination papers.

- (b) that does not contain the total number of candidates required to be nominated in terms of section 13; or
- (c) in respect of which the deposit required under section 14 has not been made; or
- (d) where the consent of one or more candidates nominated has not been endorsed on the nomination paper; or
- (e) where the signature of the secretary in the case of a recognized political party, or of the group leader in the case of an independent group does not appear on the nomination paper or where such signature has not been attested as required by subsection (3) of section 13.

(2) Where any nomination paper has been rejected by the returning officer under subsection (1), the returning officer shall inform the secretary of the recognised political party or the group leader, as the case may be, who had submitted such nomination paper the fact of such rejection. The decision of the returning officer to reject such nomination paper shall be final and conclusive.

18. (1) Where in the case of any Development Council area, the candidates of only one recognized political party or one independent group stand duly nominated for election, then—

Uncontested  
elections.

- (a) such number of candidates in the order in which their names appear in such nomination paper, as is equivalent to the number of members to be elected for that Development Council shall be declared elected by the returning officer; and
- (b) the candidate whose name appears first in the nomination paper referred to in this subsection shall be declared elected the Chairman of the Development Council by the returning officer.

(2) The returning officer shall forthwith make a return which shall be substantially in form B set out in the First Schedule to this Act, to the Commissioner who shall cause the names of the members and the name of the Chairman so elected to be published in the Gazette.

19. Where in the case of any Development Council area the returning officer finds at the expiry of the nomination period—

Procedure  
where no  
nomination  
papers are  
received.

- (a) that no nomination paper has been duly received on behalf of any recognized political party, or any independent group; or

- (b) that all the nomination papers received by him have been rejected,

the returning officer shall not later than seven days after the expiry of the nomination period publish a notice prescribing a second nomination period. Such period shall commence on the seventh day after the date of the publication of the notice and expire at twelve noon on the tenth day after the date of publication of such notice. The provisions of this Act shall apply in relation to the second nomination period, subject however that the duration of the nomination period referred to in section 10 shall not be applicable to the second nomination period.

**Contested  
elections.**

20. (1) If, at the expiry of the nomination period and after the rejection of any nomination paper, candidates of more than one recognized political party or independent group stand duly nominated for election, the returning officer shall forthwith allot—

- (a) to each recognized political party for the purpose of that election, the approved symbol of that party; and
- (b) in respect of each independent group, an approved symbol and where there is more than one independent group an approved symbol and a distinguishing number determined—
  - (i) in the first instance by agreement among the group leaders; or
  - (ii) in the absence of such agreement by lots cast or drawn in such manner as the returning officer may, in his absolute discretion, determine,

and such symbol shall be printed on the ballot paper opposite—

- (i) the name of such party; and
- (ii) in the case of an independent group, the words "Independent Group" and the distinguishing number, if any, allotted to that group.

(2) The approved symbol of a recognized political party shall not, whether or not such party is contesting an election, be allotted under paragraph (b) of subsection (1) to any independent group.

(3) After the allocation of symbols under subsection (1) the returning officer shall forthwith adjourn such election to enable a poll to be taken in accordance with the provisions hereinafter set out.

21. No person other than the returning officer, the secretary of a recognized political party, the authorized agent, the group leader, the candidate whose name appears second on a nomination paper and one other person, if any, selected by such secretary or authorized agent or group leader shall, except with the consent of and for the purpose of assisting the returning officer, be entitled to be present at the proceedings under sections 13, 17, 18 and 20.

Persons  
entitled  
to be  
present at  
nomination.

### PART III

#### THE POLL

22. (1) The returning officer shall, as soon as may be after the conclusion of the proceedings under section 20, publish a notice in the Gazette specifying—

Notice of  
poll.

- (a) the Development Council in which the election is contested;
- (b) the names of the candidates in order of priority as set out in the nomination paper of each recognized political party and independent group for election as members of that Development Council and the approved symbol allotted to such party or group and in the case of an independent group the words "Independent Group" and the distinguishing number, if any;
- (c) the date of poll, such date being any day other than a Full Moon Poya day or any public holiday specified in the First Schedule to the Holidays Act, No. 29 of 1971, and being a date not less than three weeks or more than eight weeks from the date of publication of the notice;
- (d) the situation of the polling station or stations for each of the polling districts in the Development Council area, and the particular polling station, if any, reserved for female voters.

(2) If, after the publication of the notice referred to in subsection (1), the day specified in such notice is declared to be a public holiday, such declaration shall in no way affect the validity of anything done on such day of the purposes of the election.

(3) Unless the returning officer considers it necessary or expedient in the special circumstances of any case to provide a separate polling station for the female voters of any polling district, there shall be for each polling district one polling station and no more.

(4) The polling station or stations for each polling district shall be situated within such polling district save where the returning officer, having regard to the special circumstances in any polling district, may decide upon a polling station outside such polling district. The location of the polling station shall be such as to cause the minimum inconvenience to the electors of the polling district.

(5) Where due to any emergency it is necessary that the situation of any polling station should be different from that specified in a notice published under subsection (1) the returning officer may cause the situation of that station to be altered in such manner as he may, in his absolute discretion, determine.

(6) Where due to any emergency or unforeseen circumstances the poll for the election in any Development Council area cannot be taken on the day specified in a notice published under subsection (1), the returning officer may, by notice published in the Gazette, appoint another day for the taking of such poll, and such other day shall not be earlier than the fourteenth day after the publication of the notice in the Gazette.

Death of  
candidate  
after  
nomination.

23. Whenever the death occurs of a candidate for election for any Development Council area between the adjournment of the election for the purposes of the poll and the commencement of the poll, the returning officer shall, upon being satisfied of the fact of such death, expunge the name of that candidate from the nomination paper and notwithstanding such death, the nomination paper with the omission of the name of the deceased candidate shall be valid in respect of the other candidates in the order in which their names appear in that nomination paper and the poll shall be taken as specified in the notice under section 22.

24. (1) A person who is entitled under this section to be treated as a postal voter for the purpose of an election in any Development Council area may vote by post, and shall not vote in person, at such election.

Voting by  
post.

Any person who votes in person at any election in contravention of the preceding provisions of this subsection shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

(2) An application to be treated as a postal voter in any Development Council area may be made—

- (a) by a member of the Sri Lanka Army, Sri Lanka Navy, Sri Lanka Air Force, or an officer or servant in the Department of Police, the Sri Lanka Government Railway, the Department of Posts and the Department of Telecommunications or the Sri Lanka Central Transport Board or any Regional Transport Board, on the ground that he is unable or likely to be unable to vote in person at the polling station allotted to him by reason of the particular circumstances of his employment as such member, officer or servant, and
- (b) by any other officer or servant in the public service or of the Central Bank of Ceylon, or the Local Government Service on the ground of the particular circumstances of his employment on the date of the poll for a purpose connected with the election or of his being likely to be employed for that purpose, and
- (c) by a candidate at an election on the ground that he is unable or likely to be unable to vote in person at the polling station allotted to him by reason of his candidature in some other Development Council area.

(3) An application to be treated as a postal voter shall be made to the returning officer so as to reach him within ten days after the date of publication of the notice of nomination under section 10. Such application shall be substantially in the form prescribed for the purpose by the regulations contained in the Second Schedule to this Act.

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

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

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

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

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

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

(a) a ballot paper ;

(b) a form of declaration of identity ;

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

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

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

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

(12) The returning officer of any Development Council area where there is an election shall, as soon as practicable, prepare a list (in this Act referred to as the "postal voters' list") specifying the name, address and number on the register of electors of every person entitled to be treated as a postal voter. Such list shall be prepared in such manner as may be prescribed in that behalf by the regulations contained in the Second Schedule to this Act.

25. (1) The returning officer shall send to each elector whose name appears in the register a poll card (in this Act referred to as an "official poll card") in such form as may be determined by the Commissioner, and specifying—

Official  
poll card.

- (a) the name of the Development Council ;
- (b) the name, qualifying address, and registration number of the elector as stated in the register ;
- (c) the polling division ;
- (d) the polling district ;
- (e) the polling station allotted to the elector ; and
- (f) the date and hours of the poll .

Provided that no such card shall be sent to an elector who is entitled to be treated as a postal voter.

(2) An official poll card under subsection (1) shall be so sent to an elector by ordinary post as to reach him at least seven days before the date of the poll. Where a post office fails to deliver such card to the person to whom it is addressed it shall be retained until the date of the poll in such post office to be delivered to the addressee if he calls for it.

(3) Every person who—

- (a) without authority supplies any official poll card to any other person, or
- (b) sells or offers to sell any official poll card to any other person or purchases or offers to purchase any official poll card from any other person,

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



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

**Presiding  
officers.**

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

(2) If any presiding officer is by reason of illness or other cause, prevented from acting at an election, and there is not time for another person to be appointed by the returning officer, the presiding officer may appoint a deputy to act for him. Every such appointment shall as soon as possible be reported to the returning officer and may be revoked by the returning officer, but without prejudice to the validity of anything already done by such deputy.

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

**Facilities  
to be  
provided  
at polling  
stations.**

27. (1) For the purposes of an election in any Development Council area, the returning officer shall—

- (a) appoint such officers and servants as may be necessary for taking the poll ;
- (b) furnish each polling station in that Development Council area with such number of compartments as may be necessary to accommodate a reasonable number of voters at any one time and to ensure that the voters are screened from observation when they mark their ballot papers ;

- (c) furnish each presiding officer with a copy of that part of the register of electors containing the names of electors in such register assigned to his polling station and a list of such of the names of electors in that copy as appear in the postal voters' list. A distinguishing mark shall be placed against the name of every elector who is entitled to be treated as a postal voter in the part of that register supplied to each such presiding officer ;
- (d) furnish each presiding officer with such number of ballot boxes and ballot papers as, in the opinion of the returning officer, may be necessary for the number of voters assigned to that polling station ;
- (e) provide each polling station with materials to enable voters to mark the ballot papers, with instruments for perforating or stamping thereon the official mark ;
- (f) do such other acts and things as may be necessary for effectually conducting the election in the manner provided by this Act.

(2) An election shall not be questioned by reason of non-compliance with the provisions of subsection (1) or any informality relative to polling stations.

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

Notices to be exhibited at polling stations.

- (a) outside the polling station and in every compartment thereof, a notice substantially in the form set out in the Third Schedule to this Act, giving directions for the guidance of voters ; and
- (b) outside the polling station a notice specifying the name of each recognized political party contesting the election or in the case of an independent group contesting the election the words "Independent Group" for each such group and the distinguishing number, if any, allotted to it together with the names of the candidates in order of priority as set out in the nomination paper of each such recognized political party or independent group and the approved symbol allotted to each such party or group.

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

Ballot  
boxes.

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

Ballot  
papers.

30. (1) The votes at every election for any Development Council area shall be given by ballot. The ballot of each voter shall consist of a ballot paper in the form and containing the particulars hereinafter prescribed.

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

(a) shall contain the names of the recognized political parties contesting the election, in Sinhala, Tamil and English, arranged alphabetically in Sinhala in the order of the names of such parties and with the symbol allotted to each such party, set out against the name of each such party, and immediately thereafter, if there are any independent groups contesting the election, the words, "Independent Group" repeated for each group and the distinguishing number, if any, in the serial order and the symbol allotted to each such group;

(b) shall be capable of being folded;

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

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

Hours of  
poll.

31. Unless the Commissioner, by notification in the *Gazette*, appoints any other hour, the poll in any Development Council area shall open at seven o'clock in the forenoon of the day specified under section 22 and shall close at four o'clock in the afternoon of that day.

Appointment  
of polling  
agents.

32. (1) The secretary of each recognized political party or its authorized agent or any group leader may appoint a reasonable number of polling agents for each polling station having regard to the need to revoke the appointment of any polling agent for that polling station during the poll. Notice in writing of every such appointment stating the names and addresses of the persons appointed shall be given by such secretary or authorized agent or group leader to the presiding officer at that station before the opening of the poll or during the poll.

(2) The secretary of a recognized political party or its authorized agent or a group leader may delegate the powers vested in such secretary, authorized agent or group leader under subsection (1), to any candidate nominated by such

party or independent group for such election, so however, that such powers shall not be delegated to more than one candidate in respect of each polling division. Any delegation under this subsection shall be notified in writing to the returning officer not later than seven days before the date of the poll.

(3) Where such secretary, authorized agent or group leader or candidate referred to in subsection (2) after informing such presiding officer of the name of any polling agent appointed to act at such station, revokes the appointment of that polling agent and appoints another polling agent to such station, such secretary, authorized agent or group leader or candidate, as the case may be, shall inform such officer in writing of the revocation of such appointment and of the name and address of the new polling agent appointed to such station.

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

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

33. (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.

General  
conduct of  
the poll.

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

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

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

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

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

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

Sealing of  
ballot boxes  
and com-  
mencement  
of poll.

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

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

(b) shall also show each ballot box to be used at the commencement of the poll empty to the persons aforesaid so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent it being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

The duties imposed on the presiding officer by the preceding provisions of this section shall be performed by him in such manner as to ensure that the poll is opened at the hour fixed by this Act.

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

Issue of  
ballot  
papers.

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

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

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

(b) the number of the voter shall be marked on the counterfoil, and the ballot paper detached therefrom ;

(c) the ballot paper shall be either stamped, embossed or perforated with the official mark ; and

- (d) a mark shall be placed in the register against the name of the voter to denote that he has received a ballot paper, but without showing the particular ballot paper he has received.

36. (1) No ballot paper shall be delivered to a voter at an election—

Inspection  
of voter  
and  
marking  
with the  
appropriate  
mark.

- (a) if he refuses to allow the presiding officer or a person acting under his authority to make the appropriate inspection; or
- (b) if, having allowed such inspection, it discloses that such voter has already been marked with the appropriate mark; or
- (c) if, having allowed such inspection, it discloses that such voter has not already been marked with the appropriate mark, but such voter refuses to allow such officer or person to mark such voter with the appropriate mark,

and accordingly such voter shall, notwithstanding anything to the contrary in any other provisions of this Act, not be entitled to vote at such election.

(2) The presiding officer of a polling station shall enter on a list, substantially in form D set out in the First Schedule to this Act, the following particulars relating to each voter to whom a ballot paper was not delivered at such station under subsection (1)—

- (a) the number of such voter in the register of electors;
- (b) the name of such voter as it appears in such register;  
and
- (c) the ground on which a ballot paper was not delivered to such voter.

Such list is in this Act called the "list of voters to whom ballot papers are not delivered under section 36".

(3) In this section—

- (a) the expression "appropriate mark" means a mark made with indelible ink;
- (b) the term "appropriate" with reference to any context connected with or relating to the inspection or marking of a voter, means—
- (i) the little finger of his left hand or, if such finger is missing, any other finger of his left hand;  
or

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

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

Manner of  
voting.

37. (1) The voter, on receiving the ballot paper, shall forthwith proceed into the compartment to which he is directed by the presiding officer or any person acting under that officer's authority and there secretly mark the ballot paper as near as may be in accordance with the directions given for the guidance of voters in the Third Schedule to this Act and fold the ballot paper so as to conceal his vote, and shall then show to the presiding officer the reverse of the paper, so as to disclose the official mark, and put the ballot paper, so folded, into the ballot box in the presence of the presiding officer.

(2) The presiding officer may at any time while a poll is proceeding, take such steps as may be necessary to ensure that no voter delays unduly in any place reserved for the marking of ballot papers.

Assistance  
to voters  
to enable  
them to  
vote.

38. The presiding officer, or any person authorized by the presiding officer, may, if he thinks fit on the application of any voter, explain to the voter, within sight and hearing of the polling agents, if present, the method of voting specified in the directions given for the guidance of voters in the Third Schedule to this Act, but in so doing he shall carefully abstain from any action which might be construed by the voter as advice or a direction to vote for any particular recognized political party or independent group.

(2) 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 given for the guidance of voters in the Third Schedule to this Act shall, in the presence of another member of his polling staff, 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.

Voting by  
proxy  
forbidden.

39. No voter shall be entitled to vote by proxy at any election for any Development Council.

40. If any person at an election under this Act—

- (a) votes in more than one Development Council area or asks for a ballot paper for the purpose of so voting; or
- (b) votes more than once in the same Development Council area or asks for a ballot paper for the purpose of so voting,

he shall be guilty of an illegal practice under this Act.

Plural voting to be an illegal practice.

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

Power to require vote to make declarations.

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

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

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

Spoilt ballot papers.

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

Tendered votes.



number in the register, and that number shall be entered on a list, in this Act called the "tendered votes list", which shall be substantially in form I set out in the First Schedule to this Act. Tendered ballot papers shall be dealt with in the manner hereinafter provided.

Closure  
of poll.

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

Procedure  
on closure  
of poll.

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

- (a) each ballot box at that station, 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 key of each ballot box;
- (c) the unused and spoilt ballot papers placed together;
- (d) the marked copies of the register of electors and the counterfoils of the ballot papers;
- (e) the list of voters to whom ballot papers are not delivered under section 36; and
- (f) the tendered votes list,

and shall deliver the packets to the counting officer.

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

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

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

Presiding officer may act through officers appointed to assist him.

## PART IV

### COUNTING OF VOTES AND DECLARATION OF RESULT

47. (1) Subject to the general or special directions of the Commissioner, each returning officer shall appoint, and may revoke the appointment of, a counting officer to be in charge of the counting of votes at each counting centre, and such number of assistants and clerks and other officers to assist such counting officer in the performance of his duties.

Counting officers.

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

48. The returning officer shall make arrangements for counting the votes as soon as possible after the close of the poll and shall give notice in writing to each secretary or the authorized agent of a recognized political party and the group leader of any independent group contesting the election, of the situation of each counting centre, and the date and time of the commencement of the count, and a statement setting out the counting centre and the polling station or stations assigned to such counting centre.

Notice of count.

49. (1) The secretary of each recognized political party or its authorized agent or a group leader may appoint—

Appointment of counting agents.

(a) not more than five agents (hereinafter referred to as "counting agents") to attend at the counting of the votes at each counting centre, where such counting centre has been assigned more than one polling station under section 48;

(b) not more than two counting agents to attend at the counting of votes at each counting centre where such counting centre has been assigned only one polling station under section 48.

(2) Any candidate to whom the power of appointing polling agents has been delegated under section 32 may, in like manner, be delegated the power of appointing counting agents in respect of any counting centre referred to in paragraph (b) of subsection (1).

(3) Notice in writing stating the names and addresses of the persons appointed under subsection (1) or subsection (2) shall be given by the secretary of such recognized political party or its authorized agent or the group leader or the candidate referred to in subsection (2), to the counting officer before the counting of votes commences. The counting officer may refuse to admit to the counting centre any counting agent whose name and address have not been so given.

The  
count.

50. (1) The counting officer shall commence the counting of votes after he has received all the ballot boxes from every polling station assigned to his counting centre under section 48.

(2) Before the counting officer proceeds to count the votes, he or a person authorized by him shall, in the presence of such of the counting agents as attend—

(a) show such counting agents the ballot paper account and permit them to take copies thereof; and

(b) open each ballot box, and having taken out the ballot papers therein, count and record the number of such papers in each such box and then mix together the whole of the papers contained in the ballot boxes.

(3) The counting officer, while counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the reverse of such papers.

(4) The counting officer shall as far as practicable proceed continuously with counting the votes and shall endorse "rejected" on any ballot paper which he may reject as invalid.

(5) The counting officer shall not count the tendered ballot papers but shall place them in separate packets according to the recognized political party or independent group they support and shall mark each packet with the name of such party or the words "Independent Group" and the distinguishing number, if any, of such group, as the case may be, and hand over such packets to the returning officer.

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

51. (1) Any ballot paper—

Ballot  
papers to  
be rejected.

(a) which does not bear the official mark ; or

(b) on which votes are given for—

(i) more than one recognized political party ; or

(ii) more than one independent group ; or

(iii) a combination of one or more recognized political parties and independent groups ; or

(c) on which anything is written or marked by which the voter can be identified except the printed number on the reverse ; or

(d) which is unmarked ; or

(e) which is void for uncertainty,

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

(2) Where the counting officer is satisfied that any mark made on a ballot paper clearly indicates the intention of the voter to give his vote and the recognized political party or independent group for which he gives his vote, the counting officer shall not reject the ballot paper under subsection (1) on the ground solely that it has not been marked in all respects in accordance with the directions given for the guidance of voters in the Third Schedule to this Act.

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

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

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

(6) The counting officer shall draw up a statement showing separately the number of ballot papers rejected, under each of the grounds specified in subsection (1), and shall on request allow any counting agent to copy the statement.

(7) The counting officer shall prepare a written statement in words as well as in figures of the number of votes given for each recognized political party and independent group, and such statement shall be certified by the counting officer and witnessed by one of his assistants or clerks and the counting agents of any party or group as are present and desire to sign. The counting officer shall on request allow any counting agent to copy the statement.

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

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

Special  
provisions  
relating to  
powers,  
duties and  
functions  
under  
sections  
50 and 51.

52. Any power, duty or function of a counting officer under section 50 or section 51 may be exercised, performed or discharged for and on his behalf by any of his assistants or clerks acting under the supervision and direction of such officer.

Closure of  
the count.

53. Upon the completion of the counting at any counting centre, the counting officer shall forthwith deliver in sealed packets to the returning officer—

- (a) the counted ballot papers;
- (b) the rejected ballot papers;
- (c) the tendered ballot papers;
- (d) the ballot paper account;
- (e) the packets referred to in paragraphs (c) to (f) of section 45 (1);
- (f) the record of the count under subsection (2) (b) of section 50;
- (g) the statement under section 51 (6); and

- (h) the written statement under section 51 (7) of the number of votes given to each recognized political party or independent group.

54. The postal ballot papers in respect of any Development Council area shall be counted in accordance with the postal voters' regulations set out in the Second Schedule to this Act at a separate counting centre or such number of counting centres as may be determined by the returning officer.

Counting  
of postal  
ballot  
papers.

55. The returning officer shall, before he proceeds to declare the result of an election, give notice in writing to the secretary or the authorized agent of a recognized political party or the group leader of an independent group contesting that election, of the time and place at which the result will be declared.

Notice of  
declaration  
of result.

56. Each recognized political party or independent group which has nominated candidates at an election for any Development Council may appoint not more than two agents to attend at the declaration of the result. Notice in writing of such appointments stating the names and addresses of the persons appointed shall be given by the secretary of such recognized political party or its authorized agent or the group leader to the returning officer before the proceedings at the declaration of the result commence. The returning officer may refuse to admit to the place where such proceedings take place any agent whose name and address have not been so given.

Appointment  
of agents to  
attend at the  
declaration  
of the  
result.

57. Except with the consent of the returning officer, no person other than the returning officer, the persons appointed to assist him, and the agents appointed under section 56 may be present at the declaration of the result.

Persons  
entitled to  
be present at  
the declaration  
of result.

58. (1) (a) After the receipt of the documents referred to in section 53 the returning officer shall, from the statements under subsection (7) of section 51 furnished to him by all the counting officers, (including the counting officers of the counting centre or centres where postal ballot papers were counted) add up and determine the number of votes given for each recognized political party and independent group. The returning officer shall, before he opens a sealed packet referred to in paragraph (h) of section 53, upon a request made by an agent appointed under section 56, permit such agent to inspect the seals on such packet.

Declaration  
of the result.

(b) Every recognized political party and independent group polling less than one-eighth of the total votes polled

at the election shall be disqualified from having any candidates elected as members of the Development Council.

(c) The votes polled by the disqualified parties and independent groups, if any, shall be deducted from the total votes polled at the election and the number of votes resulting from such deduction is hereinafter referred to as the "relevant number of votes".

(d) The relevant number of votes shall be divided by the number of members to be elected. The whole number resulting from such division (any balance votes not being taken into account) is hereinafter referred to as the "resulting number".

(e) The number of votes polled by each recognized political party and independent group (other than those parties or groups disqualified under paragraph (b) ), beginning with the party or group which polled the highest number of votes, shall then be divided by the resulting number and the returning officer shall declare as elected from each such party and group in the order in which their names appear in the nomination paper such number of candidates as is equivalent to the whole number resulting from the division by the resulting number of the votes polled by such party or group. The remainder of the votes, if any, after such division, shall be dealt with, if necessary, under paragraph (f).

(f) Where after the declaration of the election of members as provided in paragraph (e) there are one or more members still to be declared elected, such member or number of members shall be declared elected on the remainder of the votes referred to in paragraph (e) to the credit of each party or group after the declaration made under that paragraph and the votes polled by any party or group not having any of its candidates declared elected under paragraph (e), the candidate next in the order of priority in the nomination paper of the party or group having the highest of such votes being declared elected the next member and so on until all the members to be elected are declared elected.

(g) After declaring elected all the members of a Development Council, the returning officer shall declare the candidate whose name appears first in the nomination paper of the recognized political party or independent group to which the highest number of votes has been given as the Chairman of that Development Council.

(2) Where the number of votes polled by each recognized political party or independent group contesting an election is less than the resulting number referred to in paragraph (d) of subsection (1), the party or group which has polled the highest number of votes shall be entitled to have the candidate whose name appears first in the nomination paper of that party or group declared elected and if there are one or more members yet to be declared elected, the party or group having the next highest number of votes polled shall be entitled to have the member whose name appears first in the nomination paper of that party or group to be declared elected and so on, until all the members to be elected for the Development Council are declared elected under the provisions of this subsection.

(3) Where under subsection (1) or subsection (2) an equality of votes is found to exist between the votes polled by two or more recognized political parties or two or more independent groups or any combination of them and the addition of a vote would entitle the candidates of one such recognized political party or independent group to be elected, the determination of the party or group to which such additional vote shall be deemed to have been given shall be made by lot drawn in the presence of the returning officer in such manner as he may, in his absolute discretion, determine.

(4) 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.

(5) A recognized political party shall have the right, from time to time after all the members for a Development Council have been declared elected under the preceding provisions of this section, to change the order of priority of the persons whose names appear in the nomination paper submitted by it and to substitute the names of other persons in place of those who have died or have ceased to be members of such party.

59. Any power, duty or function of a returning officer under section 58 may be exercised, performed or discharged for and on his behalf by any of his assistants or clerks acting under the supervision and direction of such officer.

Special provisions relating to powers, duties or functions under section 58.

60. The returning officer shall forthwith, after the result has been declared by him, make a return, substantially in form K set out in the First Schedule to this Act, to the

Publication of result in the Gazette.



Commissioner, who shall cause the names of the members and the name of the Chairman so elected to be published in the Gazette.

Disposal of  
ballot  
papers &c.

61. (1) The returning officer shall retain the packets and all documents forwarded to him under section 53 for a period of six months reckoned from the date of the receipt thereof and thereafter shall cause the said packets and documents to be destroyed unless otherwise directed by the Commissioner.

(2) The Court of Appeal may make an order that any ballot paper or other document relating to an election which has been sealed as required by this Act be inspected, copied or produced at such time and place and subject to such conditions as the Court may deem expedient, but shall not make such an order unless it is satisfied that such inspection, copying or production is required for the purpose of instituting or maintaining a prosecution or any other legal proceedings in connection with the election. Save as aforesaid, no person shall be allowed to inspect any such ballot paper or document while it is in the custody of the returning officer.

## PART V

### FILLING OF VACANCIES

Vacation of  
membership.

62. (1) Where any member of a Development Council is, by reason of the operation of any of the provisions of section 9 or section 63 of this Act or of the provisions of the Development Councils Act, No. 35 of 1980, disqualified from sitting or voting as a member of such Council, his seat or office shall, *ipso facto*, become vacant.

(2) Where the seat or office of a member of a Development Council becomes vacant by reason of the operation of the provisions of subsection (1), the provisions of this Act shall apply for the purpose of filling the vacant seat or office.

Vacation of  
office on  
ceasing to be  
member of  
recognized  
political  
party or  
independent  
group.

63. (1) Where a member of a Development Council ceases, by resignation, expulsion or otherwise, to be a member of a recognized political party or independent group on whose nomination paper his name appeared at the time of his becoming such member, his seat shall become vacant upon the expiration of a period of one month from the date of his ceasing to be such member :

Provided that in the case of the expulsion of a member of a Development Council his seat shall not become vacant if prior to the expiration of the said period of one month he applies to the Court of Appeal by petition in writing.

and the Court of Appeal upon such application determines that such expulsion was invalid. Such petition shall be inquired into by three Judges of the Court of Appeal who shall make their determination within two months of the filing of such petition. Where the Court of Appeal determines that the expulsion was valid the vacancy shall occur from the date of such determination.

(2) Where the seat of a member of a Development Council becomes vacant by the operation of subsection (1) or section 9 of this Act or the provisions of the Development Councils Act, No. 35 of 1980, the person whose name appears first in order of priority in the nomination paper of the recognized political party or the independent group, as the case may be, (excluding the names of any persons who have previously been declared elected) shall be declared elected to fill such vacancy.

64. Every person who knowingly acts in the office of a member of any Development Council, after his seat or office becomes vacant under the provisions of section 62 or section 63, 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.

65. (1) Where the office of a member of a Development Council becomes vacant due to death, resignation or any other cause the District Secretary shall inform the returning officer of the Development Council area the fact of the occurrence of such vacancy. The returning officer shall fill such vacancy in the manner hereinafter provided.

Filling of vacancies.

(2) If the office of the Chairman falls vacant, the returning officer shall declare elected as the Chairman from the nomination paper of the recognized political party or independent group to which the Chairman who vacated office belonged, the member whose name appears next after the name of such Chairman who vacated office.

(3) If the office of a member falls vacant due to death, resignation or other cause the returning officer shall declare elected as member the candidate whose name appears next after the last of the elected members in the nomination paper of the recognized political party or independent group to which the member who vacated office belonged.

(4) Upon the declaration of the Chairman or a candidate elected under subsection (2) or subsection (3) the returning officer shall forthwith make a return substantially in form L set out in the First Schedule to this Act, to the

Commissioner who shall cause the name of the Chairman or the name or the names of the member or members so declared elected to be published in the Gazette.

(5) Where all the candidates whose names appear in the nomination paper submitted by any recognized political party or independent group in respect of a Development Council area have been exhausted by election or otherwise and thereafter a vacancy occurs to be filled by a member nominated by such party or group, the returning officer of such Development Council area shall inform the Commissioner that there remains no candidate on the nomination paper of the party or group to which the member who vacated the seat belonged, to be declared elected to fill such vacancy.

(6) Upon the receipt of such information the Commissioner shall require the secretary of the recognized political party or the group leader of the independent group to which the member who vacated the seat belonged, to nominate a member of such party or group to fill the vacancy. Upon the receipt of such nomination the Commissioner shall declare such person to be a member for the Development Council in respect of which the vacancy occurred, and cause the name of the member so declared to be published in the Gazette.

## PART VI

### Offences

Offences  
relating to  
nomination  
papers,  
ballot papers,  
official poll  
cards &c.

66. Every person who—

- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the 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 Act to be in possession of any ballot paper which has been marked with the official mark in accordance with this Act, has any such ballot paper in his possession; or

- (f) puts into any ballot box other than the ballot paper which he is authorized by law to put in; or
- (g) without due authority takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station; or
- (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 an election; 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 an election; or
- (j) manufactures, constructs, imports into the Republic, has in his possession, supplies or uses for the purposes of an election, or causes to be manufactured, constructed, imported into the Republic, supplied or used for the purpose of an 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 during the polling at an election; or
- (k) wilfully makes a false statement in any application to be treated as a postal voter under this Act, or in any declaration of identity sent to him under the postal voters' regulations set out in the Second Schedule to this Act; or
- (l) without due authority destroys, takes, opens, or otherwise tampers or interferes with, any application to be treated as a postal voter, or any declaration of identity, or any covering envelope or ballot paper envelope within the meaning of the postal voters' regulations set out in the Second Schedule to this Act; or
- (m) without due authority prints any official poll card or what purports to be or is capable of being used as an official poll card at an election; or
- (n) without due authority places an appropriate mark on any voter at any election or what purports to be or is capable of being mistaken for that mark; or
- (o) fraudulently defaces an appropriate mark placed on any voter at an election without due authority; or

(p) votes at an election knowing that he is legally incapable of, or disqualified from, so voting,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding two years and shall, on conviction, become incapable, for a period of seven years from the date of his conviction, of being registered as an elector or of voting at an election under this Act, or of being elected as a member of a Development Council, and if at that date he has been elected as a member of a Development Council, his election shall be vacated from the date of such conviction.

Certain  
persons not  
qualified to  
vote.

67. (1) No person shall vote at an election under this Act if such person is—

- (a) a person who is subject to the disqualifications set out in the Local Authorities (Imposition of Civic Disabilities) (No. 1) Law, No. 38 of 1978, or in the Local Authorities (Imposition of Civic Disabilities) (No. 2) Law, No. 39 of 1978 ;
- (b) a person on whom civic disability has been imposed by a resolution passed by Parliament in terms of Article 81 of the Constitution, and the period of such civic disability specified in such resolution has not expired.

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

Certain  
acts  
prohibited  
on polling  
day.

68. (1) No person shall, on any date on which a poll is taken at a polling station, do any of the following acts within the precincts, or a distance of half a kilometre of the entrance, of that polling station :—

- (a) canvassing for votes ;
- (b) soliciting the vote of any elector ;
- (c) persuading any elector not to vote for any particular recognized political party or independent group ;
- (d) persuading any elector not to vote at the election ;

- (e) distributing or exhibiting any handbill, placard, poster, drawing, photograph or notice relating to the election (other than any official handbill, placard, poster or notice) or any symbol allotted under section 20 to any recognized political party or independent group.

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

(2) No person shall, on any date on which a poll is taken at any polling station—

- (a) use or operate, within or at the entrance of a polling station or in any public or private place in the neighbourhood thereof, any megaphone or loud-speaker or other apparatus for magnifying or reproducing the human voice, or
- (b) shout or otherwise act in a disorderly manner within or at the entrance of a polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll or so as to interfere with the work of the officers and other persons on duty at the polling station. Every person who contravenes the provisions of this subsection shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment.

69. No person—

- (a) shall, at any time during the period commencing from the first day of the nomination period in respect of an election and ending one week after the result of the poll taken at such election is declared by the returning officer under this Act, conduct, hold or take part in any procession, other than a procession on May 1 in the year, or any procession for religious or social purposes ; or
- (b) shall, at any procession held or conducted during the period referred to in paragraph (a), do any act or thing calculated to promote the election referred to in the said paragraph (a).

Restriction  
on proces-  
sions.

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

Restrictions  
on public  
meetings

70. No public meeting shall be held in any Development Council area during the period commencing forty-eight hours before the date of the poll and ending one week after the members of a Development Council in respect of which a poll has been taken on such date have been declared elected by the returning officer.

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

General  
provisions  
relating to  
offences  
under  
sections  
66, 67  
68, 69 and 70.

71. (1) Every person who attempts to commit an offence specified in section 66 or section 67 or section 68 or section 69 or section 70 shall be liable to the punishment prescribed for that offence.

(2) Every offence under section 66 or section 67 or section 68 or section 69 or section 70 shall be a cognizable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.

(3) In a prosecution for an offence in relation to a nomination paper, ballot box, ballot paper or marking instrument at an election, the property in such nomination paper, ballot box, ballot paper, marking instrument, as well as the property in the counterfoil of any ballot paper, may be stated to be in the returning officer at that election.

(4) A prosecution for an offence under section 66 or section 67 or section 68 or section 69 or section 70 shall not be instituted without the sanction of the Attorney-General.

Printing, &c.  
of election  
publications  
by persons  
other than  
candidates.

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

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

73. (1) A person who is an authorized agent or a group leader at an election in any Development Council area, or is the agent of such authorized agent or group leader, shall not have—

Restriction  
on number  
of election  
offices.

(a) during the period commencing from the first day of the nomination period at such election and ending on the day immediately preceding the date on which a poll is taken at such election, any election office, other than one notified central election office in the Development Council area, and one notified branch election office in each polling district;

(b) during the period commencing on the day immediately preceding the date of such poll and ending on the day immediately following such date, any election office, other than one notified central election office in the Development Council area and one notified branch election office in respect of each candidate nominated by any recognized political party or independent group for that Development Council area.

(2) The use of the ordinary place of residence of any authorized agent or group leader or candidate referred to in subsection (1) as an election office shall be deemed not to be a contravention of the provisions of that subsection.

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

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

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



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

Provisions  
relating to  
display of  
handbills,  
posters  
&c.

74. (1) During the period commencing from the first day of the nomination period at an election and ending on the day following the day on which a poll is taken at such election, no person shall, for the purpose of promoting such election display—

- (a) in any premises, whether public or private, any flag or banner except in or on any vehicle that is used for the conveyance of a candidate at such election ; or
- (b) any handbill, placard, poster, drawing, notice, photograph of a candidate, symbol or sign on any place to which the public have a right of, or are granted, access except in or on any premises on any day on which an election meeting is due to be held in that premises ; or
- (c) any handbill, placard, poster, drawing, notice, photograph of a candidate, symbol, sign, flag or banner, on or across any public road ; or
- (d) any handbill, placard, poster, drawing, notice, photograph of a candidate symbol or sign in or on any vehicle except in or on any vehicle that is used for the conveyance of a candidate at such election.

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

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

(4) Every offence under this section shall be a cognizable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1973.

(5) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of subsection (1)

and may seize and remove any handbill, placard, poster, notice, drawing, symbol, photograph of a candidate, sign, flag or banner used in such contravention.

75. (1) Any candidate or a member of the family of a candidate, who, at any time during the period commencing on the last day of the nomination period and ending on the day immediately following the day of the poll, visits the residence of any elector for the purpose of—

Candidate  
not to  
visit  
residence  
for  
canvassing  
&c.

- (a) soliciting or canvassing the vote of such elector ; or
- (b) persuading such elector not to vote for a particular recognized political party or independent group ; or
- (c) persuading such elector not to vote at such election ;  
or
- (d) distributing or exhibiting any handbill, placard, poster, drawing, notice, photograph of a candidate, symbol or sign,

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

(2) For the purposes of this section, "member of the family" means the spouse, son, daughter or parent, of a candidate, or the spouse of the son or daughter of a candidate.

76. No person shall canvass for, or act as agent of, or speak on behalf of, a candidate, or in any way participate in an election, if such person is—

Certain  
persons  
not to  
canvass  
or act as  
agents &c.

- (a) a person who is subject to the disqualifications set out in the Local Authorities (Imposition of Civic Disabilities) (No. 1) Law, No. 38 of 1978, or the Local Authorities (Imposition of Civic Disabilities) (No. 2) Law, No. 39 of 1978, or who, under any other law for the time being in force, is disqualified from voting at an election of members to any Municipal Council or Urban Council ;
- (b) a person on whom civic disability had been imposed by a resolution passed by Parliament in terms of Article 81 of the Constitution, and the period specified in such resolution had not expired.

(2) No candidate shall engage a person as his canvasser or agent, or to speak on his behalf knowing that such person is—

- (a) a person who is subject to the disqualifications set out in the Local Authorities (Imposition of Civic Disabilities) (No. 1) Law, No. 38 of 1978, or the Local Authorities (Imposition of Civic Disabilities) (No. 2) Law, No. 39 of 1978, or who under any other law for the time being in force, is disqualified from voting at an election of members to any Municipal Council or Urban Council ;
- (b) a person on whom civic disability had been imposed by a resolution passed by Parliament in terms of Article 81 of the Constitution, and the period specified in such resolution had not expired.

(3) Every person who contravenes the provisions of subsection (1) or subsection (2) shall be guilty of an offence and shall, on conviction before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Maintenance  
of secrecy at  
elections.

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

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

(3) No such officer, clerk, candidate or agent, and no person whosoever shall attempt to obtain in the polling station information as to the recognized political party or independent group for which any voter in such station is

about to vote or has voted, or communicate at any time to any person any such information obtained in a polling station as to the recognized political party or independent group for which any voter in such station is about to vote or has voted, or as to the number on the reverse of the ballot paper given to any voter at such station.

(4) Every officer, clerk, candidate, and agent in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the reverse of any ballot paper or communicate any information obtained at such counting as to the recognized political party or independent group for which any vote is given by any particular ballot paper.

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

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

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

### *Corrupt Practices*

78. (1) Every person who at any election—

*Personation.*

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

(b) votes more than once in or under his own name at such election,

shall be guilty of the offence of personation which shall be a cognizable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979,

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

- (a) has applied for a ballot paper for the purpose of voting in person; or
- (b) has made an application to be treated as a postal voter; or
- (c) has marked, whether or not validly, and returned a ballot paper issued for the purpose of voting by post,

shall be deemed to have voted.

#### Treating

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

#### Undue influence.

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

(2) Every person who, at any time during the period commencing from the first day of the nomination period at any election and ending on the day following the date of the poll at such election—

- (a) utters at any religious assembly any words for the purpose of influencing the result of such election or inducing any elector to vote or refrain from voting for any recognized political party or independent group at such election; or
- (b) for such purpose distributes or displays at any religious assembly, any handbill, placard, poster, drawing, notice, photograph of a candidate, symbol, sign, flag or banner; or
- (c) holds or causes to be held a public meeting at a place of worship for the purpose of promoting the election, or the election campaign of any recognized political party or independent group at such election,

shall be guilty of the offence of undue influence.

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

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

in order to induce or compel such member or adherent to vote or refrain from voting for any recognized political party or independent group at an election, or to support or refrain from supporting any political party or independent group at such election, or on account of such member or adherent having voted or refrained from voting for a recognized political party or independent group at such election, or having supported or refrained from supporting any such recognized political party or independent group at such election, shall be guilty of the offence of undue influence.

- (4) Any person who, being the employer of any other person,—
- (a) terminates or threatens to terminate such employment ; or
  - (b) denies or threatens to deny to such other person any benefit or service which such other person has already enjoyed, or would have enjoyed, in the ordinary course of such employment,

in order to induce or compel such other person to vote or refrain from voting for any recognized political party or independent group at an election, or to support or refrain from supporting any recognized political party or independent group at such election, or on account of such other person having voted or refrained from voting for any recognized political party or independent group at such election, or having supported or refrained from supporting any recognized political party or independent group at such election, shall be guilty of the offence of undue influence.

Bribery.

51. The following persons shall be deemed to be guilty of the offence of bribery :—

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

- (c) every person who, directly or indirectly by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person as a member of a Development Council, or the vote of any elector at an election under this Act ;
- (d) every person who upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement procures or engages, promises or endeavours to procure, the return of any person as a member of a Development Council, or the vote of any elector at an election under this Act ;
- (e) every person who advances or pays or causes to be paid any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at an election under this Act or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at such election ;
- (f) every elector who, before or during an election under this Act, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at such election ;
- (g) every person who, after an election under this Act, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or to refrain from voting at such election ;
- (h) every person who directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for having voted or for agreeing or having agreed to vote for any recognized political party or independent group at an election, or on account of and as payment for his having assisted or agreed to assist any recognized



political party or independent group at an election, applies to any candidate nominated by such recognized political party or independent group, or to his agent or agents, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration or for any office, place or employment or for the promise of any office, place or employment ;

- (i) every person who directly or indirectly, by himself or by any person on his behalf, in order to induce any other person to agree to be nominated as a candidate or to refrain from becoming a candidate or to withdraw if he has become a candidate gives or procures any office, place or employment or agrees to give or procure or offers or promises to procure or to endeavour to procure any office, place or employment to or for such other person, or gives or lends, or agrees to give or lend, or offers or promises to procure or to endeavour to procure any money or valuable consideration to or for any person or to or for such other person, or to or for any person on behalf of such other person.

Punishment  
and incapacities for  
corrupt  
practice.

82. (1) Every person who—

- (a) commits the offence of personation, or aids, abets, counsels or procures the commission of the offence of personation ; or
- (b) commits the offence of treating, undue influence or bribery ; or
- (c) makes or publishes, before or during an election, for the purpose of affecting the result of that election, any false statement of fact in relation to the personal character or conduct of any candidate ; or
- (d) makes or publishes, before or during an election, for the purpose of affecting the result of that election, any false statement of the withdrawal of any candidate at such election,

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

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

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

83. (1) Where a corrupt practice is committed in connection with an election under this Act by any candidate who was not elected as a member at the election or with his knowledge or consent or by any of his agents, such candidate shall on conviction by a Magistrate be liable, in the case of the offence of personation, to imprisonment for a term not exceeding twelve months, and, in any other case, to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment:

Special provisions relating to punishment and incapacity for a corrupt practice by an unsuccessful candidate at an election.

Provided, however, that such candidate shall not be convicted of such corrupt practice under this section consisting of the offence of treating or undue influence committed by any of his agents if he proves to the Magistrate—

- (a) that no corrupt or illegal practice was committed at the election by such candidate and any such offence was committed contrary to the orders and without the sanction or connivance of such candidate; and
- (b) that such candidate took all reasonable means for preventing the commission of corrupt and illegal practice at the election; and
- (c) that any such offence was of a trivial, unimportant and limited character; and
- (d) that in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and his agents.

(2) Every person who is convicted of a corrupt practice under this section shall, by conviction become incapable for a period of seven years from the date of his conviction of being registered as an elector or of voting at an election

under this Act or of being elected as a member of a Development Council, and if at that date he has been so elected, his election shall be vacated from the date of such conviction.

(3) A prosecution for a corrupt practice under this section shall not be instituted against any candidate at an election under this Act who was not elected as a member at such election except with the sanction of the Attorney-General.

(4) Nothing in the preceding provisions of this section shall be deemed or construed to preclude or prevent a candidate who was not elected as a member at an election under this Act from being prosecuted for a corrupt practice in connection with such election under section 82.

#### *Illegal Practices*

Certain expenditure to be illegal practice.

84. (1) No payment or contract for payment shall, at an election, be made—

- (a) on account of the conveyance of electors to or from the poll, whether for the hiring of vehicles or animals of transport of any kind whatsoever, or for railway fares, or otherwise; or
- (b) to or with an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill or notice, or on account of the exhibition of any address, bill, or notice.

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

(3) Subject to any such express exceptions as are or may be made by or under this Act, a person shall not let, lend, employ, hire, borrow or use, or aid or abet any other person to let, lend, employ, hire, borrow or use, any vehicle, vessel or animal, in any Development Council area during the

period commencing one hour before the time of the opening of the poll at an election in that area, and ending one hour after the time of the closure of such poll—

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

(b) for any other purpose, other than—

(i) any legitimate business ; or

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

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

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

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

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

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

(d) where the returning officer for any Development Council area is satisfied, upon written application in that behalf made to him by any person, or on behalf of such person by any other person not being a candidate, so as to reach such officer seven

days before the day on which a poll is to be taken at an election in that area, that such person is unable, by reason of any physical disability to convey himself to and from the poll on foot or in any public transport service referred to in paragraph (c) of this subsection, the returning officer may give such person written authority to use any vehicle, vessel or animal for the purpose of conveying himself to and from the poll, and accordingly the use of a vehicle, vessel or animal for the purpose of such conveyance by such person shall be deemed not to be an illegal practice within the meaning of this section.

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

(6) A Magistrate may, on the conviction of any person for the commission of an illegal practice within the meaning of this section, make order declaring that any vehicle, vessel or animal used in or in connection with the commission of such practice shall be forfeited to the Republic.

False reports  
in news-  
papers

85. (1) Where there is published in any newspaper any false statement concerning or relating to,—

- (a) the utterances or activities at an election of any candidate, or any recognized political party or independent group which is contesting such election; or
- (b) the conduct or management of such election by such candidate, or any such recognized political party, or independent group,

and such statement is capable of influencing the result of such election, then, every person who at the time of such publication was the proprietor, the manager, the editor, the publisher or other similar officer of that newspaper or was purporting to act in such capacity, shall each be guilty of an illegal practice unless such person proves that such publication was made without his consent or connivance, and that he exercised all such diligence to prevent such publication as he ought to have exercised having regard to the nature of his function in such capacity and in all the circumstances.

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

86. (1) No person shall, for the purpose of promoting an election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for the purpose or in the capacities following:—

Certain employment to be illegal.

(a) a reasonable number of polling agents for each polling station having regard to the need to revoke the appointment of any polling agent for that polling station during the poll; and not more than the number of counting agents referred to in section 49 for each counting centre;

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

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

87. A candidate or his agent, who prints, publishes, distributes or posts up or causes to be printed, published, distributed or posted up any advertisement, handbill, placard or poster which refers to an election and which does not bear upon its face the names and addresses of its printer and publisher shall be guilty of an illegal practice.

Printing, &c. of election publications.

88. (1) Every person who commits an illegal practice shall on conviction by a Magistrate be liable to a fine not exceeding three hundred rupees and shall on conviction become incapable for a period of three years from the date of his conviction of being registered as an elector or of voting at an election under this Act or being elected as a member of a Development Council, and if at that date he has been elected as a member of a Development Council, his election shall be vacated from the date of such conviction.

Punishment on conviction for illegal practices.

(2) A prosecution for an illegal practice shall not be instituted without the sanction of the Attorney-General.

89. (1) Where an illegal practice is committed in connection with an election under this Act by any candidate who was not elected as a member at the election or with his knowledge or consent or by any of his agents, such candidate shall on conviction by a Magistrate be liable to a fine not exceeding three hundred rupees:

Special provisions relating to punishment and incapacity for an illegal practice by an unsuccessful candidate at an election.

Provided, however, that such candidate shall not be convicted of such illegal practice under this section committed by any of his agents if he proves to the Magistrate—

- (a) that no corrupt or illegal practice was committed at the election by such candidate and the illegal practice which is the subject-matter of the prosecution was committed contrary to the orders and without the sanction or connivance of such candidate; and
- (b) that such candidate took all reasonable means for preventing the commission of corrupt and illegal practices at the election; and
- (c) that the offence or offences constituting such illegal practice was or were of a trivial, unimportant and limited nature; and
- (d) that in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and his agents.

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

(3) A prosecution for an illegal practice under this section shall not be instituted against any candidate at an election under this Act who was not elected as a member at such election except with the sanction of the Attorney-General.

(4) Nothing in the preceding provisions of this section shall be deemed or construed to preclude or prevent a candidate who was not elected as a member at an election under this Act from being prosecuted for an illegal practice in connection with such election under section 83.

Additional  
penalty for  
certain  
offences.

80. Any person who is convicted of an offence specified in sections 66 to 89 (both inclusive) shall, in addition to any other penalty prescribed for such offence, be disqualified for a period of five years from the date of such conviction from being elected to, or from sitting or voting as a member of, any Development Council.

## PART VII

### GENERAL

91. No election shall be invalid by reason of any failure to comply with the provisions of this Act 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.

Failure to comply with provisions of Act.

92. The death or withdrawal, or disqualification under this Act or any other written law for election or for sitting and voting as a member of a Development Council, whether before or after the election of the member, of any person or persons nominated by a recognized political party or independent group for election at that election shall not invalidate or in any way affect the nomination paper of that party or group, and accordingly the candidature or election of any other person nominated by the party or group on that nomination paper shall not be invalidated by reason only of the fact of the death, withdrawal or disqualification of such person or persons.

Death, withdrawal or disqualification of candidate not to invalidate nomination paper of party or group.

93. (1) A returning officer may use, free of charge, as a polling station any school or any portion of a school in receipt of a grant, or in respect of which a grant is made out of moneys provided by Parliament.

Use of schools as polling stations.

(2) A returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such school or portion thereof as aforesaid by reason of its being used as a polling station.

94. The secretary of a recognized political party which has nominated candidates for election at any election under this Act or its authorized agent, or a group leader may himself do any act or thing which a polling agent or counting agent or other agent of such political party or independent group, if appointed, would have been required or authorized to do, or may assist such agent in doing any such act or thing, but before acting under this section the secretary of the recognized political party or its authorized agent or a group leader shall make a declaration under section 77, required to be made by such agent.

Secretary of a recognized political party or group leader may act as his own agent or assist his agent.



Non-attendance of the agents of recognized political party or independent group.

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

Prohibition of disclosure of vote.

96. No person who has voted at an election under this Act shall, in any legal proceeding to question the election, be required to state for which recognized political party or independent group he has voted.

Inaccurate description of places and persons.

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

Publication of notices, &c.

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

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

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

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

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

100. (1) Where the Commissioner considers that any premises, other than any school referred to in section 93, are required for the purpose of being used as a polling station, he may requisition those premises for that purpose by order in writing addressed to and served on the person in actual possession of those premises, or, where no person is in such actual possession, on the owner of such premises

Requisitioning  
of premises  
for use as  
polling  
stations

(2) Where any premises are requisitioned under subsection (1), the period of such requisition shall not extend beyond four weeks.

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

101. (1) Where any premises are requisitioned under section 100 the Commissioner shall pay, out of moneys provided for the purpose by Parliament, compensation for such requisition to the person who was in actual possession of those premises immediately before the requisition or, where no person was in such actual possession, the owner of those premises, and shall make good any damage done to those premises during the period of the requisition.

Compensation  
for requisitioning  
premises

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

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

(b) if in consequence of the requisition of those premises, the person who was in actual possession of those premises immediately before the requisition was compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

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

**Powers of  
Commissioner.**

102. The Commissioner shall—

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

**Removal of  
difficulties.**

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

**Interpretation**

104. In this Act unless the context otherwise requires—

“approved symbol” means a symbol approved by the Commissioner under the Parliamentary Elections Act, No. 1 of 1981 ;

“candidate” means a person who is nominated as a candidate at an election by a recognized political party or an independent group ;

“Commissioner” means the Commissioner of Elections appointed under Article 103 of the Constitution ;

“Development Council” means a Development Council constituted under the Development Councils Act, No. 35 of 1980 ;

“District Secretary” means the District Secretary appointed to an administrative district under section 48 of the Development Councils Act, No. 35 of 1980 ;

“election” means an election for the purpose of electing members to a Development Council ;

“member” means an elected member of a Development Council ;

“register of electors” means a register of electors certified under the Registration of Electors Act, No. 44 of 1980 ; and

“voter” means a person who, whether his name does or does not appear in a register of electors, applies to vote, or votes, at an election.

FIRST SCHEDULE

Form A

SECTION 13

FORM OF NOMINATION PAPER

Nomination Paper for the.....Development Council

The....., being a recognized political party/\*. An independent group of candidates "hereby nominates the following persons, in the order or priority in which their names appear, as candidates for election as members for the above-mentioned Development Council,

(1)	(2)	(3)	(4)
<i>Name of Candidate</i>	<i>Address</i>	<i>Occupation</i>	<i>Signature of Candidate signifying consent and certifying that he is not subject to any disqualification for election</i>

.....  
Signature of secretary of  
recognized political party/\*group  
leader.

Name: .....

Address : .....

Signed by the abovesigned

.....  
Secretary of recognized political party/\*group leader"

in my presence at

.....on this

.....day of ....., 19.....

.....  
Justice of the Peace or Notary  
public.

\*Delete whichever is inapplicable

**Development Councils Elections  
Act, No. 20 of 1981**

**Form B****SECTION 18****RETURN WHERE MEMBERS ARE ELECTED UNCONTESTED**

I hereby certify that the following members of the ..... party which is a recognised political party/\*an independent group of candidates\* were elected uncontested for the ..... Development Council.

*Name of Member elected**Address*

I further certify that ..... was declared the Chairman of the above Development Council.

*Returning Officer**Date :* .....

\* Delete whichever is inapplicable

**Form C****SECTION 30****FORM OF FRONT OF BALLOT PAPER***Counterfoil No.*

*Note:* The counterfoil is to have a number to correspond with that on the reverse of the ballot paper. The name of each recognised political party and the words "Independent Group" must be printed in Sinhala, Tamil and English.

**"A" PARTY****"B" PARTY****"C" PARTY****"INDEPENDENT GROUP" 1\*****"INDEPENDENT GROUP" 2\*****"INDEPENDENT GROUP" 3\***

\* Here print symbol of each party or group.

**Form D****SECTION 34****LIST OF VOTERS TO WHOM BALLOT PAPERS ARE NOT  
DELIVERED UNDER SECTION 34***Development Council.**Electoral district no. :* .....*Polling division :* .....*Polling district :* .....*Polling station :* .....*Date of poll :* .....*Reason for not delivering ballot paper**Number of voter  
in register  
of electors**Name of voter**Refused  
appropriate  
inspection**Already  
marked  
with the  
appropriate  
mark**Refused  
to be marked  
with  
appropriate  
mark**Signature of presiding officer.*

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Form E

SECTION 41

DECLARATION

I, ..... Development Council  
..... (name in full) of  
..... (address), hereby declare that  
I am the same person whose name appears as A. B. on the register of electors  
now in force under section 3 for this Development Council area.

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

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

.....  
(Signature of presiding officer.)

Electoral district no : .....

Polling division : .....

Polling district : .....

Polling station : .....

Form F

SECTION 41

DECLARATION

I, ..... Development Council  
..... (name in full) of  
..... (address), hereby declare that  
I have not already voted either here or elsewhere at this election of members  
for this Development Council.

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

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

.....  
(Signature of presiding officer.)

Electoral district no. : .....

Polling division : .....

Polling district : .....

Polling station : .....

**Development Councils Elections**  
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**Form G**

**section 41**

**DECLARATION**

.....Development Council

I, ..... (name in full) of  
 ..... (address), hereby declare that  
 I am not legally incapable of, or disqualified from, voting at this election  
 of members for this Development Council.

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

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

.....  
 (Signature of presiding officer.)

Electoral District no : .....

Polling division : .....

Polling district : .....

Polling station : .....

**Form H**

**section 42**

**DECLARATION**

.....Development Council

I solemnly and sincerely declare that I am the same person whose name  
 appears as ..... (name) no. ....  
 (serial number) in the register of electors in force under section 5 for the  
 ..... Development Council area.

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

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

.....  
 (Signature of presiding officer.)

Electoral district no : .....

Polling division : .....

Polling district : .....

Polling station : .....

**Development Councils Elections  
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FORM I

SECTION 43

**TENDERED VOTES LIST**

Development Council	
No. of voter	Name of voter

(Signature of Presiding Officer.)

Date : .....

Electoral District no : .....

Polling division : .....

Polling District : .....

Polling Station : .....

FORM J

SECTION 45

**BALLOT PAPER ACCOUNT**

Development Council

Electoral district : .....

Polling division : .....

Polling district : .....

Polling station : .....

No. of ballot papers received : .....

No. of ballot papers issued, other than spoilt ballot papers : .....

Spoilt ballot papers : .....

Unused ballot papers : .....

No. of tendered ballot papers received : .....

No. of tendered ballot papers issued to voters : .....

No. of unused tendered ballot papers : .....

(Signature of presiding officer.)

Date : .....



**Development Councils Elections  
Act, No. 20 of 1981**

**Form K**

**SECTION 60**

**RETURN AFTER A POLL HAS BEEN TAKEN**

I hereby certify that the following members, nominated by the recognized political party or independent group shown against the name of each such member, were elected for ..... Development Council at the election held on .....

Name of member elected	Recognized political party or independent group which nominated the member

I further certify that ..... was declared elected the Chairman of the above Development Council.

Dated at ..... this ..... day of ..... 19 .....

.....  
Returning Officer.

**Form L**

**SECTION 65**

**RETURN AFTER FILLING OF A VACANCY**

I hereby certify that ..... whose name appears on the nomination paper submitted by ..... which is a recognized political party\* / an independent group\* was declared elected as a member for the ..... Development Council in terms of section 65 of the Development Councils Elections Act, 1981.

Dated at ..... this ..... day of ..... 19 .....

.....  
Returning Officer.

\*Delete whichever is inapplicable.

**Form M**

**SECTION 77**

**FORM OF DECLARATION OF SECRECY**

I solemnly promise and declare that I will not at this election for the ..... Development Council do anything forbidden by section 77 of the Development Councils Elections Act, 1981 which has been read to me.

.....  
Signature of declarant.

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

.....  
Signature of person taking declaration.

**Notes.**—The section must be read to the declarant by the person taking the declaration.

(Section 24)

SECOND SCHEDULE

POSTAL VOTERS, (DEVELOPMENT COUNCILS ELECTIONS) REGULATIONS, 1981

1. These regulations may be cited as the Postal Voters' (Development Councils Elections) Regulations, 1981.

Short title

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

Interpretation.

"issue" includes the original and any subsequent issue;

"postal ballot paper" means a ballot paper issued to a postal voter;

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

"Schedule" means the Schedule to these regulations;

"the Act" means the Development Councils Elections Act, 1981.

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

Form of application to be treated as a postal voter.

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

Record and list of postal voters.

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

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

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

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

Form of postal ballot paper.

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

Form of declaration of identity.

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

Appointment of clerks.

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

8. (1) No person other than—

(a) the returning officer and his clerks,

(b) an authorized agent or a group leader,

(c) a person appointed by an authorized agent or a group leader to attend in his place, and

(d) any agents appointed under paragraph (2) of this regulation,

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

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

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

(2) Notice of the appointment stating the names and addresses of the persons appointed under paragraph (1) of this regulation shall be given by the authorized agent or group leader to the returning officer before the time fixed for the issue of the postal ballot papers.

(4) If an agent dies or becomes incapable of acting, the authorized agent or group leader may appoint another agent in his place and shall forth with give to the returning officer notice in writing of the name and address of the agent so appointed.

(5) Agents may be appointed and notices of their appointment may be given to the returning officer by the candidate whose name appears second on the nomination paper instead of by the authorized agent or the group leader.

(6) In these regulations, references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under paragraph (2) of this regulation, who are within the number authorized by the returning officer.

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

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

Declaration of  
secrecy.

9. (1) Every person attending the proceedings on the issue of postal ballot papers shall make a declaration of secrecy substantially in the form "C" in the Schedule before the issue of such ballot papers.

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

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

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

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

(4) Every person who acts in contravention of the provisions of paragraph (3) of this regulation shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding 6 months.

Notice of issue  
of ballot  
papers.

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

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

Official mark  
to be made on  
postal ballot  
papers.

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

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

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

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

Refusal to issue postal ballot paper.

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

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

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

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

Delivery to post office of envelopes addressed to postal voters.

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

Sealing of postal voters' list and counterfoils.

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

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

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

16. (1) The returning officer shall, at the proceedings on the original issue of the postal ballot papers to postal voters, provide a ballot box or ballot boxes for the reception of the covering envelopes that may be received from postal voters. Every such ballot box shall be treated as a ballot box for the purposes of section 14 of the Act.

Provision of postal voters' ballot box.

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

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

Receipt of covering envelopes from postal voters.

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

Counting officers.

Notice of the count.

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

Appointment of counting agents.

20. Each recognized political party or independent group which has nominated candidates at an election for any Development Council may appoint not more than two agents (hereinafter referred to as "counting agents") to attend at the counting of the votes at each counting centre where postal ballot papers are to be counted before the commencement of such count. Notice in writing of such appointments stating the names and addresses of the persons appointed shall be given by the secretary of such recognized political party or its authorized agent or the group leader to the counting officer before the commencement of the count. The counting officer may refuse to admit to the counting centre any counting agent whose name and address have not been so given.

Persons entitled to be present at the count.

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

Maintenance of secrecy at the count.

22. The provisions of section 77 of the Act shall apply at the proceedings at the counting of the postal ballot papers.

Opening of postal voters' ballot box.

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

Opening of the covering envelopes.

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

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

(a) finds therein—

- (i) a declaration of identity and a ballot paper envelope, or
- (ii) a declaration of identity, and a ballot paper not enclosed in a ballot paper envelope, or
- (iii) only a declaration of identity, or
- (iv) only a ballot paper not enclosed in a ballot paper envelope, or
- (v) only a ballot paper envelope, or

(b) finds nothing therein,

the succeeding provisions of this regulation shall apply.

(3) In the cases referred to in sub-paragraph (a)(i) and sub-paragraph (a)(ii) of paragraph (2) of this regulation, the counting officer shall satisfy himself that the declaration of identity has been duly signed and witnessed and that the marked number on the declaration of identity corresponds, in the case referred to in the aforesaid sub-paragraph (a)(i), to a similar marked number on the ballot paper envelope and, in the case referred to in the aforesaid sub-paragraph (a)(ii), to a similar marked number on the ballot paper. If he is so satisfied, he shall place such declaration in a separate receptacle (hereinafter referred to as the "receptacle for declarations of identity") and, in the case referred to in the aforesaid sub-paragraph (a)(i) the ballot paper envelope, and, in the case referred to in the aforesaid sub-paragraph (a)(ii), the ballot paper, in another receptacle (hereinafter referred to as the "receptacle for postal voters' ballot papers").

(d) Where in the cases referred to in sub-paragraph (a) (i) and sub-paragraph (a) (ii) of paragraph (2) of this regulation, the counting officer is not so satisfied as is required by paragraph (3) of this regulation he shall—

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

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

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

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

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

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

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

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

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

(b) if not so satisfied, shall—

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

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

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

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

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

(a) only a declaration of identity, or

(b) only a ballot paper, or

(c) nothing,

he shall—

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

- (b) in the case referred to in the preceding sub-paragraph (b) mark on such ballot paper the words "rejected, no declaration of identity received";
- (c) in the case referred to in the preceding sub-paragraph (c), mark on the ballot paper envelope the words "rejected, no contents received"; and
- (iv) if a declaration of identity or a ballot paper is found in the ballot paper envelope, attach such declaration or ballot paper to such envelope and,

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

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

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

Opening of  
ballot paper  
envelopes.

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

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

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

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

Sending of  
rejected votes  
and declara-  
tions of  
identity.

26. On the conclusion of the proceedings under regulation 25, the counting officer shall put the contents of the receptacle for rejected votes of postal voters and the contents of the receptacle for the declaration of identity into two separate packets and shall seal such packets.

The count.

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

(2) In counting the votes in the ballot papers placed in the receptacle for postal voters' ballot papers, the provisions of subsections (3) and (4) of section 50 and sections 51 and 52 of the Act shall apply.

Closure of the  
count.

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

- (a) the counted ballot papers;
- (b) the rejected ballot papers;
- (c) the written statement of the number of votes given to each recognized political party or independent group prepared in terms of sub-section (7) of section 51 of the Act;
- (d) the statement drawn up in terms of subsection (6) of section 51 of the Act;
- (e) the two sealed packets referred to in regulation 26; and
- (f) the record of the count under regulation 27 (1).

SCHEDULE TO THESE REGULATIONS

Form A

REGULATION 3

APPLICATION TO BE TREATED AS A POSTAL VOTER

To: The Returning Officer of the ..... Development Council  
(Give the name of the Development Council)

I, ..... hereby declare that my name appears as  
..... in the register of electors in force under  
section 5 of the Act, of the above-mentioned Development Council area. The  
serial number, the polling division, the polling district and the electoral  
district under which my name appears in the register are as follows:—

Electoral district no: .....

Polling division letter: .....

Polling district number: .....

Serial number of my name: .....

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

\*(1) by reason of the particular circumstances of my employment:—

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

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

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

\*(d) as an officer or servant of the Central Bank of Ceylon  
appointed\*/likely to be appointed\* for duties connected with  
such election;

\*(2) by reason of my candidature in ..... the Development  
Council.

(Give name of the Development Council)

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

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

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

Date:

Signature of Applicant.

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

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

Date and official stamp: .....

Signature and designation  
of certifying officer\*/  
applicant.\*

\*Delete inapplicable words.



# Development Councils Elections Act, No. 20 of 1981

## NOTE

1. Every application shall be made to the returning officer of the Development Council area where the applicant is registered as an elector within ten days after the date of publication of the notice of nomination under section 10 of the Act.

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

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

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

5. The expression "certifying officer".—

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

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

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

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

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

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

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

REGULATION 3 :

FORM B

## FORM OF DECLARATION OF IDENTITY

Front of Form

Serial number of ballot paper.....

(To be inserted by returning officer).

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

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

.....  
Voter's signature.

Date .....

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

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

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

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

\_\_\_\_\_  
Signature and designation of witness.

Date and official frank :—

(See instructions on back of this form)

\*Delete if inapplicable.

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

#### BACK OF FORM

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

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

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

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

2. The voter has only one vote.

3. The voter shall vote by marking a ballot paper with a cross in the space provided for the purpose on the right hand side of such paper opposite the name and symbol of the recognized political party or independent group for which he votes, thus X.

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

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

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

**Development Councils Elections  
Act, No. 20 of 1981**

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

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

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

- (a) the ballot paper bearing the same number as is specified in such declaration; and
- (b) the envelope in which the voter has received the form of declaration of identity and the ballot paper.

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

- (a) if the voter is a member of the Sri Lanka Army, Sri Lanka Navy, or Sri Lanka Air Force, be a Commissioned Officer of such Army, Navy or Air Force;
- (b) if the voter is an officer or servant in the public service or the Central Bank of Ceylon, be a superior officer of such service, or if the voter has no superior officer, any other officer of such service.

3. The voter has only one vote.

4. The voter shall vote by marking a ballot paper with a cross in the space provided for the purpose on the right hand side of such paper opposite the name and symbol of the recognized political party or independent group for which he votes, thus X.

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

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

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

REGULATION 2 (1)

FORM C

**FORM OF DECLARATION OF SECRETCY**

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

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

Signature of persons before  
whom the declaration is made.

Date:

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

(SECTION 28)

THIRD SCHEDULE

FORM OF DIRECTIONS FOR THE GUIDANCE OF A VOTER IN VOTING WHICH SHALL  
BE EXHIBITED OUTSIDE EVERY POLLING STATION AND IN EVERY COMPART-  
MENT OF EVERY POLLING STATION

Every voter shall have one vote which may be given to a recognized political party or to an independent group.

The voter will go into one of the compartments and place a cross (that X) on the right-hand side of the ballot paper opposite the name and symbol of the recognized political party or the number and symbol of the independent group for which he votes.

The voter will then fold the ballot paper so as to show the official mark on the reverse and without showing the face of the paper to any one show the official mark on the reverse to the presiding officer, and put the paper into the ballot box and forthwith quit the polling station.

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

If the voter—

- (i) votes for more than one recognized political party, or
  - (ii) votes for more than one independent group, or
  - (iii) votes for a combination of one or more recognized political parties and independent groups, or
  - (iv) places any mark on the paper by which he may be afterwards identified,
- his ballot paper will be void and will not be counted.

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