



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

**ELECTIONS (SPECIAL PROVISIONS)
ACT, No. 28 OF 2011**

[Certified on 25th May, 2011]

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*Elections (Special Provisions)
Act, No. 28 of 2011*

[Certified on 25th May, 2011]

L.D.—O. 18/2010.

AN ACT TO MAKE PROVISION FOR A VOTER WHO IS SUBJECT TO A DISABILITY TO BE ACCOMPANIED BY A PERSON WHEN VOTING AT ELECTIONS; AND TO AMEND THE LOCAL AUTHORITIES ELECTIONS ORDINANCE (CHAPTER 262), THE PARLIAMENTARY ELECTIONS ACT, NO. 1 OF 1981, THE REFERENDUM ACT, NO. 7 OF 1981, THE PRESIDENTIAL ELECTIONS ACT, NO. 15 OF 1981 AND THE PROVINCIAL COUNCILS ELECTIONS ACT, NO. 2 OF 1988; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Elections (Special Provisions) Act, No. 28 of 2011. Short title.

PART I

AMENDMENT TO THE LOCAL AUTHORITIES ELECTIONS ORDINANCE
(CHAPTER 262)

2. Section 54 of the Local Authorities Elections Ordinance (Chapter 262) (hereinafter in this Part referred to as the “principal enactment”) is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:— Amendment of
section 54 of the
Local
Authorities
Elections
Ordinance.

“(2) (a) Any voter who is subject to a disability and such disability prevents the voter from voting in accordance with the directions given for the guidance of voters in the Second Schedule to the principal enactment, may be accompanied by a person who shall mark the ballot paper of such voter in the manner directed by the voter in the presence of the presiding officer and another member of his polling staff and cause such ballot paper to be placed in the ballot box.

(b) A person subject to a disability who wishes to be accompanied by a person to vote shall be eligible to do so if such person produces a Certificate of Eligibility substantially in the Form set out in the Tenth Schedule to this Act, to the presiding officer or another member of his staff.

(c) For the purposes of this section —

“accompanying person” shall be a person not less than eighteen years of age and shall—

- (i) not be a candidate who is contesting at the relevant election;
- (ii) not be a presiding officer, an authorized officer or a polling agent at the relevant election;
- (iii) not be a person subject to a disability;

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

- (i) a total or partial visual impairment; or
- (ii) a physical disability,

which prevents the voter from validly marking his ballot paper.”.

Amendment of
section 76 of the
principal
enactment.

3. Section 76 of the principal enactment is hereby amended by the insertion immediately after paragraph (d) of subsection (4) of that section of the following new subsections:—

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

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

4. The principal enactment is hereby amended by the addition immediately after the Ninth Schedule to such enactment of the following new Schedule:—

Addition of the Tenth Schedule to the principal enactment.

“TENTH SCHEDULE

CERTIFICATE OF ELIGIBILITY TO VOTE ISSUED TO A PERSON SUBJECT TO A DISABILITY
IN TERMS OF THE LOCAL AUTHORITIES ELECTIONS ORDINANCE
(CHAPTER 262 SECTION 54 (2) (c))

PART I

DECLARATION BY THE APPLICANT/VOTER

Full Name :
Address :
Occupation :
Date of Birth :
NIC/Driving Licence /Passport No. :

I, of being a voter registered in the District, being subject to a disability, declare that the above particulars are true and accurate and do hereby apply for the issue of a Certificate of Eligibility entitling me to vote at the forthcoming (Name of Election) as a person subject to a disability, as provided for by law.

Date : Name of Voter :
Signature of Voter :

CERTIFICATE OF GRAMA NILADHARI

I, certify that the information given above is correct and that the following information relating to the application of (Name of Applicant/Voter) is correct according to the records maintained by me.

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Name :
No. on the voters list :
Province :
District :
Electoral Division :
Other relevant information :

Date : Signature of Grama Niladhari :
Name of Grama Niladhari :
Division :
Seal :

PART II

CERTIFICATE OF THE GOVERNMENT MEDICAL OFFICER

I have personally examined of
..... who has applied to be entitled to vote as a person subject
to a disability, at the forthcoming (Name
of Election) and do hereby certify that (Name
of Voter/Applicant) is entitled/not entitled to vote as a person subject
to a disability, as provided for by law.

Date : Name of Government
Medical Officer:
Signature of Government
Medical Officer:
Seal:

PART II

AMENDMENT TO THE PARLIAMENTARY ELECTIONS
ACT, No. 1 OF 1981

Amendment of
section 40 of the
Parliamentary
Elections Act,
No. 1 of 1981.

5. Section 40 of the Parliamentary Elections Act, No. 1
of 1981 (hereinafter in this Part referred to as the “principal
enactment”) is hereby amended by the repeal of subsection
(2) of that section and the substitution therefor of the
following subsection :—

“(2) (a) Any voter who is subject to a disability and
such disability prevents the voter from voting in

accordance with the directions given for the guidance of voters in the Third Schedule to the principal enactment may be accompanied by a person who shall mark the ballot paper of such voter in the manner directed by the voter in the presence of the presiding officer and another member of his polling staff and cause such ballot paper to be placed in the ballot box.

(b) A person subject to a disability who wishes to be accompanied by a person to vote shall be eligible to do so if such person produces a Certificate of Eligibility substantially in the Form set out in the Fifth Schedule to this Act, to the presiding officer or another member of his staff.

(c) For the purposes of this section —

“accompanying person” shall be a person not less than eighteen years of age and shall—

- (i) not be a candidate who is contesting at the relevant election;
- (ii) not be a presiding officer, an authorized officer or a polling agent at the relevant election;
- (iii) not be a person subject to a disability;

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

- (i) a total or partial visual impairment; or
- (ii) a physical disability,

which prevents the voter from validly marking his ballot paper.”.

Amendment of
section 76 of the
principal
enactment.

6. Section 76 of the principal enactment is hereby amended by the insertion immediately after subsection (4) of that section, of the following new subsections:—

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

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

Addition of the
Fifth Schedule
to the principal
enactment.

7. The principal enactment is hereby amended by the addition immediately after the Fourth Schedule to such enactment of the following new Schedule:—

“FIFTH SCHEDULE

CERTIFICATE OF ELIGIBILITY TO VOTE ISSUED TO A PERSON SUBJECT TO A DISABILITY
IN TERMS OF THE PARLIAMENTARY ELECTIONS ACT, NO. 1 OF 1981
(SECTION 40 (2) (c))

PART I

DECLARATION BY THE APPLICANT/VOTER

Full Name :
Address :
Occupation :
Date of Birth :
NIC/Driving Licence /Passport No. :

I, of being a
voter registered in the District,
being subject to a disability, declare that the above particulars are true
and accurate and do hereby apply for the issue of a Certificate of

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Eligibility entitling me to vote at the forthcoming
. (Name of Election) as a person subject to a disability, as
provided for by law.

Date : Name of Voter :
Signature of Voter :

CERTIFICATE OF GRAMA NILADHARI

I certify that the information given above is correct and
that the following information relating to the application
of (Name of
Applicant/Voter) is correct according to the records maintained
by me.

Name :
No. on the voters list :
Province :
District :
Electoral Division :
Other relevant information :

Date : Signature of Grama Niladhari :
Name of Grama Niladhari :
Division :
Seal :

PART II

CERTIFICATE OF THE GOVERNMENT MEDICAL OFFICER

I have personally examined of
. who has applied to be entitled
to vote as a person subject to a disability, at the forthcoming
. (Name of Election)
and do hereby certify that
(Name of Voter/Applicant) is entitled/not entitled to vote as a
person subject to a disability, as provided for by law.

Date : Name of Government
Medical Officer:
Signature of Government
Medical Officer:
Seal:”

PART III

AMENDMENT TO THE REFERENDUM ACT, NO. 7 OF 1981

Amendment of
 section 23 of the
 Referendum
 Act, No. 7 of
 1981.

8. Section 23 of the Referendum Act, No. 7 of 1981 (hereinafter in this Part referred to as the “principal enactment”) is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection :—

“(2) (a) Any voter who is subject to a disability and such disability prevents the voter from voting in accordance with the directions given for the guidance of voters in the Second Schedule to the principal enactment may be accompanied by a person who shall mark the ballot paper of such voter in the manner directed by the voter in the presence of the presiding officer and another member of his polling staff and cause such ballot paper to be placed in the ballot box.

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

(c) For the purposes of this section —

“accompanying person” shall be a person not less than eighteen years of age and shall—

- (i) not be a candidate who is contesting at the relevant election;
- (ii) not be a presiding officer, an authorized officer or a polling agent at the relevant election;
- (iii) not be a person subject to a disability;

“disability” in relation to a registered voter who is subject to a disability and who is

eligible to vote in terms of paragraph (b)
of this section, means—

- (i) a total or partial visual impairment; or
- (ii) a physical disability,

which prevents the voter from validly marking
his ballot paper.”.

9. Section 51 of the principal enactment is hereby
amended by the insertion immediately after subsection (4)
of that section of the following new subsections:—

Amendment of
section 51 of the
principal
enactment.

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

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

10. The principal enactment is hereby amended by the
addition immediately after the Third Schedule to such
enactment of the following new Schedule :—

Addition of the
Fourth Schedule
to the principal
enactment.

“FOURTH SCHEDULE

CERTIFICATE OF ELIGIBILITY TO VOTE ISSUED TO A PERSON WHO IS SUBJECT TO A
DISABILITY IN TERMS OF THE REFERENDUM ACT, No. 7 OF 1981
(SECTION 23 (2) (c))

PART I

DECLARATION BY THE APPLICANT/VOTER

Full Name :
Address :
Occupation :
Date of Birth :
NIC/Driving Licence /Passport No. :

I, of being a voter registered in the District, being subject to a disability, declare that the above particulars are true and accurate and do hereby apply for the issue of a Certificate of Eligibility entitling me to vote at the forthcoming (Name of Election) as a person subject to a disability, as provided for by law.

Date : Name of Voter :
Signature of Voter :

CERTIFICATE OF GRAMA NILADHARI

I Certify that the information given above is correct and that the following information relating to the application of (Name of Applicant/Voter) is correct according to the records maintained by me.

Name :
No. on the voters list :
Province :
District :
Electoral Division :
Other relevant information :

Date : Signature of Grama Niladhari :
Name of Grama Niladhari :
Division :
Seal :

PART II

CERTIFICATE OF THE GOVERNMENT MEDICAL OFFICER

I have personally examined of who has applied to be entitled to vote as a person subject to a disability, at the forthcoming (Name of Election) and do hereby certify that (Name of Voter/Applicant) is entitled/not entitled to vote as a person subject to a disability, as provided for by law.

Date : Name of Government
Medical Officer:
Signature of Government
Medical Officer:
Seal:

PART IV

AMENDMENT TO THE PRESIDENTIAL ELECTIONS ACT, NO. 15
OF 1981

11. Section 38 of the Presidential Act, No. 7 of 1981 (hereinafter in this Part referred to as the “principal enactment”) is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:—

Amendment of
section 38 of the
Presidential
Elections Act,
No. 15 of 1981.

“(2) (a) Any voter who is subject to a disability and such disability prevents the voter from voting in accordance with the directions given for the guidance of voters in the Third Schedule to the principal enactment may be accompanied by a person who shall mark the ballot paper of such voter in the manner directed by the voter in the presence of the presiding officer and another member of his polling staff and cause such ballot paper to be placed in the ballot box.

(b) A person subject to a disability who wishes to be accompanied by a person to vote shall be eligible to do so if such person produces a Certificate of Eligibility substantially in the Form set out in the Fifth Schedule to this Act, to the presiding officer or another member of his staff.

(c) For the purposes of this section —

“accompanying person” shall be a person not less than eighteen years of age and shall—

- (i) not be a candidate who is contesting at the relevant election;
- (ii) not be a presiding officer, an authorized officer or a polling agent at the relevant election;
- (iii) not be a person subject to a disability;

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

- (i) a total or partial visual impairment; or
- (ii) a physical disability,

which prevents the voter from validly marking his ballot paper.”.

Amendment of section 75 of the principal enactment.

12. Section 75 of the principal enactment is hereby amended by the insertion immediately after subsection (4) of the following new subsections:—

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

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

Addition of the Fifth Scheduled to the principal enactment.

13. The principal enactment is hereby amended by the addition immediately after the Fourth Schedule to such enactment of the following new Schedule:—

“FIFTH SCHEDULE

CERTIFICATE OF ELIGIBILITY TO VOTE ISSUED TO A PERSON WHO IS SUBJECT TO A DISABILITY IN TERMS OF THE PRESIDENTIAL ELECTIONS ACT, NO. 15 OF 1981
(SECTION 38 (2) (C))

PART I

DECLARATION BY THE APPLICANT/VOTER

Full Name :
Address :
Occupation :
Date of Birth :
NIC/Driving Licence /Passport No. :

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I, of being a voter registered in the District, being subject to a disability, declare that the above particulars are true and accurate and do hereby apply for the issue of a Certificate of Eligibility entitling me to vote at the forthcoming (Name of Election) as a person subject to a disability, as provided for by law.

Date : Name of Voter :
Signature of Voter :

CERTIFICATE OF GRAMA NILADHARI

I certify that the information given above is correct and that the following information relating to the application of (Name of Applicant/Voter) is correct according to the records maintained by me.

Name :
No. on the voters list :
Province :
District :
Electoral Division :
Other relevant information :

Date : Signature of Grama Niladhari :
Name of Grama Niladhari :
Division :
Seal :

PART II

CERTIFICATE OF THE GOVERNMENT MEDICAL OFFICER

I have personally examined of who has applied to be entitled to vote as a person subject to a disability, at the forthcoming (Name of Election) and do hereby certify that (Name of Voter/Applicant) is entitled/not entitled to vote as a person subject to a disability, as provided for by law.

Date : Name of Government
Medical Officer:
Signature of Government
Medical Officer:
Seal:"

PART V

AMENDMENT TO THE PROVINCIAL COUNCILS ELECTIONS
 ACT, NO. 2 OF 1988.

Amendment of
 section 38 of the
 Provincial
 Councils
 Elections Act,
 No. 2 of 1988.

14. Section 38 of the Provincial Councils Elections Act, No. 2 of 1988 (hereinafter in this Part referred to as the “principal enactment”) is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:—

“(2) (a) Any voter who is subject to a disability and such disability prevents the voter from voting in accordance with the directions given for the guidance of voters in the Third Schedule to the principal enactment may be accompanied by a person who shall mark the ballot paper of such voter in the manner directed by the voter in the presence of the presiding officer and another member of his polling staff and cause such ballot paper to be placed in the ballot box.

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

(c) For the purposes of this section —

“accompanying person” shall be a person not less than eighteen years of age and shall—

- (i) not be a candidate who is contesting at the relevant election;
- (ii) not be a presiding officer, an authorized officer or a polling agent at the relevant election;
- (iii) not be a person subject to a disability;

“disability” in relation to a registered voter who is subject to a disability and who is

eligible to vote in terms of paragraph (b)
of this section, means—

- (i) total or partial visual impairment; or
- (ii) a physical disability,

which prevents the voter from validly marking
his ballot paper.”.

15. Section 77 of the principal enactment is hereby
amended by the insertion immediately after subsection
(4) of that section, of the following new subsections:—

Amendment of
section 77 of the
principal
enactment.

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

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

16. The principal enactment is hereby amended by the
addition immediately after the Third Schedule to such
enactment of the following new Schedule:—

Addition of the
Fourth Schedule
to the principal
enactment.

“FOURTH SCHEDULE

CERTIFICATE OF ELIGIBILITY TO VOTE ISSUED TO A PERSON SUBJECT TO A DISABILITY
IN TERMS OF THE PROVINCIAL COUNCILS ELECTIONS
ACT, No. 2 OF 1988.

PART I

DECLARATION BY THE APPLICANT/VOTER

Full Name :
Address :
Occupation :
Date of Birth :
NIC/Driving Licence /Passport No. :

I, of being a voter registered in the District, being subject to a disability, declare that the above particulars are true and accurate and do hereby apply for the issue of a Certificate of Eligibility entitling me to vote at the forthcoming (Name of Election) as a person subject to a disability as provided for by law.

Date : Name of Voter :
Signature of Voter :

CERTIFICATE OF GRAMA NILADHARI

I certify that the information given above is correct and that the following information relating to the application of (Name of Applicant/Voter) is correct according to the records maintained by me.

Name :
No. on the voters list :
Province :
District :
Electoral Division :
Other relevant information :

Date : Signature of Grama Niladhari :
Name of Grama Niladhari :
Division :
Seal :

PART II

CERTIFICATE OF THE GOVERNMENT MEDICAL OFFICER

I have personally examined of who has applied to be entitled to vote as a person subject to a disability, at the forthcoming (Name of Election) and do hereby certify that (Name of Voter/Applicant) is entitled/not entitled to vote as a person subject to a disability, as provided for by law.

Date : Name of Government
Medical Officer:
Signature of Government
Medical Officer:
Seal:

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

Sinhala text to
prevail in case
of inconsistency.

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