

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

LOCAL AUTHORITIES ELECTIONS

(AMENDMENT)

ACT, No. 22 OF 2012

[Certified on 15th November, 2012]

Printed on the Order of Government

Published as a Supplement to Part II of the Gazette of the Democratic

Socialist Republic of Sri Lanka of November 16, 2012

PRINTEDATTHE DEPARTMENTOFGOVERNMENTPRINTING,SRILANKA

TO BEPURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 38.00 Postage : Rs. 25.00

Local Authorities Elections (Amendment) 1

Act, No. 22 of 2012

[Certified on 15th November, 2012]

L.D.—O. 54/2007.

ANACT TO AMEND THELOCAL AUTHORITIES ELECTIONS ORDINANCE

BE it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows :—

1. (1) This Act may be cited as the Local Authorities Short title and

Elections (Amendment) Act, No. 22 of 2012. date of

operation.

(2) The provisions of sections 3A, 3B, 3c, 3D and 3E of this

Act, shall come into operation on the date of commencement

of this Act.

(3) The provisions of all other sections of this Act, other

than the section referred to in subsection (2) shall come into

operation on such date as the Minister may appoint by Order

published in the Gazette.

2. The following new Part is hereby inserted Insertion of new

immediately after section 3 of the Local Authorities Elections part I to the

Chapter 262.

Ordinance (chapter 262) as last amended by Act, No. 14 of

2004 (hereinafter referred to as the “principal enactment”)

and shall have effect as Part I of that enactment :—

“PART I

ESTABLISHMENT OF ANATIONAL DELIMITATION COMMITTEE

Establishment 3A. (1) The Minister shall, upon the coming

of a National

into operation of this section, by Order

Delimitation

Committee. published in the Gazette, establish a National

Delimitation Committee (in this Part referred

to as the “National Committee”) which shall

consist of five persons to be appointed by the

Minister, one of whom shall be nominated by

him to be the Chairman of the National

Committee.

2—PL 005293—4190 (10/2010)

2 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

(2) In the event of any vacancy occurring in

the membership of the National Committee

during their term of office, the Minister shall

appoint another person to fill in such vacancy.

(3) The quorum, for any meeting of the

National Committee shall be three members

and its Chairman shall preside at all meetings

of such Committee. In the absence of the

Chairman from any meeting of the National

Committee, the members present at the meeting

shall nominate a member from among

themselves to preside at such meeting.

(4) Subject to the provisions of subsection

(3) of this section, the National Committee may

regulate the procedure in regard to the conduct

of its meetings and the transaction of business

at such meetings.

The mandate 3B. (1) The mandate of the National

of the Committee shall be to make recommendations

National

to the Minister for the division of each local

Committee

and the authority area into wards, taking into

reports to be consideration the requirements set out in

submitted.

subsection (2) and to determine the boundaries

of each ward and assign a name and a number

to each such ward.

(2) The National Committee shall, in

making its recommendation for the division of

a local authority area into wards, take into

consideration:—

(a) the ratio of the ethnic composition of

the local authority area concerned, and

the need to ensure representation on the

basis of ethnic ratio;

Local Authorities Elections (Amendment) 3

Act, No. 22 of 2012

(b) the geographical area of the local

authority and its physical features;

(c) the population of the local authority

area and the density of such population;

and

(d) the level of ecnomic development of

the local authority area.

(3) Where the National Committee is of the

view that having taken into consideration the

requirements specified in subsection (2), it is

appropriate to create a ward which shall be

entitled to return more than one member, the

National Committee shall recommend the

creation of a multi member ward or wards, as

the case may be, for any local authority area.

(4) The proceedings of the National

Committee shall be conducted in such manner

as shall be prescribed.

(5) The National Committee established

under section 3A shall be required to fulfill its

mandate by such date as shall be determined

by the Minister and on the completion of

such mandate, submit a report on its

recommendations to the Minister.

Order to be 3C.(1) Upon the receipt of the report on the

published of

recommendations of the National Committee,

all

boundaries, the Minister shall forthwith submit such report

names and on the recommendation to the President.

numbers or

letters of

each ward (2) Upon the receipt of such report on the

created for recommendations, the President shall by Order

each local

authority. published in the Gazette, publish the number

4 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

of wards, the boundaries, names, number

alphabetical letter in English assigned to each

ward so created on the recommendations made

by the National Committee in respect of each

local authority. Where the National Committee

has recommended the creation of multi member

wards, the name and the number or the

alphabetical letter assigned to each such multi

member ward, the name of the respective local

authority and the total number of members to

be elected to each such multi member ward,

shall also be so specified.

Minister to 3D. (1) The Minister may cause an alteration

alter the to be made to the boundaries of the wards as

boundaries of

any ward. published in the Order made under section 3C.

Further the alterations shall be made on the

recommendations of a Committee consisting

of five persons appointed by the Minister and

the requirements specified in section 3B shall

apply to and in respect of any such alterations

being made.

(2) The new boundaries, names, numbers

or letters of each ward boundaries of which are

altered under subsection (1), shall be published

in the Gazette by the Minister and take effect

in respect of an election held under this

Ordinance immediately after such alterations

are effected.

Establishment 3E. (1) For the purpose of assisting a

of District National Committe in fulfilling its mandate,

Delimitation

Committees the Minister shall appoint a Delimitation

at district Committee at each district level, (hereinafter

levels. referred to as a “District Committee”) which

Local Authorities Elections (Amendment) 5

Act, No. 22 of 2012

shall consist of the District Secretary of the

relevant district who shall be the Chairman of

such District Committee and the following

members to be appointed by the Minsister:—

(a) a representative of the Department of

Elections;

(b) a representative of the Provincial

Ministry of Local Government of the

Provincial Council within which such

district is situated;

(c) a representative of the Survey-

General’s Department;

(d) a representative of the Department of

Census and Statistics; and

(e) a public officer nominated by the

Minister.

(2) A District Committee shall carry out

such functions as may be assigned to it by the

National Committee and shall act under the

direction and the supervision of such National

Committee.

(3) The provisions of subsection (3) and

(4) of section 3A shall mutatis mutandis apply

to and in regard to the conduct of meetings of

District Committee.”.

3. The heading “PART I” appearing immediately after Part I of the

section 3 of the principal enactment, is hereby repealed and principal

enactment to be

the heading “Part 1A” is substituted therefor. renumbered as

Part IA.

6 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

Amendment of 4. Section 4 of the principal enactment is hereby

section 4 of the

amended by the repeal of subsection (1) of that section, and

principal

enactment. the substitution therefor of the following subsection :—

“(1) The Commissioner may appoint by name or

by office for each district in Sri Lanka, a fit and proper

person to be or to act as district returning officer and

one other person to be or to act as the returning officer

for each of the local authority area or of any particular

local authority, as the case may be, in a district, and

such number of other persons as may become necessary

to be or to act as assistant returning officers for that

district.”.

Amendment of 5. Section 5 of the principal enactment is hereby

section 5 of the

amended by the repeal of subsection (2) of that section and

principal

enactment. the substitution therefor of the following subsection:—

“(2) Subject to the general supervision and control

of the Commissioner, each assistant returning officer

and assistant elections officer may exercise or perform

the powers or duties conferred or imposed by this

Ordinance upon an election officer.”.

Amendment of 6. Section 7 of the principal enactment as amended by

section 7 of the Law, No. 24 of 1977 is hereby further amended in paragraph

principal

(b) of subsection (1) of that section, by the substitution for

enactment.

the words “resident in any electoral area”, of the words

“resident in any ward”.

Amendment of 7. Section 9 of the principal enactment as last amended

section 9 of the by Act, No. 25 of 1990 is hereby further amended in

principal

subsection (1) of that section, as follows:—

enactment.

(1) in paragraph (d) of that subsection —

(i) by the substitution in sub-paragraph (v) (A) of

that paragraph, for the words “created prior to

November 18, 1970, the initial salary scale of

Local Authorities Elections (Amendment) 7

Act, No. 22 of 2012

which was on November 18, 1970, not less

than Rs. 6,720 per annum”, of the words

“created prior to June 01, 2007, the initial

salary scale of which was on January 01, 2007,

not less than Rs. 2,27,280 per annum”;

(ii) by the substitution in sub-paragraph (v) (B) of

that paragraph, for the words “created after

November 18, 1970”, of the words “created

after June 01, 2007,”;

(iii) by the substitution in sub-paragraph (vi) (A)

of that paragraph, for the words “created prior

to November 18, 1970, the initial salary scale

of which was, on November 18, 1970, not less

than Rs. 7,200 per annum”, of the words

“created prior to January 01, 2009, the initial

salary scale of which was, on January 01, 2009,

not less than Rs. 2,46,300 per annum”; and

(iv) by the substitution in sub-paragraph (vi) (B)

of that paragraph, for the words “created after

November 18, 1970,” of the words “created

after January 01, 2009,”;

(2) by the repeal of paragraph (i) of that subsection,

and the substitution therefor of the following

paragraph :—

“(i) is serving or has during the period of seven

years immediately preceding, completed

serving a sentence of imprisonment for an

offence punishable with imprisonment for a

term exceeding twelve months or is under a

sentence of death or is serving or has during

the period of seven years immediately

preceding, completed serving a sentence of

8 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

imprisonment awarded in lieu of execution of

a sentence of death ; or”; and

(3) in the proviso to paragraph (j) of that subsection:—

(i) by the substitution in paragraph (i) of that

proviso, for the words “a post created prior to

November 18, 1970, less than Rs. 6,720 per

annum” of the words “a post created prior to

June 01, 2007, less than Rs. 2,27,280

per annum”; and

(ii) by the substitution in paragraph (ii) of that

proviso, for the words “created after November

18, 1970,”, of the words “created after June

01, 2007.”.

Amendment of 8. Section 12 of the principal enactment is hereby

section 12 of the amended as follows:—

principal

enactment.

(1) in subsection (1) of that section, by the addition

immediately after the proviso to that section of the

following:—

"Provided further,

(i) each ward of a local authority shall be

deemedto be a polling area for the purposes

of an election to that local authority; and

(ii) each ward shall be identified by a name andan

alphabetical letter in English.;

(2) by the repeal of subsection (2) of that section and

the substitution therefor, of the following

subsection:—

“(2) The district returning officer shall—

(a) divide the polling area of a local

authority, into one or more polling

Local Authorities Elections (Amendment) 9

Act, No. 22 of 2012

districts in accordance with directions

as may be issued by the Commissioner;

(b) assign to each polling district a

distinguishing letter or letters;

(c) determine with respect to each such

polling district, the location in which

the polling station in respect of that

district shall be situated; and

(d) publish in the Gazette, a notice

containing the particulars referred to in

paragraphs (a), (b) and (c) above.”;

(3) by the insertion immediately after subsetion (2) of

that section, of the following new subsections:—

“(2A) Unless the Commissioner directs, otherwise

the division of a polling area into polling districts

shall be so made, that each polling district at the

time of such division, shall consist of not more than

one thousand five hundred voters.

(2B) Subject to the provisions of subsection (2A),

the division of a polling area into polling districts

may be altered by the district returning officer as the

occasion may require, and upon such alteration being

made, he shall publish in the Gazette a notice

specifying the particulars referred to in paragraphs

(a), (b) and (c) of subsection (2) and the date on

which such alteration shall come into effect.

(2C) A notice published in the Gazette under

paragraph (d) of subsection (2) or under

subsection(3), as the case may be, may be amended

from time to time in regard to the particulars referred

to in paragraph (c) of subsection (2) which is required

to be specified in that notice, after notifying to the

public of the proposed amendments in such manner

as the Commissioner may determine, and after

10 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

giving an opportunity to the public for making

representations in regard to the proposed

amendments.”; and

(4) by the substitution in subsection (3) of that section,

for the words “one polling station and no more.”, of

the words “not less than one polling station.”.

Amendment of 9. Section 12A of the principal enactment is hereby

section12A of

repealed and the following section is substituted therefor:—

the principal

enactment.

“Alteration 12A. Where the administrative limits of any

of the local authority is altered under any law under

administrative

limits of a which such local authority was established or

local the boundaries of any ward into which a local

authority or

of a ward. authority area is divided is altered by the

Minister under section 3D of this Ordinance,

the provisions of section 12 shall mutatis

mutandis apply to and in relation to such local

authority or ward, as the case may be, whose

administrative limits or boundaries have been

so altered.”.

Amendment of 10. Section 12B of the principal enactment is hereby

section 12B of amended by the substitution for the words “and certify an

the principal electoral list” and words “correspond to the electoral area”,

enactment.

respectively of the words “and certify an electoral list for

each ward of such electoral area”, and the words “correspond

to the respective ward of such electoral area”.

Amendment of

11. Section 12D of the principal enactment is hereby

section 12D of

the principal amended by the substitution for the words “electoral list of

enactment. any electoral area”, of the words “electoral list of each ward

of any electoral area”.

Amendment of 12. Section 12F of the principal enactment is hereby

section 12F of amended by the substitution for the words “alteration of the

the principal limits of the electoral area of any local authority”, of the words

enactment.

“alteration of the limits of any ward or the limits of the electoral

area of any local authority, as the case may be,”.

Local Authorities Elections (Amendment) 11

Act, No. 22 of 2012

13. Section 16 of the principal enactment is hereby Amendment of

amended by the substitution for the words “electoral list of section 16 of the

principal

any electoral area,”, of the words “electoral lists of the wards

enactment.

of any electoral area,”.

14. Section 17 of the principal enactment as amended Amendment of

section 17 of the

by Law, No. 24 of 1977 is hereby further amended in

principal

subsection (1) of that section, by the substitution for the

enactment.

words “the electoral list of”, of the words “the electoral lists

of the wards”.

15. Section 18 of the principal enactment as amended Amendment of

by Law, No. 24 of 1977, is hereby further amended as section 18 of the

principal

follows:—

enactment.

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

for the words “electoral list of any electoral area,”,

of the words “electoral lists of the wards of any

electoral area,”; and

(2) in subsection (5) of that section, by the substitution

for the words “electoral list, make such amendment

in the list” of the words “electoral lists, make such

amendments in the lists”.

16. Section 19 of the principal enactment as last Amendment of

amended by Law, No. 24 of 1977, is hereby further amended section 19 of the

principal

as follows :—

enactment.

(1) in subsection (1) of that section, by the repeal of

paragraph (a) of that subsection and the substitution

therefor of the following paragraph :—

“(a) in more than one electoral list, whether of

the wards of the same electoral area or of

different electoral areas; or”;

(2) in subsection (3) of that section, by the substitution

in paragraph (b) of that subsection, for the words

“in which the electoral area”, of the words “in which

the ward”.

12 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

Amendment of 17. Section 20 of the principal enactment as amended

section 20 of by Law, No. 24 of 1977, is hereby further amended in

the principal

subsection (1) of that section, by the substitution for the

enactment.

words “electoral list of any electoral area”, of the words

“electoral lists of the wards of any electoral area,”.

Amendment of 18. Section 22 of the principal enactment is hereby

section 22 of the amended by the substitution for the word “list” wherever

principal

enactment. that word appears in that section, of the word “lists”.

Amendment of 19. Section 23 of the principal enactment is hereby

section 23 of the

principal amended by the substitution for the words “electoral list of

enactment. any electoral area,”, of the words “electoral lists of the wards

of any electoral area,”.

Replacment of 20. Section 26 of the principal enactment is hereby

section 26 of the repealed and the following section substituted therefor–

principal

enactment.

"Notice of 26. Whenever a general election of the

nomination members of a local authority is due to be held

period.

in any year, the returning officer of the district

in which the electoral area of such local

authority is situated, shall publish a notice of

his intention to hold such election. The notice

shall specify the name of the returning officer

who is appointed to receive nomination papers

of the recognized political parties and

independent groups whose candidates are

contesting in each ward of that electoral area,

the period (hereinafter referred to as the

“nomination period”) and the office hours

during which nomination papers shall be

received by the respective returning officer

in his office and the place where such

nomination papers shall be so received. Such

nomination period shall commence on the

fourteenth day after the date of the

publication of the notice and shall expire at

twelve noon on the seventeenth day after the

date of publication of the notice. The notice

shall also specify the date, time and place at

Local Authorities Elections (Amendment) 13

Act, No. 22 of 2012

which the approved symbols shall be allotted

and in respect of a local authority area.”.

21. Section 27A of the principal enactment is hereby Amendment of

amended by the repeal of subsections (3), (4) and (5) of that section 27A of

the principal

section.

enactment.

22. Section 28 of the principal enactment as last Amendment of

section 28 of the

amended by Act, No. 25 of 1990, is hereby further amended

principal

as follows:— enactment.

(1) by the repeal of subsection (1) of that section and

the substitution therefor of the following

subsection:—

“(1) Any person who is qualified under

section 8 of this Ordinance to be elected as a

member of a local authority, may be nominated

as a candidate for election for any ward of the

electoral area of such authority, provided that

no such person shall be nominated as a candidate

for election in respect of more than one ward of

any electoral area of a local authority.”;

(2) by the repeal of subsections (1A) and (1B) of that

section;

(3) by the repeal of subsection (2) of that section and

the substitution therefor of the following

subsection:—

“(2) 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

election as members of any local authority,

submit one single nomination paper in respect

of all the wards of such local authority,

substantially in the Form set out in the First

Schedule, setting out the names:—

14 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

(a) of candidates being nominated in respect

of each ward of that local authority and

which number shall be equivalent to the

number of members to be elected as

elected members in respect of those several

wards; and

(b) of such number of additional persons as is

equivalent to thirty per centum of the total

number of persons being nominated as

candidates to be elected under paragraph

(a), from among whom the members of that

local authority who shall be returned under

section 65A of this Ordinance, shall be

appointed:

Provided that where the number

constituting thirty per centum referred to

in this paragraph is an integer and fraction,

the integer shall be deemed to be the

number which shall constitute thirty per

centum, for the purpose of this paragraph.

The returning officer shall as soon as is

practicable make a copy of each nominaiton

paper received by him and display such copies

of the nomination papers on his notice board.

The nomination paper shall be prepared in

duplicate, with the word “copy” being written

clearly on the duplicate copy.”.

(4) by the insertion immediately after subsection (2) of

that section, of the following new subsections :—

“(2A) A nomination paper referred to in

subsection (1), shall—

(a) in the case of a recognized political party,

be submitted by the secretary or an

authorized agent of such party or the

Local Authorities Elections (Amendment) 15

Act, No. 22 of 2012

candidate whose name appears in the

nomination paper being submitted and

who is nominated for such purpose by the

secretary; and

(b) in the case of an idependent group, be

submitted by the group leader of the

independent group or his authorized agent,

so however the group leader shall at the

time of the deposit of the legal tender with

the returning officer under section 29 of

the Ordinance nominate a person from

among the candidates as an authorized

agent.

(2B) Notwithstanding any provision to the

contrary in this Ordinance, twenty-five per

centum of the total number of candidates and

additional persons whose names appear in each

nomination paper submitted under subsection

(2) of this section, may consist of women and

youth.

(2C) Where the number constituting the

twenty - five per centum, referred to in

subsection (2B) is an integer and fraction, the

integer shall be deemed to be the number which

shall constitute twenty five per centum for the

purpose of that subsection.”.

(5) in subsection (4) of that section, by the substitution

for the words “consent of each candidate to be

nominated”, of the words “consent of each

candidate and each person being nominated”;

(6) in subsection (4A) of that section, by the substitution

for the words “youth candidate”, where ever it

appears in that subsection, of the words “youth”;

16 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

(7) by the insertion immediately after subsection (4A)

of that section, of the following new subsection:—

“(4B) A declaration of the assets and

liabilities under the Declaration of Assets and

Liabilities Law, No. 1 of 1975 in the form as

prescribed under that Law, shall be required to

be submitted in respect of each candidate and

persons whose names appear in a nomination

paper, within three months of the submission of

such nomination paper.”.

Amendment of 23. Section 29 of the principal enactment as last

section 29 of the

principal amended by Act, No. 24 of 1977, is hereby further amended

enactment. as follows :—

(1) by the repeal of subsection (1) and subsection (2)

of that section, and the substitution therefor of the

following subsections:—

“(1) (a) Every recognized political party and

independent group shall, between the date of

the publication of the notice under section 26

and the submission of the nomination paper and

in any case not later than twelve noon on the

day immediately preceding the end of the

nominaiton period, deposit the legal tender with

the returning officer to whom the nomination

paper is to be submitted, a sum of:—

(i) five thousand rupees in respect of each

candidate and each additional person

being nominated by a recognized political

party; and

Local Authorities Elections (Amendment) 17

Act, No. 22 of 2012

(ii) twenty thousand rupees in respect of each

candidate and each additional person

being nominated by an independent group.

(b) The deposit the legal tender shall—

(i) in the case of a recongnized political

party, be submitted by the secretary

of the recognized political party or

his authorized agent; and

(ii) in the case of an independent group,

be submitted by the leader of the

independent group.

(2) No deposit made on behalf of a candidate

under subsection (1) shall be accepted by the

returning officer, unless it is made within the

time specified in that subsection.”;

(2) by the substitution for the marginal note to that

section, of the following marginal note:—

“Deposits

to be made

on behalf

candidates.”.

24. Section 30 of the principal enactment as last Amendment of

section 30 of the

amended by Act, No. 25 of 1990, is hereby further amended principal

enactment.

by the repeal of subsection (4) of that section, and the

substitution therefor of the following subsection:—

“(4) Where the candidate of a recognized

political party or independent group on whose

18 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

behalf a deposit was made is not elected and where

the number of votes polled by such candidate

does not exceed one-twentieth of the total number

of valid votes polled in the ward in which he

contested, the deposit made on behalf of such

candidate shall be declared forfeit. The returning

officer with whom it was deposited, shall transfer

such amount from the deposit account to the

Consolidated Fund and in every other case the

deposit shall be returned to the candidate who

made the deposit, as soon as may be after the

result of the election is declared:

Provided that, where any recognized political

party or independent group fails to obtain more

than one twentieth of the total number of valid

votes which contested the election in such local

authority area, the deposit made by each such

recognized political party or independent group,

in respect of all the additional persons whose

names appear in the nomination paper submitted

by such recognized political parties or

independent group, shall be declared forfeit and

the provisions of this subsection shall apply in

regard to the transfer of such deposit.”.

Amendment of 25. Section 31 of the principal enactment as last

section 31 of the

principal amended by Act, No. 25 of 1990, is hereby further amended

enactment. as follows:—

(1) in subsection (1) of that section :—

(a) by the repeal of paragraphs (bb) and (bbb) of

that subsection; and

Local Authorities Elections (Amendment) 19

Act, No. 22 of 2012

(b) by the repeal of paragraph (d) of that

subsection;

(2) by the addition immediately after subsection (2) of

that section the following new subsection:—

“(3) Where a candidate or any person whose

name appears on a nomination paper submitted by

a recognized political party or an independent

group, as the case may be, is found to be disqualified

due to the failure of such candidate or person:—

(a) where the candidate or person concerned is a

youth, to have attached to the nomination

paper a certified copy of his Certificate of

Birth or in the event the Certificate of Birth is

not available an affidavit signed by such

youth certifying his date of birth; or

(b) to have his consent which is required to be

included in such nomination paper to be

endorsed on the nomination paper, and to

have annexed to the nomination paper his

oath or affirmation in the form set out in the

Seventh Schedule to the Constitution,

the nomination paper so submitted shall not be

rejected, but the name of the candidate or the person

concerned who is found to be disqualified due to

any of the reasons specified in this subsection, shall

be removed from the nomination paper so submitted.

Where a name of any candidate or any person is

removed from a nomination paper, the political

20 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

party or the independent group, as the case may be,

which submitted such nomination paper, shall not

thereafter be entitled to replace the name so removed

with any other new name and the deposit made in

respect of the candidate or other person whose names

was removed, shall be forfeited.”.

Amendment of 26. Section 35 of the principal enactment as amended

section 35 of the by Act, No. 25 of 1990, is hereby further amended by the

principal

enactment. repeal of subsection (1) of that section and the substitution

therefor of the following subsection:—

“(1) (a) Where in the case of any electoral area,

the returning officer finds at the expiry of the

nomination period:—

(i) that no nomination paper has been duly

received on behalf of any recognized

political party or independent group; or

(ii) that all the nomination papers received by

him have been rejected or that the names of

all the candidates appearing in such

nomination paper have been removed from

such nonination paper in terms of subsection

(3) of section 31, as the case may be,

the returning officer shall forthwith report to the

elections officer of the district in which the area is

situated the fact that no nomination papers have

been received, or that all the nomination papers

received by him have been rejected, or that the

names of all the candidates appearing in any

nomination paper have been removed from such

nomination paper under subsection (3) of section

31, as the case may be.

Local Authorities Elections (Amendment) 21

Act, No. 22 of 2012

(b) The election officer shall, not later than

seven days after the receipt of the report, publish a

notice prescribing a further nomination period. The

notice shall specify the period (hereinafter referred

to as the “second nomination period”) during which

the nomination papers are to be received by the

returning officer at his office and all the provisions

of this Ordinance shall thereupon apply.”.

27. Section 36 of the principal enactment as last Amendment of

section 36 of the

amended by Act, No. 25 of 1990, is hereby further amended

principal

by the repeal of paragraph (b) of subsection (1) of that section enactment.

and the substitution therefor of the following paragraph:—

“(b) after the rejection of a nomination paper or papers

or where the names appearing in any nomination

paper or papers are removed under subsection (3)

of section 31 due to any reason specified therein,

the candidates of only one recognized political

party or an independent group stand nominated for

election, the returning officer shall inform the

Commissioner of such fact. The Commissioner shall

thereupon call the secretary of such recognized

political party or the leader of such independent

group, as the case may be, to specify which of the

candidates from among those whose names appear

in the nomination paper under paragraph (a) of

subsection (2) of section 28, shall be declared

elected as the Mayor and Deputy Mayor of that

local authority. Upon such secretary or the group

leader, as the case may be, communicating his

decision to the Commissioner, the Commissioner

shall declare the member so specified elected as the

Mayor and Deputy Mayor respectively, of that local

authority;”.

22 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

Amendment of 28. Section 37 of the principal enactment is hereby

section 37 of the amended by the repeal of subsection (1) of that section and

principal

the substitution therefor of the following subsection:—

enactment.

“(1) If at the expiry of the nomination period

appointed for each ward of an electoral area and

after the rejection of any nomination paper or

papers or the names appearing in any

nomination paper or papers is removed under

subsection (3) of section 31 due to any reason

specified therein, the candidates of more than

one recognized political party or of an

independent group stands duly nominated for

the election, the returning officer shall forthwith

allot for the purpose of that election:—

(a) to each candidate from a recognized

political party, the approved symbol of

that party; and

(b) to each candidate from an independent

group, any approved symbol and where

there are more than one independent

groups contesting such election, an

approved symbol determined:—

(i) in the first instance by agreement

among the independent groups

contesting; or

(ii) in the absence of such agreement, by

the draw of 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 the name of the

respective recognized political party or the

independent group.”.

Local Authorities Elections (Amendment) 23

Act, No. 22 of 2012

29. Section 38 of the principal enactment as amended Amendment of

by Act, No. 25 of 1990, is hereby further amended in section 38 of the

principal

subsection (1) of that section, by the repeal of paragraph (c) enactment.

of that subsection and the substitution therefor of the

following paragraph:—

“(c) the date of the poll, such date being a date other

than a Poya day or any public holiday as specified

in the First Schedule to the Holidays Act, No. 29 of

1971, but wherever possible a Saturday or a date or

dates determined by the returning officer with the

concurrence of the Commissioner and being a date

not less than five weeks and not more than seven

weeks from the date of the publication of the notice;

and”.

30. Section 39 of the principal enactment is hereby Replacement of

repealed and the following section is substituted therefor:— section 39 of the

principal

enactment.

"Death of a 39. (1) Notwithstanding the death of a

candidate candidate for election for any local authority

after

between the adjournment of the election for

nomination.

the purposes of the poll and the commencement

of the poll, the poll shall be taken on the date

specified for the same under paragraph (c) of

subsection (1) of section 38.

(2) In the event a vacancy occurring due to

the death of a candidate, the secretary of the

recognized political party or the group leader

of the independent group or person whose name

appears in the second place in the nomination

paper submitted by such recognized political

party or independent group, to which such

candidate who died belonged, shall nominate

a person who is qualified to be elected as a

member under section 8 of this Ordinance, to

fill such vacancy.”.

24 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

Amendment of 31. Section 39A of the principal enactment as amended

section 39A of by Law, No. 24 of 1977, is hereby further amended in

the principal

enactment. subsection (1) of that section as follows :—

(1) by the substitution for the words “in the electoral

list of that area”, of the words “in the electoral list

of any ward of that area,”; and

(2) by the repeal of paragraph (c) of that subsection

and the substitution therefor of the following

paragraph :—

“(c) the number of the ward;

(cc) the number of the polling districts."

Amendment of 32. Section 40 of the principal enactment as amended

section 40 of the by Law, No. 24 of 1977, is hereby further amended by the

principal

repeal of subsection (1) of that section and the substitution

enactment.

therefor of the following subsection :—

“(1) For the purpose of each election for any

electoral area, the returning officer of that electoral

area shall appoint:—

(a) one or more persons (hereinafter referred to

as “presiding officer”) to preside at each

polling station in each polling district; and

t

2

(b) where more than one person is appointed as a

presiding officer in respect of a polling

station, appoint one of such presiding officers

to be the senior presiding officer of that

polling station and the senior presiding

officer shall exercise general supervision over

every other presiding officer, and overall

arrangments for the conduct of the poll in the

election.”.

Local Authorities Elections (Amendment) 25

Act, No. 22 of 2012

33. Section 43 of the principal enactment is hereby Amendment of

section 43 of the

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

principal

for the words “in force for any electoral area” and for the enactment.

words “of that electoral area”, of the words “in force for any

ward of any electoral area” and of the words “for that ward”,

respectively.

34. Section 44 of the principal enactment is hereby Amendment of

section 44 of the

amended in paragraph (d) of that section, by the substitution

principal

for the words “for that electoral area”, of the words “ for that enactment.

ward”.

35. Section 45 of the principal enactment as amended Amendment of

by Law No. 24 of 1977, is hereby further amended in section 45 of the

principal

subsection (1) of that section, by the repeal of paragraph (b)

enactment.

of that subsection and the substitution therefor of the

following paragraph :—

“(b) outside the polling station, a notice specifying the

names of candidates as indicated by each

recognized political party and independent group,

in alphabetical order in Sinhala and the approved

symbol allotted to each such party or group.”.

36. Section 47 of the principal enactment as last Amendment of

amended by Act, No. 25 of 1990 is hereby further amended, section 47 of the

in paragraph (a) of that section, by the substitution for all principal

enactment.

the words from “set out against the distinguishing number”

to the end of that paragraph, of the words “set out against the

distinguishing number of such group.

37. Section 52 of the principal enactment as amended Amendment of

section 52 of the

by Act, No.14 of 2004 is hereby further amended in

principal

subsection(1) of that section as follows:— enactment.

(1) by the substitution in the paragraph titled “First”of

that section, for the words “electoral list now in

force for this electoral area.”, of the words “electoral

list now in force for this ward.”; and

26 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

(2) by the substitution in the paragraph titled

“Second:–” of that section, for the words “member

for this electoral area.”, of the words “member for

this ward.”.

Amendment of 38. Section 53A of the principal enactment as amended

section 53A of

by Act, No. 14 of 2004 is hereby further amended in

the principal

enactment. paragraph (a) of subsection (2) of that section, by the

substitution for the words “list of the electoral area in which”,

of the words “list of the ward in which”.

Replacement of 39. Section 59A of the principal enactment is hereby

section 59A of repealed and the following section substituted therefor :—

the principal

enactment.

"Counting of 59A. (1) The counting of votes in each

votes. polling station shall take place at each such

polling station.

(2) The senior presiding officer of each

polling station or where there is only one

presiding officer, such presiding officer shall

function as the counting officer of that station

and the staff at that polling station shall

function as the counting staff.

(3) Subject to the general or special

directions of the Commissioner, each returning

officer of an electoral area shall appoint one of

the senior presiding officers appointed under

paragraph (b) of subsection (1) of section 40,

or where only a single presiding officer is

appointed, such presiding officer, to be the chief

counting officer for each ward of that electoral

area. The returning officer may at the same

time appoint such number of assistants and

clerks and other officers as he may consider

necessary to assist the counting officer and the

Local Authorities Elections (Amendment) 27

Act, No. 22 of 2012

chief counting officer, as the case may be, in

the performance of their duties.”.

(4) Where there are any objections from the

authorized agents relating to the functioning

of any person as a counting officer of any

polling station, the Commissioner of Elections

may on being satisfied of the circumstances

appoint any other senior presiding officer to

function as a counting officer in the place of

the first mentioned person.".

40. The following new section is hereby inserted Insertion of new

immediately after section 59A of the principal enactment section 59B in

the principal

and shall have effect as section 59B of that enactment:— enactment.

"Change of 59B. (1) Notwithstanding the provisions of

venue for

counting of section 59A, where as a result of any incidents

votes. or disturbances which took place at a polling

station during a poll or thereafter or due to any

other security reasons, the presiding officer of

such polling station is of the opinion that the

counting of votes shall not take place at the

polling station, he shall inform the assistant

returning officer appointed by the returning

officer to supervise the polling in the ward in

which such polling station is situated, of such

fact and such assistant returning officer shall

thereafter determine the new venue at which

the counting of votes shall take place.

(2) In the event of a change of venue of a

counting centre under subsection (1), adequate

notice of the new venue at which the counting

is due to take place and the time at which the

counting is due to commence, shall be notified

by the assistant returning officer, to the

counting agents appointed under section 60,

28 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

who are present at the counting centre at the

particular time.

(3) The counting of votes at the new venue

as determined by the assistant returning officer

shall be conducted by the presiding officer of

the polling station, with the assistance of the

staff at that polling station.

(4) At the close of the counting of votes at

the new venue, the counting officer shall

submit to the returning officer of the electoral

area, a report on the incident, disturbance or

the security reason, as the case may be, which

warranted the change of the venue of the

counting centre and returning officer shall

communicate to the Commissioner the

information contained in such report."

Replacement of 41. Section 60 and 61 of the principal enactment are

sections 60 and

61 of the hereby repealed and the following sections substituted

principal therefor :—

enactment.

"Appointment 60. Each authorized agent of a recognised

of counting political party or group leader of an independent

agents.

group, as the case may be, shall be entitled to

appoint two agents (hereinafter referred to as

the “counting agents”) to attend the counting

of votes at each polling station. The names,

addresses and the National Identity Card

numbers of the agents so appointed shall be

given in writing to the counting officer before

the commencement of the count. A candidate

may remain in the polling station at the time of

the counting of votes, only as a counting agent.

Time of 61. (1) The counting officer of each polling

count and

station shall make arrangements for the

declaration

of result. counting of votes in the presence of the

Local Authorities Elections (Amendment) 29

Act, No. 22 of 2012

counting agents, as soon as possible after the

close of the poll.

(2) The counting officer shall on

completing the counting of votes forward the

result of such count to the chief counting

officer appointed to the ward under

subsection(3) of section 59A.

(3) The time of commencement of the count

and the time and place of declaration of the

result of such count, shall be intimated in

writing by the returning officer of the electoral

area to all the candidates who are contesting

in the particular ward.”.

42. Section 63 of the principal enactment as amended Amendment of

by Act, No. 24 of 1987 is hereby further amended as section 63 of the

principal

follows:—

enactment.

(1) in subsection (1) of that section :—

(a) by the repeal of paragraph (b) of that

subsection and the substitution therefor of

the following paragraph :—

“(b) on which votes are marked for more

than one recognized political party or

independent group;”;

(b) by the repeal of paragraph (d) of that

subsection and the substitution therefor of

the following paragraph:—

“(d) which is unmarked or void for

uncertainty as to which recognized

political party or independent group

the vote is marked;”;

30 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

(2) by the repeal of subsection (6) of that section and

the substitution therefor of the following

subsection:—

“(6) The counting officer shall prepare a

written statement in words as well as in figures,

of the number of votes given to each recognized

political party or independent group. The

statement so prepared shall be certified by the

counting officer and witnessed by one of his

clerks and the counting agents who are present

and who desires to sign.”; and

(3) by the repeal of subsections (6A), (6B) and (6c) of

that section.

Amendment of 43. Section 64 of the principal enactment as amended

section 64 of the by Act, No. 24 of 1987 is hereby further amended by the

principal

repeal of subsection (2) of that section and the substitution

enactment.

therefor of the following subsection:—

“(2) Each counting officer shall deliver to the chief

counting officer in charge of the ward appointed under

subsection (3) of section 59A, the packets containing

unused ballot papers, spoilt ballot papers, tendered

ballot papers, marked copies of the electoral list,

counterfoils of the ballot papers issued, tendered votes

list, the list of voters to whom ballot papers were not

issued under section 53A, the ballot paper account,

written statement of the number of votes given to each

recognized political party or independent group and

the record of the counting of votes under subsection

(2) of section 62, together with the sealed packets

referred to in subsection (1).”.

Replacement of 44. Section 65 of the principal enactment is hereby

section 65 of

the principal repealed and the following section is substituted therefor:—

enactment.

Local Authorities Elections (Amendment) 31

Act, No. 22 of 2012

“Declaration 65. (1) Upon receipt of the documents

of candidate

referred to in section 64, the chief counting

obtaining

highest votes officer in charge of the ward appointed under

as a member. subsection (3) of section 59A, shall declare as

elected as member of the ward, the name of the

candidate belonging to the recognized

political party or the independent group who

obtained the highest number of votes in that

ward and who was nominated by such

recognized political party or independent

group in its nomination paper as its candidates

for that ward. He shall also declare the number

of votes received by all the other recognized

political parties and independent groups,

which contested the election in that ward.

(2) Where an equality of votes is found to

exist between any two or more recognized

political parties or two or more independent

groups, and the addition of a vote would entitle

the nominated candidate of one such

recognized political party or independent

group to be elected, the determination of the

recognized political party or independent

group to which such additional vote shall be

deemed to have been given, shall be made by

lot drawn in the presence of the chief counting

officer, in such manner as he shall determine.

(3) After making the declaration of the

candidate who is elected as the member of the

ward, the chief counting officer shall,

immediately upon receipt of the documents

referred to in subsection (1) and (2) of section

64, deliver to the returning officer all such

documents so received.".

32 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

Replacement of 45. Section 65A of the principal enactment is hereby

section 65A of

repealed and the following section substituted therefor:—

the principal

enactment.

"Declaration 65A. (1) In the case of a multi member ward.

of members

The candidates to be declared as elected

to be elected

to a multi members of that ward, shall be based on the

member number of votes polled by each recognized

ward. political party and independent group which

contested the election in such ward. The

counting officer shall declare first the candidate

of the recognized political party or the

independent group, who or whcih as the case

may be, who polled the highest number of

votes, an elected member for that ward and the

balance number of members required to be

elected as members of that ward, being declared

accordingly.

(2) If due to any reason whatsoever, a single

recognized political party or independent

group alone has contested at an election in

any multi member ward, the candidates to be

declared elected as members of such multi

member ward shall be nominated by the

secretary of the recognized political party or

the leader of the independent group, as the case

may be, from among the persons whose names

appear in the list of additional persons included

in the nomination paper submitted by such

recognized political party or independent

group, as the case may be.”.

Insertion of new 46. The following new section is hereby inserted

section 65B in immediately after section 65A of the principal enactment

the principal and shall have effect as section 65B of that enactment:—

enactment.

"Candidates 65B. (1) Upon the declaration under section

entitled to be

returned to 65, all the members elected for all the wards of

represent

electors who the electoral area, the number of members for

have not

secured any that local authority to be returned under

representaion paragraph (b) of subsection (1) of section 5 of

Local Authorities Elections (Amendment) 33

Act, No. 22 of 2012

the Municipal Councils Ordinance (Chapter

252) paragraph (b) of subsection (1) of section

5 of the Urban Councils Ordinance (Chapter

255) or paragraph (b) of subsection (1) of section

4 of the Pradeshiya Sabha Act, No. 15 of 1987,

as the case may be, shall be apportioned in the

manner hereinafter provided for in this section.

(2) The total number of votes received by

all the candidates of each recognized political

party and independent group, excluding the

votes polled by:—

(a) those candidates who were declared

elected as members of each ward under

section 65; and

(b) those candidates of each recognized

political party and independent group,

who received less than one-twentieth of

the total number of valid votes polled in

the ward in which such candidate

contested,

(hereinafter in this section referred to as

“balance candidates”), shall then be added and

the percentage of the aggregate, to the total

valid votes polled by all the candidates who

are elected to the serveral wards of the local

authority together with the votes polled by the

balance candidates shall be the criteria for

determining the number of members to be

returned in terms of subsection (1).

(3) The number of members to be returned

in terms of subsection (1) shall, where the

percentage determined under subsection (2):—

(a) exceeds thirty per centum, shall be thirty

per centum of the total number of members

34 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

to be elected to all the wards of that local

authority area, under this section; or

(b) is less than thirty per centum, shall be

equal to that percentage of the number of

members to be elected to all the wards of

that local authority area, under this section.

(4) Where the number constituting thirty

per centum referred to in subsection (3) is an

integer and fraction, the integer shall be

deemed to be the number which shall

constitute such thirty per centum, for the

purpose of that subsection.

(5) The number of members to be returned

as determined under subsection (3), shall be

apportioned among the recognized political

parties and independent groups which

contested in that election, by dividing the

aggregate of the total valid votes polled by the

balance candidates by the number of members

entitled to be returned as determined under that

subsection. The number resulting from such

division (any fraction not being taken into

account) shall hereinafter in this section be

referred to as the “qualifying number”.

(6) The aggregate of the votes received by

the balance candidates of each recognized

political party and independent group, shall

then be divided by the qualifying number, in

order to ascertain the number of persons

entitled to be returned as members of that local

authority in terms of subsection (1) by such

recognized political party or independent

group, as the case may be. Where the number

ascertained by this method is an integer and a

fraction, the integer shall be deemed to be the

number for the purpose of this subsection.

(7) Where at the conclusion of ascertaining

the number of members to be returned by any

Local Authorities Elections (Amendment) 35

Act, No. 22 of 2012

recognized political party or independent

group on the method specified in subsection

(5), there remains a further number of members

to be returned under the proportional

representation system as determined under

subsection (3), such remaining number shall

be allocated on the basis of the highest fraction

received by each recognized political party or

independent group, as ascertained under

subsection (6).

(8) The returning officer shall inform the

secretary of the recognized political party or

the leader of the independent group, as the case

may be, which is entitled to return a member as

ascertained under subsection (5), of the number

of members that such recognized political party

or independent group, as the case may be, is

entitled to return and request such secretary or

leader, as the case may be, to nominate from

among the persons, whose names were included

in the nomination paper under paragraph (b)

of subsection (1) of section 5 of the Municpal

Councils Ordinance (Chapter 252) or

paragraph (b) of subsection (1) of section 5 of

the Urban Councils Ordinance (Chapter 255)

or paragraph (b) of subsection (1) of section 4

of the Pradeshiya Sabha Act, No. 15 of 1987,

as the case may be, the names of persons who

are to be returned as members under that

subsection.

(9) The names of the candidates who are

returned under this section shall thereafter be

declared by the returning officer of the

respective electoral area.”.

47. Section 66 of the principal enactment is hereby Replacement of

repealed and the following section is substituted therefor:— section 66 of the

principal

“Publication 66. (1) Upon the declaration of the enactment.

of the result. candidates elected as members of each ward

under section 65 and of those candidates

returned under section 65A of this Ordinance

36 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

in respect of a local authority, the returning

officer of the electoral area of such local

authority shall :—

(a) publish a notice specifying the names

of all the candidates elected or returned

as members of the local authority; and

(b) report to the Commissioner the result

through the election officer of the

district in which the electoral area is

situated.

(2) The Commissioner shall upon receipt of

the report of the result, cause the names of the

candidates elected to be members of that local

authority, to be published in the Gazette.”.

Insertion of new 48. The following new sections are hereby inserted

sections 66A, immediately after section 66 of the principal enactment and

66B, 66C. 66D, shall have effect as sections 66A, 66B, 66C, 66D, 66E, 66F and

66E, 66F and

66G of that enactment :—

66G in the

principal "Filling of 66A. (1) Where the office of a member of a

enactment. vacancies in

local authority falls vacant under the

local provisions of the Municipal Councils

authorities. Ordinance (Chapter 252) Urban Councils

Ordinance (Chapter 255) or the Pradeshiya

Sabha Act, No. 15 of 1987, as the case may be,

the returning officer appointed for the electoral

area in which such local authority is situated,

shall, where such vacancy is in respect of a

member—

(a) elected for any ward in that electoral area by

ballot, request the secretary to the

recognized political party or the leader of

the independent group, as the case may be,

to which such member belongs, to nominate

within thirty days of the occurrence of the

vacancy, any other person who is qualified

under section 8 of this Ordinance to be

elected as a member of local authority to fill

that vacancy in the ward in which the

vacancy has occurred; or

Local Authorities Elections (Amendment) 37

Act, No. 22 of 2012

(b) returned under section 65A of this

Ordinance then, depending on whether

the candidate whose office fell vacant is

from a recognized political party or an

independent group, call upon the

secretary of the recognized political party

or the leader of the independent group, as

the case may be, to nominate within thirty

days of the occurrence of the vacancy a

person to fill such vacancy from among

those persons nominated by such

recognized political party or the

independent group under paragraph (b)

of subsection (1) of section 5 of the

Municipal Councils Ordinance (Chapter

252) or paragraph (b) of subsection (1) of

section 5 of the Urban Councils

Ordinance(Chapter 255) or paragraph (b)

of subsection (1) of section 4 of the

Pradeshiya Sabha Act, No. 15 of 1987, as

the case may be and where no person

remains to be so nominated the returning

officer shall request the secretary of the

recognized political party or leader of the

independent group, as the case may be, to

nominate a person qualified to be elected

as a member in terms of section 8 of this

Ordinance to fill such vacancy.

(2) The candidate elected to fill a vacancy

of any member of a local authority under

subsection (1), shall hold office only for the

unexpired period of the term of office of the

member whom he succeeds.

Declaration of 66B. (1) Where any recognized political

Mayor, where a

party or independent group has obtained

recognized

political party fifty per centum or more of the total number

or independent of seats in a local authority, the Commissioner

group receives shall upon the publication by the

over fiftyper Commissioner under subsection (2) of section

centumof the

seats 66 of names of the candidates elected

38 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

as members of such local authority, call upon

the secretary of such recognized political party

or the leader of that independent group, as the

case may be, to determine from among members

who belong to such recognized political party

or the independeent group, as the case may be,

the members who shall be declared as the

Mayor and the Deputy Mayor, respectively, of

such local authority.

(2) Where the office of Mayor or Deputy

Mayor as determined under subsection (1) of

this section falls vacant during the term of office

of such local authority, the Commissioner shall,

subject to the provisions of subsection (4) of

this section, call upon the secretary of the

recognized political party or the leader of the

independent group, as the case, may be, to

which such Mayor or the Deputy Mayor

belonged, to determine the members from

among the members of that local authority who

belong to such recognized political party or

the independent group, as the case may be,

who shall become the new Mayor or the Deputy

Mayor of the local authority and communicate

the same, within thirty days, to the

Commissioner. Upon receipt of such

determination, the Commissioner shall declare

the member named in such determination, as

the new Mayor or the Deputy Mayor, as the

case may be, of that local authority.

(3) In the event that such communication

is not received within the aforesaid thirty days

under subsection (2), the Commissioner shall

proceed to appoint as the new Mayor or deputy

Mayor, the member who has obtained the

Local Authorities Elections (Amendment) 39

Act, No. 22 of 2012

highest percentage of votes and who belongs

to the recognized, political party or the

independent group as the case may be, to which

the Mayor or the Deputy Mayor whose office

fell vacant" belonged.

(4) Notwithstanding the provisions of

subsection (2) of this section, where a vacancy

occurs in the office of Mayor as a result of the

Mayor being deemed to have resigned his

office under section 215A of the Municipal

Councils Ordinance (Chapter 252) or section

178A of the Urban Councils Ordinance

(Chapter 255) or section 169 of the Pradeshiya

Sabha Act, No. 15 of 1987, as the case may be,

and such vacancy is filled in accordance with

the procedure specified in that subsection, and

the member so appointed to fill such vacancy

himself resigns thereafter from his office as

Mayor under the sections referred to above,

the vacancy so created shall not be filled

following the procedure specified in

subsection (2) of this section. In such an

instance, the local authority in which the

vacancy in the office of Mayor has occurred

"be deemed to be dissolved, and in terms of the

powers conferred by section 2 of the Provincial

Councils (Consequential Provisions) Act, No.

12 of 1989 the Provincial Minister in charge

of the subject of Local Government or the

Governor of the Province as the case may be,

shall appoint a Sepcial Commissioner, for the

local authority concerned who shall hold office

as Special Commissioner, for the balance period

remaining of the term of office of such local

authority.

First meeting 66C. (1) Where any recognized political

of the Local party or independent group has obtained

Authority.

less than fifty per centum of the total

number of seats in a local authority, the

Mayor and the Deputy Mayor of such

40 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

local authority shall be elected at the first

meeting of such local authority.

(2) The first meeting of the Council shall

be convened by the Commissioner of Local

Government within one week of the publication

by the Commissioner under subsection (2) of

section 66, of the names of the candidates

elected and returned as members of any local

authority, by notice published in that behalf.

Such notice shall be given not less than seven

days before the date fixed for the meeting and

shall be:—

(a) published in the Gazette and in one

newspaper each, in all three languages;

and

(b) dispatched by registered post to each of

the members of that Council.

(3) Every notice published under

subsection (1), shall specify the date, time and

place of the first meeting and the date to be

so specified shall be a date within one month

next succeeding the date appointed for the

commencement of the term of office of the

Council or in the case of a Council elected as

successor to a Council going out of office

otherwise than by effluxion of time, within

one month next succeeding the date on which

the election or nomination of the members of

the new Council is completed.

(4) Where for any reason the meeting is not

held on the date specified in the notice

published under subsection (1), the

Commissioner of Local Government may, by

further notice or notices published in that

Local Authorities Elections (Amendment) 41

Act, No. 22 of 2012

behalf, convene the meeting for any other date,

so however that such other date is within one

month next succeeding the date specified in

the notice published under subsection (2).

Procedure 66D. (1) The first meeting and any other

for the meeting that may be convened under section

election of

66C until the election of a Mayor, shall be

Mayor and

presided over by the Commissioner of Local

Deputy

Mayor at the Government (in this section referred to as the

first meeting “presiding officer”).

or other

meeting of a (2) The members of the Council shall at its

local first meeting, elect one of their members to be

authority.

the Mayor of the Council.

(3) The election of the Mayor of the

Council under subsection (2) shall not take

place, unless there is present at such meeting a

quorum consisting of not less than half the

membership of the Council.

(4) Any member of the Council may, with

his consent, be proposed and seconded for

election as Mayor by any other member present

at the meeting.

(5) Where only one name of the member is

proposed and seconded for election as Mayor,

the presiding officer of the meeting at which

the election takes place, shall declare that

member elected as the Mayor.

(6) Where two or more names of members

are proposed and seconded for election as

Mayor, the mode of election shall be by open

voting, and the presiding officer shall take the

votes by calling the name of each member

present and asking him how he desires to vote

and recording the votes accordingly. A

member may decline to vote and in such a case,

42 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

the presiding officer shall record the fact of

such member declining to vote.

(7) Where it is determined under subsection

(6) that the election of the Mayor shall be by

open voting, the pesiding officer shall take the

votes by calling the name of each member

present and asking him how he desires to vote

and recording the votes accordingly. A member

may decline to vote and in such a case, the

presiding officer shall record the fact of such

member declining to vote.

(8) Where it is determined under subsection

(6) that the election of a Mayor shall be by

secret voting, the election shall be by ballot

papers.

(9) At the end of the proceedings for the

election of a Mayor, the presiding officer shall

declare the result of the voting.

Where no 66E. (1) Where the names of more than two

member members are proposed and seconded for

obtain the election as Mayor and no single member

required

receives at the first voting more votes than the

number of

votes. aggregate of the votes received by the

remaining members, one member shall be

excluded from the election as hereinafter

provided, and the voting shall proceed in the

same manner, one member being excluded

from the election after each subsequent voting,

until a member receives more votes than the

aggregate of the votes received by the

remaining members at that voting or until

voting in respect of two members only is held

and completed, as the case may be.

(2) The manner in which a member may be

excluded from the election as referred to in

subsection (1), shall be as follows :—

Local Authorities Elections (Amendment) 43

Act, No. 22 of 2012

(a) if the number of votes received by one

member is lower than the number of

votes received by each of the remaining

members, the candidate receiving the

lowest number shall be excluded; and

(b) if each of all the members receive an

equal number of votes or if each of two

or more members receives an equal

number of votes which is less than the

number of votes received by the

remaining member or each of the

remaining members, one of the members

receiving the equal number of votes

shall be excluded and the determination

as to which of the members is to be

excluded, shall be made by lot to be

drawn in the presence of the presiding

officer, in such manner as he shall

determine.

(3) Where there are two members at any

voting and the number of votes cast is equally

divided and the addition of one vote would

entitle one of the members to be elected as

Mayor, the determination of the member to

whom the additional vote shall be deemed to

have been given, shall be made by lot to be

drawn in the presence of the presiding officer,

in such manner as he shall determine.

Election of 66F. (1) The first Deputy Mayor of a local

Deputy authority shall be elected at the first meeting

Mayor. of the Council held under section 66C, presided

over by the newly elected Mayor.

(2) The provisions of sections 66c and 66D

shall apply in respect of the election of a

Deputy Mayor, in like manner as though every

44 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

reference in those sections to “Mayor” were a

reference to Deputy Mayor.

Vacancy in 66G. Whenever the office of Mayor or

the office of Deputy Mayor of a Council falls vacant during

the Mayor or the term of office of such Council, the

Deputy

Mayor. Commissioner of Local Government shall,

within two weeks of his receiving notice from

the Council of such vacancy and by notice or

notices served in accordance with the

provisions of subsections (2) or (4) of section

66C, convene a meeting for the election of a

new Mayor or Deputy Mayor, as the case may

be, and the date specified for the meeting in

such notice or notices shall be such as to ensure

that the new Mayor or Deputy Mayor, as the

case may be, is elected within six weeks next

succeeding the occurrence of the vacancy.”.

Amendment of 49. Section 67 of the principal enactment is hereby

section 67 of the amended by the repeal of subsection (2) of that section, and

principal

the substitution therefor of the following subsection:—

enactment.

“(2) The returning officer shall forward to the elections

officer of the district in which the electoral area is situated,

all the ballot papers, a statement of the number of votes

given to each candidate, the ballot paper account, tendered

votes list, packets of counterfoils and the marked copies

of electoral lists sent by the counting officers under

section 64, endorsing on each packet a description of its

contents, the date of the election to which they relate and

the names of the wards in which the election was held.”.

Repeal of 50. Section 68 of the principal enactment is hereby

section 68 of the

principal repealed.

enactment.

Repeal of 51. Section 69A of the principal enactment is hereby

section 69A of

repealed.

the principal

enactment.

Local Authorities Elections (Amendment) 45

Act, No. 22 of 2012

52. The following new section is hereby inserted Insertion of new

section 72A in

immediately after section 72 of the principal enactment and

the principal

shall have effect as section 72A of that enactment:— enactment.

"Disturbances 72A.(1) Where due to the occurrence of

at polling

certain events of such a nature :—

stations.

(a) it is not possible to commence the poll

at a polling station at the hour fixed for

the commencement of the poll;

(b) the poll at such polling station

commences at the hour fixed for the

opening of the poll, but cannot be

continued until the hour fixed for the

closing of the poll;

(c) it is not possible to conduct the poll at

that polling station, due to any reason

beyond the control of presiding officer;

(d) one or more polling agents are threatened,

executed or chased out of the polling

station during a disturbance at the poll;

(e) the polling staff is unable to arrive at

the polling station due to any

obstructions on the way;

(f) any disturbance of peace at the polling

station makes it impossible to conduct

the poll at such polling station;

(g) any stuffing of ballot papers is forcibly

carried out by any person; or

(h) there is no genuine, free, fair and secret

poll at any polling station,

the presiding officer of that polling station shall

forthwith inform the returning officer, who in

46 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

turn shall inform the Commissioner of such

event.

(2) The Commissioner may upon receiving

any information under subsection (2) and after

making such inquiries as he may consider

necessary to ascertain the accuracy of such

information received, by Order published in

the Gazette declare the poll taken at such

polling station void.”.

Replacement of 53. Section 73 of the principal enactment is hereby

section 73 of the

repealed and the following section is substituted therefor:—

principal

enactment.

"Candidates 73. A candidate for election at any election

may act as under this Ordinance may himself do any act

his own

or thing which a counting agent of his, if

counting

appointed, would have been required or

agent or

agent or authorized to do or may assist such agent in

assist such doing any such act or thing. However prior to

agent. acting under this section, the candidate shall

make the declaration required to be made by

such an agent.”.

Replacement of 54. Section 74 of the principal enactment is hereby

section 74 of the

principal repealed and the following section substituted therefor:—

enactment.

"Non 74. Where under this Ordinance any act or

attendance of thing is required or authorized to be done in

the agents of

candidates. the presence of any agent or agents of the

candidate at any election under this Ordinance,

the non-attendance of any such agent or agents

at the time and the place appointed for the

purpose shall not, if that act or thing is otherwise

duly done, invalidate the act or thing done.”.

Replacement of 55. Section 75 of the principal enactment is hereby

section 75 of the repealed and the following section substituted therefor:—

principal

enanctment. "Prohibition

75. Any person who has voted at any

of discloser

of vote. election under this Ordinance shall not, in any

Local Authorities Elections (Amendment) 47

Act, No. 22 of 2012

legal proceeding instituted to question such

election, be required to state for whom he

voted.”.

56. Section 75A of the principal enactment is hereby Replacement of

repealed and the following section substituted therefor:– section 75 of the

principal

enactment.

"Group 75A. Where any person designated as the

leader.

group leader of an independent group dies

during pendency of, or after, an election, to a

local authority, the person whose name has

been nominated by the group leader as his

authorized agent shall be deemed to be the

group leader of that independent group".

57. The following new section is hereby inserted Insertion of new

immediately after section 76 of the principal enactment and section 76A in

the principal

shall have effect as section 76A of that enactment :—

enactment.

"Commissioner 76A. If any difficulty arises in the conduct

to issue

of an election under this Ordinance, the

directions.

Commissioner may by Order published in the

Gazette, issue all such directions as he may

consider necessary, with a view to providing

for any special or unforeseen circumstances or

for the determination or adjustment of any

question or matter for the determination or

adjustment of which, no provision or effective

provision is made by this Ordinance.”.

58. Section 78 of the principal enactment as last Amendment of

amended by Act, No. 25 of 1990, is hereby further amended section 78 of the

principal

in subsection (1) of that section by the repeal of paragraph

enactment.

(aa) of that subsection.

59. Section 81A of the principal enactment is hereby Amendment of

section 81A of

amended in subsection (1) of that sectionby the repeal of

the principal

paragraph (c) of that subsection and the substitution therefor enactment.

of the following paragraph:—

48 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

“(c) persuading any voter not to vote for a candidate

of any particular political party or independent

group.”.

Amendment of 60. Section 81B of the principal enactment is hereby

section 81A of amended as follows :—

the principal

enactment. (1) by the insertion immediately after subsection (1) of

that section, of the following new subsection:—

“(1A) During the period commencing on the

first day of the nomination period of any election

under this Ordinance and ending on the day

following the date on which the poll is taken at

such election :—

(a) no ad-hoc appointments in any

Government institution or in any public

undertaking, which may have the effect of

influencing the voters to vote in favour of

any particular candidate contesting from

the political party in power shall be made;

and

(b) no Minister or any Minister of the Board of

Ministers of any Provincial Council, shall

enter any polling station during the poll or

during the counting of votes, except for

the purpose of casting his vote.”;

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

for the words “provisions of subsection (1)”, of the

words “provisions of subsections (1) or (1A)”; and

(3) in subsection (5) of that section, by the substitution

for the words “the provisions of subsection (1)”, of

the words “the provisions of subsection (1) or (1A)”.

Amendment of 61. Section 82 of the principal enactment is hereby

section 82 of the amended by the substitution for the words “whether in the

principal

enactment.

Local Authorities Elections (Amendment) 49

Act, No. 22 of 2012

same electoral area”, of the words “whether in the same ward,

the same electoral area”.

62. Section 82c of the principal enactment is hereby Amendment of

amended in subsections (2), (3) and (4) of that section, by section 82C of

the substitution for the words “any recognized political party the principal

enactment.

or independent group”, wherever those words appear in those

subsections, of the words “for a candidate of any recognized

political party or independent group”.

63. Section 82D of the principal enactment is hereby Amendment of

amended in paragraphs (h) of that section, by the substitution section 82D of

for the words “recognized political party or independent the principal

enactment.

group” wherever those words appear in that paragraph, of

the words “candidate of a recognized political party or

independent group”.

64. Section 82P of the principal enactment is hereby Amendment of

amended in subsection (1) of that section, as follows :— section 82P of

the principal

enactment.

(1) by the substitution for the words “in respect of any

electoral area”, of the words “in respect of any ward

of any electoral area”;

(2) in paragraph (a) of that subsection, by the

substitution for the words “for the recognized

political party or independent group which it

preferred”, of the words “for the candidate of any

recognized political party or independent group

which it preferred”.

65. Section 82Q of the principal enactment is hereby Amendment of

amended by the substitution for the words “election petition section 82Q of

the principal

is in relation to an election for any electoral area”, of the enactment.

words “election petition is in relation to an election for any

ward of an electoral area”.

66. Section 82R of the principal enactment is hereby Amendment of

amended as follows:— section 82R of

the principal

enactment.

50 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

(1) in paragraph (a) of that section, by the substitution

for the words “elected at such election”, of the words

“elected for any ward at such election”; and

(2) in paragraph (b) of that section, by the substitution

for the words “a candidate at such election”, of the

words “a candidate for any ward at such election”.

Amendment of 67. Section 82S of the principal enactment is hereby

section 87S of

the principal amended in paragraph (a) of that section, by the substitution

enactment. for the words “in respect of any electoral area”, of the words

“in respect of any ward of any electoral area”.

✝

Amendment of 68. Section 82U of the principal enactment is hereby

section 82U of amended in paragraph (e) of that section, by the substitution

the principal

enactment. for the words “in respect of any electoral area”, of the words

“in respect of any ward of any electoral area”.

Amendment of 69. Section 82AD of the principal enactment is hereby

section 82AD of

amended in paragraph (c) of that section, by the substitution

the principal

enactment. for the words “election in respect of any electoral area is to

be declared void”, of the words “election in respect of any

ward of any electoral area is to be declared void.”.

Replacement of 70. Section 82AG of the principal enactment is hereby

sectin 82AG of

repealed and the following section is substituted

the principal

enactment. therefore:—

"Expenses 82AG. No elector who has voted at an

of election. election shall, in any proceeding to question

such election, be required to state for which

candidate he has voted.”.

Replacement of 71. Section 84 of the principal enactment is hereby

sectin 84 of the amended by the substitution for the words “electoral lists of

principal

enactment. any electoral area”, of the words “electoral list of each ward

of any electoral area”.

Local Authorities Elections (Amendment) 51

Act, No. 22 of 2012

72. Section 86 of the principal enactment is hereby Replacement of

sectin 86 of the

repealed and the following section is substituted principal

therefore:— enactment.

"Expenses of 86. All expenses incurred under this

election.

Ordinance in the preparation of the electoral

list of each ward of any electoral area, in

connection with the nomination of candidates

for the purpose of any election of any local

authority and in the conduct of a general

election, shall be defrayed out of the

Consolidated Fund.”.

73. Section 89 of the principal enactment as last Replacement of

amended by Act, No.25 of 1990, is hereby further amended tsection 89 of

the principal

as follows:— enactment.

(1) immediately after the definition of the expression

“appointed date”, of the following new definition:

“approved symbol” means a symbol approved

by the Commissioner for the purposes of this

Ordinance, by notification published in the

Gazette.”;

(2) by the repeal of the definition of the expresion

“authorized agent”; and

(3) by the insertion immediately after the definition of

the expression “Commissioner of Elections”, of the

following new definition:—

“Council” means a Municipal Council, an Urban

Council or a Pradeshiya Sabha, as the case

may be;”;

52 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

Replacement of 74. The First Schedule to the principal enactment is

the first section

to the principal hereby repealed and the following Schedule is substituted

enactment. therefor:—

“FIRST SCHEDULE [Section 28 (2)]

FORM OF NOMINATION PAPER

...................................Council/Pradeshiya Sabha

The...........Party, being a recognized political party/independent

group of candidates [of which (in the case of an independent

group).................... is the group leader], hereby nominates the

following persons as candidates for election of members of

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

GROUP I – CANDIDATES

1 2 3 4 5 6 7

Name Name Address Occupation Women(W) Polling

and and NIC Youth (Y) District Signature

Number Number Number Signifying

of and Serial consent

ward✝ Number of

of candidate

candidate

GROUP 1I – ADDITIONAL PERSONS

1 2 3 4 5 6

Name Address Occupation Women(W) Polling Signature

and NIC Youth (Y) District Signifying

Number Number consent

and Serial Number

Number of of

additional additional

person person

I do hereby certify that all the youth candidates whose names

appear in this nomination paper are within the age stipulated in section

89 of the Ordinance.

Local Authorities Elections (Amendment) 53

Act, No. 22 of 2012

Signature of Secretary of recognized political party/group leader.

Name:..........................................................................................

Address:.......................................................................................

Signed by the above named

...........................................

Secretary of recognized political party/group leader in my presence

at...................... on this...................day of...............2010.

State whether it is a multi member ward, indicating by the

inclusion of one asterisk \* in the case of election of two

members and by two (\*\*) in the cause of election of three

members.

Before me

(Justice of the Peace/Commissioner for Oath)

75. The Second Schedule to the principal enactment is Replacement of

hereby repealed and the following Schedule is substituted the Second

Schedule to the

therefor:—

principal

enactment.

“SECOND SCHEDULE [Section 45]

FORM OF DIRECTIONS FOR THE GUIDANCE OF A VOTER IN

VOTING, WHICH SHALL BE EXHIBITED OUTSIDE EVERY

POLLING STATION AND IN EVERY COMPARTMENT OF EVERY

POLLING STATION

Every voter shall have one vote, which may be given to the

candidate of a recognized political party or independent group, of his

choice.

. The voter will go into one of the compartments and place a cross

(X) on the right hand side of the ballot paper opposite the symbol of

the recognized political party or the independent group as the case

may be.

The voter who cast his vote by a ballot paper will then fold up the

ballot paper so as to show the official mark on the back to the presiding

54 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

officer and put the ballot 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 with such inadvertence,

give him another ballot paper.

If the voter :—

(a) votes for more than one candidate, or

(b) places any mark on the ballot paper by which he may be

afterwards identified,

his ballot paper will be void and will not be counted.

If the voter takes a ballot paper out of the polling station or puts

into a ballot box anything other than a ballot paper which he is

authorized to put into the box, he will be liable on conviction after

summary trial before a Magistrate to a fine not exceeding five hundred

rupees or to imprisonment of either description for a term not

exceeding six months or both such fine and imprisonment.”.

Replacement of 76. The Third Schedule to the principal enactment is

the Third hereby repealed and the following Schedule is substituted

Schedule to the

therefor :—

principal

enactment.

“THIRD SCHEDULE [Section 47]

FORM OF FRONT OF BALLOT PAPER

Counterfoil No.

PARTY “A” SYMBOL

PARTY “B” SYMBOL

PARTY “C” SYMBOL

“INDEPENDENT GROUP” 1 SYMBOL

“INDEPENDENT GROUP” 2 SYMBOL

“INDEPENDENT GROUP” 3 SYMBOL

Replacement of 77. The Fourth Schedule to the principal enactment is

the Fourth hereby repealed and the following Schedule is substituted

Schedule to the

principal therefor :—

enactment.

Local Authorities Elections (Amendment) 55

Act, No. 22 of 2012

“FOURTH SCHEDULE [Section 76(1)]

FORM OF DECLARATION OF SECRECY

I ……………… (name), solemnly promise and declare that I will

not at this election for the ……………… ward of the electoral area of

the ……… .. Municipal Council/Urban Council/Pradeshiya Sabha, do

anything forbidden by section 76 of the Local Authorities Elections

Ordinance, which has been read to me.

……………........................ ...................................

Name and designation Signature of declarant

of person taking the declaration

Note – This section must be read to the declarant by the person

taking the declaration.”.

78. The Seventh Schedule to the principal enactment is Replacement of

hereby repealed and the following Schedule is substituted the Seventh

therefor:— Schedule to the

principal

“SEVENTH SCHEDULE [Section 53A] enactment.

FORM OF THE LIST

List of Voters to whom ballot papers were not delivered

Name of Local Authority:…………………………………………......

Ward No. : ………………………………………........

Date of Election : ……………………………………………

.

Polling Station : …………………………………………….

No.in Name Address Reason for not delivering ballot paper

electoral of voter of

list voter

Refused Already Refuses to No valid

appropriate marked be marked identity

inspection with with document

appropriate appropriate or

mark mark identity

not

established

56 Local Authorities Elections (Amendment)

Act, No. 22 of 2012

Repeal of the 79. The Eight Schedule to the principal enactment is

eight schedule to

the principal hereby repealed.

enactment.

Sinhala text to 80. In the event of any inconsistency between the

prevail in case

of inconsistency. Sinhala and Tamil texts of this Act, the Sinhala text shall

prevail.

Interpretation 81. (1) Every reference in the principal enactment to

and repeal.

“elections officer of the district” and “elections officer”

shall, after the commencement of this Act, be read and

construed as a reference to the district returning officer

appointed under subsection (1) of section 4 of the principal

enactment, for the district within which the relevant electoral

area is situated.

(2) Section 34 of the Local Authorities Elections

(Amendment) Act, No. 24 of 1987 is hereby repealed.

Law applicable 82. Where, as at the date of the coming into operation

to the holding of of this Act, the poll for the election of Chairman or members

elections in

to the Puthukudiruppu Pradeshiya Sabha and Maritime

respect of

certain local Paththu Pradeshiya Sabha was not taken due to the said

authorities. election being postponed within the limits of the said Sabhas

for the reasons that the demining process has not being

completed and therefore resettlement had not being

completed then, notwithstanding anything to the contrary

in any other written law for the time being in force, the poll

for the next elections in espect of the two Pradeshiya Sabhas

mentioned above shall be taken in terms of the provisions of

the Local Authorities Elections Ordinance (Chapter 262)

which were in operation in respect thereof on the date

immediately prior to the date of the coming into operation

of this Act.

Local Authorities Elections (Amendment) 57

Act, No. 22 of 2012

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180

(Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF

GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th

December each year in respect of the year following.