

PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

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

[Certified on 25th May, 2011]

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[Certified on 25th May, 2011]

L.D.—O. 18/2010.

An Act to make provision for a voter who is subject to a disability to be accompanied by a person when voting at elections; and to amend the Local Authorities Elections Ordinance (Chapter 262), the Parliamentary Elections Act, No. 1 of 1981, the Referendum Act, No. 7 of 1981, the Presidential Elections Act, No. 15 of 1981 and the Provincial Councils Elections Act, No. 2 of 1988; and to provide for matters connected therewith or incidental thereto.

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

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

Short title.

PARTI

AMENDMENT TO THE LOCAL AUTHORITIES ELECTIONS ORDINANCE (CHAPTER 262)

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

Amendment of section 54 of the Local Authorities Elections Ordinance.

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

- (b) A person subject to a disability who wishes to be accompanied by a person to vote shall be eligible to do so if such person produces a Certificate of Eligibility substantially in the Form set out in the Tenth Schedule to this Act, to the presiding officer or another member of his staff.
 - (c) For the purposes of this section
 - "accompanying person" shall be a person not less than eighteen years of age and shall—
 - (i) not be a candidate who is contesting at the relevant election;
 - (ii) not be a presiding officer, an authorized officer or a polling agent at the relevant election;
 - (iii) not be a person subject to a disability;
 - "disability" in relation to a registered voter who is subject to a disability and who is eligible to vote in terms of paragraph (b) of this section, means—
 - (i) a total or partial visual impairment; or
 - (ii) a physical disability,

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

Amendment of section 76 of the principal enactment.

- 3. Section 76 of the principal enactment is hereby amended by the insertion immediately after paragraph (d) of subsection (4) of that section of the following new subsections:—
 - "(4A) Every person accompanying a voter who is subject to a disability, to a polling station to mark and place the ballot paper of such voter in the ballot box as directed by the voter, shall maintain and aid in maintaining the secrecy of such voting.

- (4B) It shall be the duty of the presiding officer to maintain a record of the relevant information of every person accompanying a voter who is subject to a disability to a polling station to mark the ballot paper of such voter."
- 4. The principal enactment is hereby amended by the addition immediately after the Ninth Schedule to such enactment of the following new Schedule:—

Addition of the Tenth Schedule to the principal enactment.

"TENTH SCHEDULE

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

PART I

DECLARATION BY THE APPLICANT/VOTER

Full Name:	
	ort No.:
registered in the declare that the above partiapply for the issue of a Cer	of being a voter District, being subject to a disability, culars are true and accurate and do hereby tificate of Eligibility entitling me to vote at (Name of Election) as a person subject for by law.
Date :	Name of Voter:
Секты	TATE OF GRAMA NILADHARI
following information relati	ation given above is correct and that the ng to the application of

maintained by me.

Name:	
No. on the voters list:	
Province:	
District:	
Electoral Division:	
	tion:
Date :	Signature of Grama Niladhari:
	Name of Grama Niladhari:
	Division:
	Seal:
	PART II
CERTIFICAT	E OF THE GOVERNMENT MEDICAL OFFICER
	nined
	s applied to be entitled to vote as a person subject
	rthcoming (Name
	reby certify that (Name
	entitled/not entitled to vote as a person subject
to a disability, as prov	vided for by law.
Date :	Name of Government
	Medical Officer:
	Signature of Government
	Medical Officer:
	Seal:
	PARTII
	1111111

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

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

- 5. Section 40 of the Parliamentary Elections Act, No. 1 of 1981 (hereinafter in this Part referred to as the "principal enactment") is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:—
 - "(2) (a) Any voter who is subject to a disability and such disability prevents the voter from voting in

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

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

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

- (i) not be a candidate who is contesting at the relevant election:
- (ii) not be a presiding officer, an authorized officer or a polling agent at the relevant election;
- (iii) not be a person subject to a disability;
- "disability" in relation to a registered voter who is subject to a disability and who is eligible to vote in terms of paragraph (b) of this section, means—
 - (i) a total or partial visual impairment; or
 - (ii) a physical disability,

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

Amendment of section 76 of the principal enactment.

- 6. Section 76 of the principal enactment is hereb amended by the insertion immediately after subsection (4 of that section, of the following new subsections:—
 - "(4A) Every person accompanying a voter to polling station who is subject to a disability to man and place the ballot paper of such voter in the ballot box as directed by the voter shall maintain and aid maintaining the secrecy of such voting.
 - (4B) It shall be the duty of the presiding officer maintain a record of the relevant information of ever person accompanying a voter who is subject to disability to a polling station to mark the ballot pape of such voter."

Addition of the Fifth Schedule to the principal enactment.

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

"FIFTH SCHEDULE

CERTIFICATE OF ELIGIBILITY TO VOTE ISSUED TO A PERSON SUBJECT TO A DISABILE IN TERMS OF THE PARLIAMENTARY ELECTIONS ACT, No. 1 of 1981 (Section 40 (2) (c))

PART I

DECLARATION BY THE APPLICANT/VOTER

Full Name:										
Address:										
Occupation:										
Date of Birth :										
NIC/Driving Licence /Passpor										
I,	of				٠.,					bein
voter registered in the										Distr
being subject to a disability,	declar	e tha	t the	abo	ove	par	tic	ula	rs	are t
and accurate and do hereby	appl	y for	the	iss	ue	of a	1 0	er	tifi	cate

· · ·	o vote at the forthcoming
Date:	Name of Voter:
CERTIE	TICATE OF GRAMA NILADHARI
that the following of	information given above is correct and information relating to the application(Name of orrect according to the records maintained
by me.	
No. on the voters list:. Province: District:	
Other relevant information	n :
Date :	Signature of Grama Niladhari:
	PART II
CERTIFICATE	OF THE GOVERNMENT MEDICAL OFFICER
to vote as a person s	ned
(Name of Voter/Appl	at
Date:	Name of Government Medical Officer:

PART III

AMENDMENT TO THE REFERENDUM ACT, No. 7 of 1981

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

- 8. Section 23 of the Referendum Act, No. 7 of 198 (hereinafter in this Part referred to as the "principa enactment") is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:—
 - "(2) (a) Any voter who is subject to a disability an such disability prevents the voter from voting is accordance with the directions given for the guidance of voters in the Second Schedule to the principal enactment may be accompanied by a person who shall mark the ballot paper of such voter in the manner directed by the voter in the presence of the presiding officer and another member of his polling staff and cause such ballot paper to be placed in the ballot box.
 - (b) A person subject to a disability who wishes to accompanied by a person to vote shall be eligible to so if such person produces a Certificate of Eligibili substantially in the Form set out in the Fourth Schedu to this Act, to the presiding officer or another members his staff.
 - (c) For the purposes of this section
 - "accompanying person" shall be a person n less than eighteen years of age and shall
 - (i) not be a candidate who is contesting at the relevant election;
 - (ii) not be a presiding officer, authorized officer or a polling age at the relevant election;
 - (iii) not be a person subject to a disabili

"disability" in relation to a registered volume who is subject to a disability and who

9

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

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

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

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

Amendment of section 51 of the principal enactment.

- "(4A) Every person accompanying a voter to a polling station who is subject to a disability to mark and place the ballot paper of such voter in the ballot box as directed by the voter shall maintain and aid in maintaining the secrecy of such voting.
- (4B) It shall be the duty of the presiding officer to maintain a record of the relevant information of every person accompanying a voter who is subject to a disability to a polling station to mark the ballot paper of such voter."
- 10. The principal enactment is hereby amended by the addition immediately after the Third Schedule to such enactment of the following new Schedule:—

Addition of the Fourth Schedule to the principal enactment.

"FOURTH SCHEDULE

CERTIFICATE OF ELIGIBILITY TO VOTE ISSUED TO A PERSON WHO IS SUBJECT TO A DISABILITY IN TERMS OF THE REFERENDUM ACT, No. 7 OF 1981

(SECTION 23 (2) (c))

PART I

DECLARATION BY THE.	APPLICANT/VOTE	R
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Full Name:	16 34	8	- 0	42
Address:				
Occupation:		 		
Date of Birth:				» ·
NIC/Driving Licence /P				

I, being a
voter registered in the District,
[24 : 6일][48 : 18 : 18 : 19 : 19 : 19 : 19 : 19 : 1
being subject to a disability, declare that the above particulars are true
and accurate and do hereby apply for the issue of a Certificate of
Eligibility entitling me to vote at the forthcoming
(Name of Election) as a person subject to a disability, as
provided for by law.
Date : Name of Voter :
Signature of Voter :
CERTIFICATE OF GRAMA NILADHARI
I Certify that the information given above is correct and that the
following information relating to the application of
(Name of Applicant/Voter) is correct according to the records
maintained by me.
Name:
No. on the voters list:
Province:
District:
Electoral Division:
Other relevant information:
Date Communication of Communication
Date: Signature of Grama Niladhari:
Name of Grama Niladhari:
Division:
Seal:
그렇지 아이가 하면 그 아이는 그리고 있는 그래까지 하는 바이지요
PART II
CERTIFICATE OF THE GOVERNMENT MEDICAL OFFICER
CERTIFICATE OF THE GOVERNMENT INTEDICAL OFFICER
I have personally examined of
who has applied to be entitled to vote as a person subject to a disability
at the forthcoming (Name of Election
and do hereby certify that (Name of Voter
Applicant) is entitled/not entitled to vote as a person subject to
disability, as provided for by law.
disability, as provided for by law.
Date: Name of Government
Medical Officer:
Signature of Government
Medical Officer:
Seal:
THE DESCRIPTION OF THE PROPERTY OF THE PROPERT

PART IV

AMENDMENT TO THE PRESIDENTIAL ELECTIONS ACT, No. 15 of 1981

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

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

- "(2) (a) Any voter who is subject to a disability and such disability prevents the voter from voting in accordance with the directions given for the guidance of voters in the Third Schedule to the principal enactment may be accompanied by a person who shall mark the ballot paper of such voter in the manner directed by the voter in the presence of the presiding officer and another member of his polling staff and cause such ballot paper to be placed in the ballot box.
- (b) A person subject to a disability who wishes to be accompanied by a person to vote shall be eligible to do so if such person produces a Certificate of Eligibility substantially in the Form set out in the Fifth Schedule to this Act, to the presiding officer or another member of his staff.
 - (c) For the purposes of this section —

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

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

- "disability" in relation to a registered voter who is subject to a disability and who is eligible to vote in terms of paragraph (b) of this section, means—
 - (i) a total or partial visual impairment; or
 - (ii) a physical disability,

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

Amendment of section 75 of the principal enactment.

- 12. Section 75 of the principal enactment is hereby amended by the insertion immediately after subsection (4) of the following new subsections:—
 - "(4A) Every person accompanying a voter to a polling station who is subject to a disability to mark and place the ballot paper of such voter in the ballot box as directed by the voter, shall maintain and aid in maintaining the secrecy of such voting.
 - (4B) It shall be the duty of the presiding officer to maintain a record of the relevant information of every person accompanying a voter who is subject to a disability to a polling station to mark the ballot paper of such voter."

Addition of the Fifth Scheduled to the principal enactment.

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

"FIFTH SCHEDULE

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

PART I

DECLARATION BY THE APPLICANT/VOTER

Full Name:				¥																•	•				٠										
Address:																																			
Occupation:																																			
Date of Birth	1	:												•														٠				-			
NIC/Driving	I	i	c	eı	10	ce	1	P	a	S	sr	oc	r	t	N	Ic).	·					200				,		er er				i		

voter registered in the being subject to a disabi and accurate and do he Eligibility entitling me t	being a District, declare that the above particulars are true ereby apply for the issue of a Certificate of o vote at the forthcoming
Date:	Name of Voter:
CER	TIFICATE OF GRAMA NILADHARI
following information re (Name of Applicant/V maintained by me.	mation given above is correct and that the clating to the application of
Electoral Division :	
Other relevant informati	on :
Date :	Signature of Grama Niladhari: Name of Grama Niladhari: Division:
	PART II
CERTIFICATE	OF THE GOVERNMENT MEDICAL OFFICER
who has applied to be en at the forthcoming and do hereby certify th	ned of
Date :	Name of Government Medical Officer:
	Signature of Government
	Medical Officer:
	Seal:

PART V

AMENDMENT TO THE PROVINCIAL COUNCILS ELECTIONS ACT, No. 2 of 1988.

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

- 14. Section 38 of the Provincial Councils Elections Act. No. 2 of 1988 (hereinafter in this Part referred to as the "principal enactment") is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:-
 - "(2) (a) Any voter who is subject to a disability and such disability prevents the voter from voting in accordance with the directions given for the guidance of voters in the Third Schedule to the principal enactment may be accompanied by a person who shall mark the ballot paper of such voter in the manner directed by the voter in the presence of the presiding officer and another member of his polling staff and cause such ballot paper to be placed in the ballot box.
 - (b) A person subject to a disability who wishes to be accompanied by a person to vote, shall be eligible to do so if such person produces a Certificate of Eligibility substantially in the Form set out in the Fourth Schedule to this Act, to the presiding officer or another member of his staff.
 - (c) For the purposes of this section
 - "accompanying person" shall be a person not less than eighteen years of age and shall—
 - (i) not be a candidate who is contesting at the relevant election;
 - (ii) not be a presiding officer, an authorized officer or a polling agent at the relevant election:
 - (iii) not be a person subject to a disability;
 - "disability" in relation to a registered voter who is subject to a disability and who is

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

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

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

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

Amendment of section 77 of the principal ... enactment.

- "(4A) Every person accompanying a voter to a polling station who is subject to a disability to mark and place the ballot paper of such voter in the ballot box as directed by the voter shall maintain and aid in maintaining the secrecy of such voting.
- (4B) It shall be the duty of the presiding officer to maintain a record of the relevant information of every person accompanying a voter who is subject to a disability to a polling station to mark the ballot paper of such voter.".
- 16. The principal enactment is hereby amended by the addition immediately after the Third Schedule to such enactment of the following new Schedule:—

Addition of the Fourth Schedule to the principal enactment.

"FOURTH SCHEDULE

CERTIFICATE OF ELIGIBILITY TO VOTE ISSUED TO A PERSON SUBJECT TO A DISABILITY IN TERMS OF THE PROVINCIAL COUNCILS ELECTIONS

ACT, No. 2 of 1988.

PART I

DECLARATION BY THE APPLICANT/VOTER

Full Name:	 	 	
Address	 	 	
Occupation:			
Date of Birth :			
NIC/Driving Licence /Passport			

i	16 Elections (Special Provisions)
- *	
	Act, No. 28 of 2011
10	I, being a voter registered in the District,
1	being subject to a disability, declare that the above particulars are true
	and accurate and do hereby apply for the issue of a Certificate of
	Eligibility entitling me to vote at the forthcoming
	(Name of Election) as a person subject to a disability as
i:: x	provided for by law.
- 12	
8 8	Date: Name of Voter:
9	Signature of Voter:
Š	CERTIFICATE OF GRAMA NILADHARI
	I certify that the information given above is correct and that the
	following information relating to the application of
	(Name of Applicant/Voter) is correct according to the records
	maintained by me.
	Name :
	No. on the voters list:
	Province:
	District:
	Electoral Division:
	Other relevant information:
100	
8	Date: Signature of Grama Niladhari:
He.	Name of Grama Niladhari :
	Division :
ř.	Seal:
1	
X.	PART II
	CERTIFICATE OF THE GOVERNMENT MEDICAL OFFICER
Mar *	
	I have personally examined of
	who has applied to be entitled to vote as a person subject to a disability,
	at the forthcoming (Name of Election)
	and do hereby certify that (Name of Voter/
	Applicant) is entitled/not entitled to vote as a person subject to a
	disability, as provided for by law.
	Date: Name of Government
	Medical Officer:
	Signature of Government
-W.	Medical Officer:
50	Seal:

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

Sinhala text to prevail in case of inconsistency.