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Elections in Sri Lanka

2018 Local Government Elections

Frequently Asked Questions

Asia-Pacific

International Foundation for Electoral Systems

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February 5, 2018

Frequently Asked Questions

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Disclosure:

These FAQs reflect decisions made by the Sri Lanka elections authorities as of February 5, 2018 to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

When will the local government elections be held in Sri Lanka?

The local government election (LGE), which will apply to all of Sri Lanka's 341 local government bodies, will be held on February 10, 2018. The LGE was delayed for almost two years due to Sri Lanka's adoption of a new, mixed-member proportional (MMP) system and the subsequent need for a new delimitation of electoral wards.

What is the electoral system for the local government elections?

Following the passage of the Local Authorities (Amendment) Act No. 22 of 2012, which introduced a new mixed-member proportional (MMP) system to elect local government representatives, Sri Lanka will implement the MMP system for the first time in the upcoming election. Under the MMP system, 60 percent of the seats (totaling 5,092) are elected through the first-past-the-post (FPTP) system and 40 percent (totaling 3,394) are elected through a proportional representation (PR) system for a total of 8,486 local government representatives. The new law marks a significant change from the previous system, which was PR only.

Sri Lanka has 341 local authorities, or local government bodies. For the purpose of electing representatives through the FPTP system, each of the 341 local authorities are subdivided into wards. Except in multi-member wards, each ward elects one representative to its relevant local authority. In total, Sri Lanka's 341 authorities are made up of 4,750 single-member wards, 165 dual-member wards and four wards with three members for a total of 5,092 FPTP local government representatives.¹ The remaining 3,394 seats are accounted for through a PR system.

What are the types of local authorities in Sri Lanka and what are the relevant representatives' roles?

Sri Lanka has three types of local government authorities, namely:

- Municipal councils for larger cities
- Urban councils for medium-sized cities in the country
- *Pradeshiya sabha* (divisional councils) for rural areas in the country

The number of municipal councils, urban councils and *pradeshiya sabhas* are as follows:

Municipal Councils	Urban Councils	Pradeshiya Sabha	Total
24	41	276	341

The local government representatives are responsible for providing services to ensure "the comfort, convenience and well-being of the community" within the ward they represent. The representatives

¹ Multi-member wards are adopted in cases where citizens of Sinhalese, Tamil or Muslim groups are the minority within a ward but have a sufficient population to warrant their own representative.

oversee regulatory and administrative functions; public health and sanitation; environmental sanitation; public thoroughfares; and public utility services.

Representatives are elected to local authorities for four-year terms. In extenuating circumstances, the minister of local government and provincial councils can extend a local representative's term by publishing a gazette notification.² If the minister does not extend the term limit, elections for all representatives within a local authority are due within six months after the expiration of the four-year term. In the case that the local government representative's term has expired before an election is held, secretaries of *pradheshiya sabas* and urban councils and commissioners of the municipal councils assume the roles and responsibilities of the elected representative until the election is held.

Who can contest for a local authority seat?

Any citizen who is qualified to have his or her name entered in the electoral register and is an "ordinary" citizen, meaning he or she has primary residence in his or her area of electoral registration, can run for local office. A person cannot run for a local authority seat if, for example, he or she holds another elected office, is not a citizen of Sri Lanka, is bankrupt or insolvent, has been imprisoned for an offense punishable with a 12-month jail term, or is currently a local government employee working in the area he or she would contest, among other exemptions.³

What is the nomination process and campaign period for local government elections?

Whenever a local government election is due to be held, the returning officer of the district, who is appointed by the Election Commission to oversee elections and counting of results, will publish a notice to inform his or her intention to hold that election and call for candidate nominations from political parties or independent contesting groups. Per section 26 of the Local Government Election Ordinance, the three-day nomination period for the election begins 14 days after the notice is published and continues until noon on the 17th day from the date the notice was published.

Every contesting political party and independent group must submit two nomination papers for each local authority it is contesting in. One nomination paper consists of a list of names of candidates to be elected through the first-past-the-post system, at least 10 percent of whom must be women. Per section 28 of the Local Government Election Ordinance, the additional (second) nomination paper is for candidates running for the proportional representation seats, 50 percent of whom must be women. Additionally, for each nomination paper, political parties or independent groups must submit affidavits of all candidates to certify the candidates' willingness to run for office. In some cases, for example when a person is contesting under a youth category, candidates must also submit a copy of their birth certificate.

² A gazette notification is an official government proclamation or announcement.

³A full list of exemptions is available in section 9 of the Local Government Election Ordinance.

The returning officer can conduct the election between five and seven weeks from the end of the nomination period. The date of the poll is determined by each returning officer in consultation with the Election Commission, and must avoid full moon Poya days and public holidays. Candidates must cease all campaigning by midnight on the night before the election.

How does the women's quota work at the local level?

In February 2016, Sri Lanka's government passed a 25 percent women's quota for local elections through the Local Authorities (Amendment) Act, No. 1 of 2016. This was further amended by [Act No.16 of 2017](#), which was passed in August 2017. As outlined in the latest Act, the following provisions are established by law in an attempt to meet the 25 percent quota:

- At least 10 percent of the names on the first nomination paper must be women. The first nomination paper is for those who are contesting elections in individual wards under the first-past-the-post (FPTP) system. The 10 percent rule provides an opportunity for some women to be elected directly from wards.
- At least 50 percent of the names on any political party or independent group's additional nomination paper, which is the proportional representation (PR) list, must be women candidates. In the event that a contesting political party or independent group qualifies for more seats than it won through the FPTP system, it will be entitled to nominate new members from the PR list or select a candidate who was defeated through the FPTP system. The order of the candidates on the PR list can change after the list is submitted to the Election Commission; the secretary of each contesting party or leaders of the independent groups retain the authority to decide which candidate should be returned from either list.

This quota will be the first quota implemented at any level in Sri Lanka, where women make up only 5.8 percent of parliamentary seats, 2.8 percent of provincial council seats, and less than two percent at the local-government level.

The Election Commission has the authority under Act No. 16 of 2017 to reject nomination papers submitted by a political party or contesting independent group if they do not meet the basic legal requirements for the number of women candidates. The Local Government Election Ordinance has delegated responsibility to the Election Commission to ensure representation of 25 percent of women in each local government authority, although mathematically this may be difficult to achieve depending on the outcome of the seat calculations. There are a few key quota exceptions for political parties and independent groups, namely:

- If the number of members elected for a local authority exceeds the number apportioned amount, which is known as an overhang situation, and the 25 percent quota has not been met, the quota does not apply.
- If a political party/independent group receives less than 20 percent of the total number of votes in a local authority and obtains fewer than three seats, the quota does not apply.

It remains to be seen to what extent these exceptions will undermine the target 25 percent quota.

What is the role of the Election Commission and what are its powers?

The Election Commission of Sri Lanka is responsible for conducting all elections. In this capacity, it fulfills three primary responsibilities:

- Conducts all national, provincial and local elections, including preparation, Election Day management, transportation and counting of votes, official announcement of results and ensuring that the campaign is carried out in accordance with the law;
- Renews the electoral register annually after enumeration of electors; and
- Registers/accepts new political parties and renews registration of parties.⁴

The Election Commission is also responsible for accrediting national and international electoral observers.

The Election Commission is made up of one chairperson and two members, all of whom are appointed by the president of Sri Lanka upon recommendation of the Constitutional Council. Together, the chairperson and members exercise the decision-making powers of the Election Commission. Under their supervision, the election director general and the Election Commission staff carry out all administrative and operational functions.

At the district level, all administrative and operational functions are exercised through 25 district offices which operate under deputy/assistant commissioners. The key responsibilities of the deputy/assistant commissioners include:

- Conducting the annual registration of voters;
- Preparing and certifying the voters' list;
- Conducting elections including accepting nominations, and counting and certifying district results;
- Conducting poll workers trainings;
- Identifying polling centers and preparing travel directions;
- Ensuring general administration of the district office;
- Maintaining financial accounts of the district office;
- Representing the Election Commission at court proceedings at the district level; and
- Conducting voter education.

Who can vote in the local government elections?

According to Articles 88 and 89 of the constitution, citizens of Sri Lanka who are: 1) 18 years of age or older; 2) registered in the appropriate register of electors; and 3) are not subject to any of the disqualifications identified in the law are eligible to vote in the election. Citizens are disqualified from voting if they are found to be of "unsound mind" [sic] under Sri Lankan law; in various cases of

⁴ Per Article 104B of the 1978 constitution.

conviction for corruption or illegal practices related to elections; or if in the last seven years they are or have been imprisoned for more than six months.⁵

How many people are registered to vote?

There are 15,760,867 registered voters (48.6% men and 51.4% women).

Is out-of-country or absentee voting allowed in Sri Lanka

There are no provisions for Sri Lankans to vote out-of-country. Absentee voting is restricted to essential government workers (police, military, and civil servants) who are eligible to be registered for advance/absentee voting (known in Sri Lanka as "postal voting").

How will voters with disabilities cast their ballots?

Sri Lanka's Elections Act, No. 28 of 2011, identifies special provisions to enable voters with a physical disability to have a person of their choice assist them in casting their ballot. In order to access this provision, voters with disabilities must seek approval from the returning officer and bring this certificate of eligibility to the polling station on Election Day, per the Elections (Special Provisions) Act, No. 28 of 2011. Voters with physical disabilities requiring assistance may also cast their ballot through the polling station's senior presiding officer.

Additionally, in July 2015, Sri Lanka's election commissioner released a statement confirming that any person with a physical disability who is unable to transport himself or herself to a polling station by foot or public transportation may apply through their district election office for special transportation arrangements. The request must be made at least one week in advance of Election Day. The same provisions are expected to apply for the 2018 local government election.

What is a polling area and district?

Each ward within a local authority equates to an election polling area for that local authority.

A polling district is a geographic area with one polling center. Because each polling district can have no more than 1,500 registered voters within its boundary, there are multiple polling districts in each polling area (or ward). For the 2018 local government election, the Election Commission anticipates having as many as 14,000 polling districts, each with its own polling center.

What are the polling hours?

On Election Day, voting will be conducted from 7.00 a.m. to 4.00 p.m.

What is the process for counting and tabulation?

The counting process will take place at the polling center when polls close and will be overseen by the returning officer. The counting will be conducted in front of political party agents, observers and higher

⁵ Per section 6 of the Local Authority Elections Ordinance read with Article 89 of the 1978 constitution.

election officials. Vote counting and tabulation will be carried out in two stages at the polling center. In the first stage, counting officers appointed by the Election Commission count the number of ballots papers in each box. This is to ensure that the number of ballots tally with the stubs in the ballot boxes. In the second stage, they sort and count the ballot papers according to the votes cast in favor of each political party or group in the polling district.

Following the completion of the counting process at the polling center, the chief counting officer will issue the results, which will also be signed by two other counting officers and political party agents. Five carbon copies of the results sheet will be prepared, one of which is sent to the returning officer, one is displayed on the door of the polling center, and the remaining three will be given to the counting agents representing the three political parties that won the first, second and third place in terms of the numbers of votes obtained.

The final election results for every local authority will be issued after the results of each center are tabulated and certified by the district returning officer at the district result center. The district returning officer announces the results for both the first-past-the-post and proportional representation seats, following approval of results by the Election Commission. The results may also be published on the Election Commission's website.

How are ballots cast translated into seats for the mixed-member proportional system?

As noted above, 60 percent of the seats in each local government authority will be elected under the first-past-the-post (FPTP) system. The candidate who receives the most votes will be declared the elected representative.

The other 40 percent of seats will be elected based on the proportion of votes received by each contesting political party or independent group. To complete the seat calculation, the district returning officers first counts the total number of valid votes cast and divides that number by the total number of seats up for election in a given local authority. This number represents the average amount of votes cast per seat (X). To identify the number of seats a political party or independent group gained (Y), the district returning officer then takes the total number of valid votes a party or group received in the local authority and divides that by the average number of votes per seat (X). Finally, to account for seats already won through the FPTP system, the district returning officer takes the total number of seats a political party or independent group gained (Y) and subtracts the total number won through FPTP. The result is the number of seats a political party or group is entitled to under the proportional representation system.

To identify the number of votes for each seat

$$\text{Qualifying Number X} = \frac{\text{Number of total valid votes cast}}{\text{Total number of seats of the relevant local authority}}$$

To identify number of seats gained by each party (Y)

$$Y = \frac{\text{Number of total valid votes received by the party /group}}{X}$$

To identify total number members to be returned from lists (Z)

Z = Total number of seats gained by each party less the total number returned from wards

Who will observe during Election Day? How can they get accreditation?

Domestic election observer groups monitor all Sri Lankan elections. The People's Action for Free and Fair Elections and the Centre for Monitoring Election Violence are the main domestic observers who have accreditation to deploy stationary observers to the polling centers. Other observer groups also have accreditation to engage in mobile observation and counting center observation on Election Day. The Election Commission is responsible for accrediting national and international electoral observers. For the local government election, international observers are not expected to participate.

How will election disputes be adjudicated?

Election petitions: The Local Government Election Ordinance gives the Provincial High Court the authority to adjudicate electoral disputes. An election petition may be presented to the Provincial High Court by any electoral candidate or political party representative or any person or persons alleging himself or herself to have been a candidate in the elections. The petition can seek a declaration of annulment of an election result on the following grounds:

- Bribery of voters;
- Failure to follow election procedures as outlined in the Local Government Election Ordinance;
- Election fraud and malpractices;
- Incorrect disqualification of the candidate; or
- Having valid court decision of denial of civic rights.⁶

Every person who commits any election-related offense is liable to be brought before a magistrate and if he or she is found guilty, he or she will be subject to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding six months, or to both a fine and imprisonment.

Nominations: While the returning officers have the right to reject nomination papers, any candidate or party who is dissatisfied with a decision of the returning officer can challenge the decision at the Court of Appeal.

⁶ Per section 82(p) of the Local Government Election Ordinance.