

# **Presidential Election Law**

*Prepared by*  
**Thusitha Aluthpatabendige**  
(L. L. B. - Colombo)  
Attorney-at-law

*Published By*  
**PAFFREL**

*First Edition 2005*

*Publication*  
**PAFFREL**

12/3, Robert Terrace  
Robert Gunawardena Mawatha

## Contents

1.	Introduction	4
2.	Disqualifications for a Presidential Candidate	5
3.	Preferential voting at a Presidential Election	5
4.	Acceptance of Nomination Papers	6
5.	Commencement of poll	8
6.	Closure of poll	9
7.	Counting of votes	10
8.	Polling agents	11
9.	Election irregularities	16
10.	Frauds and abuses	24
11.	Violations	28
12.	Presidential petitions	31

## **Introduction**

The president of the Democratic Socialist Republic of Sri Lanka is the Head of the State, Head of the Executive, Head of the government and the Commander in Chief of the Armed Forces. The provision for Sri Lanka's Executive Presidency was made in the 1978 constitution and the law relating to the election of the president is embodied in it. The relevant constitution and the acts of parliament are as follows:

1. The constitution of 1978.
2. The Act No. 15 of 1981 Presidential Elections.
3. The Act No. 2 of 1981 (special Provisions) Presidential Elections.
4. The legislative Act No. 16 of 1988 (Amendments) relating to the election of the President.

Chapter VII of the 1978 Constitution stipulates provisions with regard to the election of the president, presidential powers and the executive presidency. Accordingly, the president is elected for a period of 6

years and the Commissioner of Election has to conduct the Presidential Election as laid down in the law.

### **Disqualifications for a Presidential Candidate**

Disqualifications for a Presidential candidate as laid down in the Constitution are as follows:

- Less than 30 years of age
- A person found unsuitable to be a Member of Parliament in terms of the constitution.
- A person already elected for two terms by the people.
- A person declared to be incapable of performing the Presidential functions due to physical and mental disability by the Supreme Court and removed from the presidency by a two third majority of the members of Parliament.

### **Preferential Vote at the Presidential Election**

The presidential Election should be held by the Commissioner of Elections within not less than 1 month and not more than two months from the expiry date of the term of the incumbent President. When

there are three candidates for the Presidential Election a voter is entitled to a second preference vote. When the number of candidates exceed three a voter can indicate his second and third preference. The candidate who secures more than 50% of the valid votes cast should be elected as the President.

In the event of only two candidates at the Presidential Election who obtain the same number of votes the winner will be selected by, lot.

If any of the candidates fail to obtain more than 50% of the valid votes cast then the candidates other than the two candidates who have obtained the highest number of votes and the second highest number of votes will be eliminated from the contest. Then the second preference vote given to one of the two remaining candidates will be added to his number of votes. If a candidate fails to obtain more than 50% of the valid votes cast even then the third preference of the voters will be taken into account and counted. Thereafter, the candidate who obtains the highest number of votes will be elected as the President.

The procedure for selecting the President is stipulated in the Act No 15 of 1981.

## **Acceptance of Nomination Papers**

The Election Commissioner should issue a gazette notice relating to the Presidential Election. He will specify the date and place of nominations within not less than 16 days and not more than 21 days of the said gazette notice. The Presidential Election should be held within not less than 4 weeks and not more than 6 weeks from the date of nominations. The Presidential Election should not be held on a full moon Poyaday or on a public holiday.

Within two weeks of the Nomination Day the Election Commissioner will issue a gazette notification showing the polling stations in each Electoral District. Polling stations should be arranged on the basis of one polling station for each Grama Sevaka Division within the Electoral District. This arrangement could be changed under special circumstances.

Nomination Papers for the Presidential Election can be forwarded in three ways:

- I. When the candidate's name is proposed by a recognized political party the nomination paper should be signed by the secretary of the party concerned.
- II. When the candidate's names is proposed by any other political party, the nomination paper should be signed by the secretary of that party.

III. When the candidate's name is proposed by an eligible elector it should be signed by an elector whose name is included in the Electoral Register.

If after forwarding of nomination paper a candidate or the person who has signed the nomination paper of that candidate, can raise objections to the nomination of a particular candidate within the time period specified by the Election Commissioner.

The Election Commissioner should make a ruling on the validity of the objection without delay and if the nomination of a particular candidate is rejected the said candidate should be informed of the rejection with the reasons for doing so.

No persons other than the candidate, the person who has signed the nomination paper of that candidate and one other person can come for delivery of nomination paper except with the approval of the Commissioner of Elections. If on expiry of the time limit set for delivery of nomination paper and raising objections, only one candidate has forwarded his nomination papers that candidate will be declared elected as the President by the Election Commissioner and he should issue a gazette notification to that effect. If not a single nomination has been received the Commissioner may specify a second nomination date and the procedure stipulated has to be followed.

## **Commencement of the Presidential Poll**

Before the expiry of 14 days from the date of acceptance of nominations, the Commissioner of Elections should issue a gazette notification and a newspaper notice indicating the conduct of the Presidential Election, date and time of the Election, names of candidates in the order they appear on the ballot paper, the symbol assigned to each of them and the names of political parties or eligible electors who forwarded nomination papers.

If a candidate who has been nominated dies, then the Commissioner of Elections can inform the secretary of the political party and the eligible elector who delivered the nomination paper to name an alternative candidate within 3 days. If no nomination is made within that period the Presidential Election will be held among the remaining candidates.

### **● Postal Vote**

Those voters who are qualified to exercise the postal vote at the Presidential Election could cast their vote by post and they have no right to vote at a polling station.

The Returning Officer will, within the provisions issued by the Election commissioner appoint a Senior Presiding Officer to each polling station and appoint the required officers and assistants to help him in the conduct of the Poll.

Further, the Returning Officer has to provide to each polling station a copy of the electoral register of the polling division, ballot boxes and ballot papers in accordance with the number of voters and other stationery required. Within the polling station, a notice of guidelines to voters and the names and symbols of candidates should be displayed. The poll should commence at 7.00 A.M. and close at 4.00 P.M. on the date fixed by the Election Commissioner.

### **Closure of Poll**

The issue of ballot papers should cease at the specified time (If not the polling agents present should be kept informed of any deviation.)

### **After the closure of Poll**

Immediately after the close of the poll, following actions have to be taken in the presence of the polling agents.

- (a) Seal the ballot boxes properly.

- (b) Unused ballot papers and spoilt ballot papers should be put in separate packets and sealed.
- (c) Copies of the marked electoral registers should be put in a cover and sealed.
- (d) Prepare a list of voters to whom ballot papers have not been issued.
- (E) Prepare the dual votes list.
- (F) Prepare lists of ballot paper books issued to voters.
- (G) Prepare a list of ballot papers not issued.

“Details of ballot papers” should be prepared and put in a cover and sealed.

### **Counting Agents at the Counting Centres**

The appointment of agents for counting centres should be made by the party secretary, authorized representative or the leader of the group as follows:

- 5 Counting agents when there is more than one counting station at a counting centre.
- 2 agents when there is one counting station at a counting centre.

The names and addresses of the counting agents should be notified in advance to the counting officer. The Counting agents should bring the appointment letter and the National Identity Card to the Counting station. Otherwise entry will be refused.

## Counting of Votes

- Counting should commence on receipt of all ballot boxes
- Ballot papers in each ballot box should be counted in the presence of counting agents and the number noted. Thereafter, the ballot papers in all boxes should be mixed.
- While counting, the ballot paper should be kept with the face up and the ballot paper number should not be visible.
- Counting should proceed without interruption. Invalid ballot papers should be endorsed "cancelled".
- When counting only officers on duty and counting agents can be present. (The counting agents can make a complaint to the officer in charge of counting if the ballot boxes are not in proper condition and counting does not proceed properly.
- When ballot papers are bundled the counting agents should check whether only valid ballot

papers are bundled properly into bundles of 50 and 500.

- If a ballot paper is not sealed or perforated it may not be rejected. Counting agents should be consulted on this matter. Before rejecting a ballot paper it will be shown to the counting agents and their views sought.
- A statement showing the number of rejected ballot papers should be prepared separately. Counting agents can copy that statement if required.
- A statement showing the number of votes received by each party or group will be prepared. Counting agents can sign that statement and copy it.
- A counting agent can ask for a recount (maximum of two recounts)
- The decision of the counting officer on a problem relating to a ballot paper is final.

## **Polling Agents of a Polling Station**

On the polling date the Polling Agent should produce the letter of appointment obtained from the following persons.

- Secretary of a recognized political party.
- Representative authorized by the party secretary.
- If an independent group its leader or one such person
- The letter of appointment should include the name and address, race and Identity Card No of the polling agent. Identity Card should be produced at the polling station.
- The Returning Officer should be informed of the officer authorized to issue appointment letters 7 days prior to the date of the poll.
- The cancellation of the appointment of a polling Agent and the appointment of new polling agent should be made in writing giving the details required above.
- Not more than two polling agents of a particular party or a group will be allowed at a polling station.

The polling agents should extend their assistance to the Presiding Officer to ensure good conduct at the polling station. Persons other than those authorized to be at the polling station can be asked to leave. Polling agents can keep the Presiding Officer informed of unauthorized persons.

### **Before the Commencement of Poll**

The Presiding officer should show the ballot papers, official stamp, official symbol and copies of the Electoral registers to polling agents prior to commencement of poll. The empty ballot boxes should also be shown. Thereafter, they should be locked and sealed. When a new ballot box is used the above procedure should be followed. (since all above steps have to be taken prior to commencement of poll the polling agents, should come to the polling station at least an hour before.)

### **Ballot Papers**

The serial number and the name of the voter should be read loudly. The serial number should be written on the counter foil and the ballot paper detached, stamped with the official stamp or perforated before handing it over to the voter concerned. The electoral Register should be marked to indicate issue of ballot paper. The mark shown should not reveal the ballot paper issued to the voter.

If this procedure is not properly adhered to, the Polling Agent can bring it to the notice of the Presiding Officer. Indelible Ink should be applied properly on the finger of the voter. The voter cannot refuse to allow application of Ink on his finger. The ballot paper should not be issued to a voter whose finger is not applied with Ink.

The Polling Agents have the right to make a complaint to the Presiding Officer if the above procedure is not properly followed and to make a note of it.

### **Assisting Voters**

If a voter so requests, the method of voting can be explained to him. The Presiding Officer or relevant Officer should explain the method to the voter to be heard by the polling agents. The marking of the ballot paper as required by a handicapped, feeble and blind person according to his or her wish, should be done in the presence of another Officer.

The Polling Agents should carefully observe such situations. If there is some doubt about the identity of the voter, his identity card can be checked. The Presiding Officer can require the voter to fill and sign forms E, F, G and H. If the voter refuses to sign such declarations he can be refused a ballot paper. A false

declaration is punishable by law. (A penalty of Rs.500 or 6 months imprisonment or both)

In above situations if the correct legal procedure is not followed, the Polling Agent can inform the Presiding Officer accordingly and make a note of it.

### **Responsibilities and duties of officers and Polling Agents Involved in Election Activities**

The officers engaged in election activities at polling stations and counting stations, officers authorizing polling agents to be present at polling stations, clerks, candidates, polling agents and counting agents should declare the oath of secrecy.

- They should maintain secrecy and help to maintain secrecy.
- The name, number and official mark of a voter should not be disclosed to anybody except as indicated by law.
- The name of the party or group to be voted or the number shown on the reverse side of the ballot paper should not be disclosed.
- While counting votes the number of the ballot paper should not be noted.
- At the polling station they should not talk with the voter before the latter casts his vote.

If found guilty in this respect a person could be fined Rs.500 or subjected to 6 months imprisonment and his civil rights will be forfeited for 07 years.

### **Those permitted to enter a polling station**

1. Election Staff required at the polling station
2. Police Officers on duty at the polling station
3. Returning Officers engaged in field work
4. Polling agents possessing the Identity card and the letter of appointment
5. Candidates (Only one candidate can be present in the polling station at a time)
6. Secretaries of political parties contesting /leaders of independent groups.
7. Registered voters

Entry of persons other than those mentioned above is a punishable offence.

## **Election Irregularities**

- Preparation of nomination papers fraudulently, defacing them, destroying them dishonestly and presenting such nomination papers to the Returning Officer knowingly.
- Marking of the official stamp on the ballot paper fraudulently, printing of false ballot papers, defacing ballot papers dishonestly and destroying them dishonestly.
- Supply of ballot papers without proper authority, sale of ballot papers and purchase of ballot papers.
- Display of a marked ballot paper inside the polling station purposely.
- Keep a ballot paper with the official stamp without legal authority.
- Insertion of anything other than a ballot paper into the ballot box.
- Destruction, acquisition, opening of or meddling with ballot boxes and ballot paper packets without legal authority.

- Printing of ballot papers at an election without proper authority.
- Removing ballot papers from the ballot box, devising a tool or method at an election to open ballot boxes, importing ballot papers, keeping ballot papers, supplying and use of ballot papers and leave room for such activities.
- False declarations regarding identity at postal voting.
- Opening, destroying and adding something to an application for postal voting, a declaration of identity and an envelope enclosing ballot papers, without proper authority.
- Printing of something which appear to be or can be considered to be an official election notice.
- Keeping a mark or something which can be wrongly construed by a voter at an election.
- Dishonestly defacing a relevant mark placed in respect of a voter at an election without proper authority.
- Casting one's vote knowing that one is not legally entitled to vote.

- If somebody is found guilty of above offences be could be punished under Act No 15 of 1981

### **A person who has lost his civic rights cannot exercise his vote until expiry of 7 years**

- Such a person should not canvass votes for a candidate
- become an agent of a candidate
- address meetings or get involved in election related activities

If found guilty of such activities such a person could be subjected to a fine of Rs.1,000 or 6 months imprisonment or both.

### **Prohibited activities on the Polling Date**

When polling is in progress at a polling station following activities have been prohibited within a distance of 1 Kilometer from the polling station.

- Canvassing votes from voters
- Canvassing the vote of a specific voter

- Persuading a voter not to vote for a particular party or a group
- Force a voter not to cast his vote at the election
- Distribution or display of handouts, posters, notices, pictures, photographs or a symbol belonging to a recognized party or group relating to the Election, which are not official documents. If a person is found guilty of such an offence after summary proceedings at a Magistrate Court he will be subjected to a fine of Rs.100 or 6 months imprisonment or both.

### **Incorrect Behaviour near a Polling Station**

- Obstruct those coming to the polling station, officers on duty or others involved in election work within the precinct of the polling station
- Use of loudspeakers
- Shouting
- Indecent behaviour

Such actions are prohibited and those found guilty could be punished as mentioned above.

The Act No 15 of 1981 makes provision for Police Officers to use force to bring such actions under control and to take equipment into custody.

### **Conduct of processions and demonstrations**

Organizing and conduct of processions and demonstrations and participation in such events until the date of nominations are prohibited. For religious and social purposes processions and peraheras can be conducted in a manner without causing undue influence on the Election (eg. May day rally, Poson Perehera)

The punishment for violating this law is a fine of Rs.100/= or 6 months imprisonment or both.

### **Conduct of Public Rallies**

Holding of public meetings are prohibited from two days (48 hours) before the date of poll and until expiry of one week after declaration of Election results (1 month imprisonment or a fine of Rs.100/= imposed by Magistrate Court)

Attempt to organize such public meetings is also an offence. Instituting court cases for such offences requires the approval of the Attorney General.

## **Election Activities of Persons other than the Candidates**

The printing, publication, distribution and pasting of posters, hand outs, and propaganda notices which do not indicate the printers' and publisher's names are offences by persons other than the candidate. A Magistrate Court can impose a fine of Rs.500/= on a person committing such an offence.

(If the failure to include the names and addresses of printers and publishers is an omission caused inadvertently it should be proved so)

(Commission of such acts by the candidate or his agent constitutes an offence under irregular activities.)

## **Election Offices**

There are two types of election offices, central offices and the branch offices. There is one central office for each Electoral District. Each polling division has one election office. Election offices should be maintained only by an authorized representative of a political party or group.

## **Guidelines for Maintaining Election Offices**

The central office can function from the nomination day until the day before the Election day.

Branch offices can commence their activities from the day before the election day and function until the day after the polling date.

Central offices and branch offices cannot be maintained at the same time. Central offices have to be closed before branch offices are set up.

The conduct of these election offices should be brought to the notice of the District Retuning Officer and Officer in Charge of the Police station of the area. Hence, they are known as notified offices.

Within the limits set above, the home of a candidate could function as an election office.

Breaking this rule as well as attempts to do so is an offence. Court cases can be filed with Attorney General's approval. Punishment for the offence is a fine of Rs.100 or 1 month imprisonment or both.

The symbol of a candidate could only be displayed only on following occasions. The symbol could be displayed on the vehicle in which the candidate is travelling and at a public meeting held in support of a candidate, only at this venue and on the day of the meeting. The display of the candidates' symbol on

other occasions is an offence. The offender could be arrested without a warrant. Police officers can use force to prevent such offences and attempts to do so. The offender could be subjected to a fine of Rs.100/- or 1 month imprisonment or both after summary proceedings at a Magistrate Court. Police officers have the power take over the materials or to remove them.

### **Canvassing Votes**

From the closing date of nominations and until the day after the polling date it is an offence for a candidate and a member of his family (husband, wife, daughter, son, Daughter in law and Son in law) to commit following acts.

- Visit homes to canvass votes
- Persuade voters not to vote for a particular party or candidate
- Persuade people not to vote at the election
- Display of handouts, posters, notices, pictures, photographs and symbols.

The offending candidate (he or she) can be subjected to a fine of Rs.100 or 1 month imprisonment or both by a Magistrate Court.

## **Maintenance of Secrecy and Secrecy**

Officers authorized to attend a polling station or a counting station, clerks, polling agents and candidates should sign the oath of secrecy declaration.

It is a pledge not to commit the following offences.

- Disclosing the name, number or official mark of a voter who has asked for a ballot paper or a voter who has not done so, before the close of poll.
- Attempts by persons mentioned above to obtain at the polling station, information on the political party or the group to whom a particular voter has cast his vote.
- Informing others of the number appearing on the reverse side of the ballot paper given to a voter.
- Attempts to obtain the number appearing on the reverse of the ballot papers counted at counting station.
- Disclosing Information on the party or group to whom a vote is cast, obtained from a ballot paper to others.
- No one should talk to the voter before the latter inserts the ballot paper into the ballot box, other

than the Presiding Officer or Officer authorized by him under the Act.

- Attempt to commit such offences is also an offence.
- Offender can be subjected to a fine of Rs.500/= or 6 months imprisonment or both after summary proceedings at a Magistrate Court.

The offender who has been found guilty forfeits his voting right.

### **Abuses**

The following offences are treated as Election abuses and violations.

#### **Impersonation**

Impersonation means voting in person or by postal vote on behalf of a living or dead person and voting more than once in one's name.

It is not necessary to cast a vote to make it an offence.

Applying for a ballot paper from a polling station, applying for postal voting and casting a vote by marking a postal ballot paper constitute an impersonation offence.

A person can be arrested without a warrant for impersonation.

## **Treating**

- Treating voters to make them vote or not to vote, both before and after an election or during an election is an offence.
  - It is an offence if you do it yourself or through somebody else. Treating for the purpose of canvassing the vote of another person or for encouraging that person not to vote is also an offence.

## **Treating Includes the Following**

- Giving or supplying directly or in some other way food, liquor or other drinks and provisions.
- Giving a permit, voucher and make some other arrangement for a voter to acquire such items.
- Promise to bear the cost of items supplied.
- Giving or supplying such treating or making arrangements to give such items through some means constitute an offence of treating.

## Undue Pressure

- Undue pressure means obstructing the free exercise of the right of vote or pressurizing not to vote.
- Pressurizing a voter to vote or not to vote, a voter has already voted or refrained from voting under direct or in-direct pressure.
- It is possible to pressurize a voter by your self or through someone else or apply pressure on some other person on behalf of that voter.
- Applying Pressure, violence, laying obstacles or threatening can be done directly or through someone else.
- The exercise of the voting right freely will be obstructed by applying pressure which causes physical and mental stress, loss and harm or by threatening to abduct.
- During the period from the date of nomination until the day after the poll the following actions are considered offences. Urging people to vote or not to vote for a particular party or group at a religious gathering, distribution and display of election pamphlets, notices, pictures, photographs, symbols and flags at a religious gatherings and conducting a meeting at a religious place, in

support of a party or group constitute acts of undue pressure.

- It is an undue pressure to threaten to excommunicate a person from a religious organization or to threaten not to conduct religious activities for reasons relating to the election.
- It is an offence of undue pressure for an employer to commit the following acts for voting or not voting for a party or group or for already voting or refraining from voting for a party or group.
  - (a) Retrenchment or threatening to do so
  - (b) Refusing benefits already enjoyed in employment or benefits due or threaten to do so.

### **Bribery**

- A bribe is an allowance given to persuade a voter to vote or not to vote. It can be a gift given in an indirect way. A bribe includes an allowance given to some one else on behalf of a voter.
- Such an allowance can be cash, a loan or some other item. A promise to give or promise to endeavour to give constitute a bribe.

- Committing such acts for already casting the vote or for refraining from voting constitute the offence of bribe.
- What is given to a voter or a promise to do so could be a post, job or employment. Doing so for casting the vote already or for not casting the vote is also a bribe.
- An offence occurs by giving a gift, loan, or by a proposal to do so or by entering into such an agreement. Accordingly, giving a vote or giving a promise to give a vote is an offence.

### **Voter who receives a bribe is an offender**

- Receiving something or by agreeing or entering into an agreement to receive something the voter becomes an offender and constitute an offence of bribe taking.
- A person who demands a bribe directly through someone else or through indirect ways commits an act of bribe.
- A person who promises to give a bribe or to endeavour to give a bribe commits the offence of giving a bribe.

## **Punishment for election abuses and violations**

Impersonation, encouragement of impersonation, treating, undue pressure, bribes, defamation of character, and making statements to the effect that a candidate has withdrawn his candidacy are offences punishable under election abuses.

The fine for impersonation is Rs.500/= Imprisonment is for 12 months with rigorous labour. The punishment for other offences is a fine of Rs.500 or 6 months imprisonment or both.

- Cases relating to such offences are heard by a High Court.
- Attorney General's approval is necessary to file a case.
- If found guilty a person forfeits his civil rights for 7 years in addition to other punishments. If he is a Member of Parliament or any other elected body he loses his membership.

## **Illegal Activities**

Under this section some payments and expenses relating to an election are treated as illegal acts.

- Payment of transport fares or any other similar payment for transport of voters to and from the polling station or a payment already made on that account or a promise to pay constitute an illegal act.
- It is illegal to make a payment to a voter for displaying pamphlets and notices and for giving a premise owned by him for displaying such material.
- Before and after an election or during an election, it is an offence to make a payment, to receive a payment or be a party to an agreement.
- It is an offence to transport voters to and from a polling station or assist or encourage such transport during the period one hour before commencement of poll and one hour after closure of poll. It is possible to undertake a legal or official duty.
- The above mentioned activities are not illegal in the following situations.
- It is not illegal for a voter to print pamphlets and propaganda material for a payment, as part of his business activity.

- A voter can be provided help to cross the sea or a river, when a voter cannot exercise his vote without crossing the sea or a river.
- It is not an illegal act for a voter to use public transport paying the fare to go to a polling station.
- It is possible to make arrangement for a physically handicapped voter to find transport to the polling station with the written approval of the Returning officer 7 days before the polling date (a candidate should not make such a request on behalf of a voter)

A police officer can take into custody a vehicle transporting voters illegally on his own initiative or on a complaint and retain the vehicle at the police station until the closure of poll.

If a person is found guilty of such illegal transport the High Court has the jurisdiction to confiscate the vehicle used.

### **Publishing incorrect statements**

It means publication of incorrect information in news papers, magazines pamphlets and other publications. Such incorrect statements should be in relation to the

election speeches and related activities of recognized political parties, groups or candidates.

The incorrect statement should be one which can influence the result of the Election.

The owner, manager, editor, publisher or writer of the publication should bear the responsibility for such a statement.

Each such person mentioned above can prove that he or she is not responsible for the said incorrect statement and claim his or her innocence.

### **Employing people for election work for payment**

A candidate can employ only the number of workers allowed by law to conduct election related work on his behalf.

A candidate can employ polling agents, counting agents, clerks and messengers as allowed by law.

Employing an unreasonable number of such workers can be treated as illegal.

### **Monitoring names in printed material**

Propaganda notices, hand outs posters and notices making reference to the election should embody the names of the printer or publisher and their addresses.

Otherwise a candidate or his agent who paste such notices, pressurize the printers or publishers to print them or cause such printed material to be distributed will become guilty of an illegal act.

### **Punishment for illegal activities**

If a person is found guilty by a High Court, the fine imposed is Rs.300/=. That person loses his civil rights for three years from the date of the Court verdict. If the person is a member of Parliament or any other elected body his membership will cease. Attorney General's approval is necessary to file a Court case.

### **Presidential Election Petitions**

If a candidate is found guilty of election abuses, violations and irregularities his election as President could be invalidated.

Reasons for invalidating an election include, bribes, entertainment, intimidation, other abuses, prevention of voters from voting or other acts to influence the election result. They include:

- Failure to conduct the Election in accordance with the Presidential Election Acts.
- Resort to Election abuses and violations by the candidate or an agent of his with his knowledge.
- Employing a person found guilty of Election violations in his service privately.
- Getting a person deprived of his civil rights by Parliamentary approval to work for him.
- A person unqualified to be a member of Parliament or an Elected body at the time of his election.

The detail procedures relating to this process are laid down in the relevant acts. Presidential Election petitions have to be directed to the Supreme Court

### **Leave for voting**

Every employer is bound to give a voter pay leave for an unbroken period of 4 hours to exercise his vote if the voter makes a written request for leave to cast his vote.

Refusal to grant leave is an offence. An offender could be subjected to a fine of Rs.500/= or one month's imprisonment or both by a Magistrate Court.



