

Articles 92 – 94 of the Constitution of Sri Lanka (1978)

Disqualification for election as President.

92. Every person who is qualified to be an elector shall be qualified to be elected to the office of President unless he is subject to any of the following disqualifications -

- (a) if he has not attained the age of thirty years;
- (b) if he is not qualified to be elected as a Member of Parliament under sub-paragraph (d), (e), (f) or (g) of paragraph (1) of Article 91 ;
- (c) if he has been twice elected to the office of President by the People; and
- (d) if he has been removed from the office of President under the provisions of sub-paragraph (e) of paragraph (2) of Article 38.

Election to be free, equal and secret.

93. The voting for the election of the President of the Republic and of the Members of Parliament and at any Referendum shall be free, equal and by secret ballot.

Election of the President.

94. (1) At the election of the President every voter while casting his vote for any candidate may-

- (a) where there are three candidates for election, specify his second preference ; and
- (b) where there are more than three candidates for election, specify his second and third preferences.

(2) The candidate, if any, who receives more than one-half of the valid votes cast shall be declared elected as President

(3) Where no candidate is declared elected under paragraph (2) of this Article, the candidate or candidates, other than the candidates who received the highest and second highest number of such votes, shall be eliminated from the contest, and -

- (a) the second preference of each voter whose vote had been for a candidate eliminated from the contest, shall, if it is for one or the other of the remaining two candidates, be counted as a vote for such candidate and be added to the votes counted in his favour under paragraph (2), and
- (b) the third preference of each voter referred to in sub-paragraph (a) whose second preference is not counted under that sub-paragraph shall, if it is for one or the other of the remaining two

candidates, be counted as a vote for such candidate and be added to the votes counted in his favour under sub-paragraph (a) and paragraph (2),

and the candidate who receives the majority of the votes so counted shall be declared elected as President.

(4) Where an equality is found to exist between the votes received by two or more candidates and the addition of one vote would determine-

(a) which candidate is to be declared elected under this Article ; or

(b) which candidate is not to be eliminated under this Article, then the determination of the candidate to whom such additional vote shall be deemed to have been given for the purpose of such determination shall be made by lot.

Articles 103-104 of the Constitution of Sri Lanka (1978)

Commissioner of Elections.

103. (1) There shall be a Commissioner of Elections who shall be appointed by the President and who shall hold office during good behaviour.

(2) The salary of the Commissioner of Elections shall be determined by Parliament, shall be charged on the Consolidated Fund and shall not be diminished during his term of office.

(3) The office of the Commissioner of Elections shall become vacant -

(a) upon his death

(b) on his resignation in writing addressed to the President;

(c) on his attaining the age of sixty years ;

(d) on his removal by the President on account of ill health or physical or mental infirmity ; or

(e) on his removal by the President upon an address of Parliament.

(4) Whenever the Commissioner of Elections is unable to discharge the functions of his office, the President may appoint a person to act in the place of the Commissioner of Elections.

(5) The President may in exceptional circumstances permit a Commissioner of Elections who has reached the age of sixty years to continue in office for a period not exceeding twelve months.

Powers, duties and functions of Commissioner of Elections

104. The Commissioner of Elections shall exercise, perform or discharge all such powers, duties or functions as may be conferred or imposed on or vested in him by the law for the time being in force relating to elections to the office of President of the Republic and of Members of Parliament, and to Referenda, or by any other written law.

