

**Proposals to the Special Parliamentary  
Committee on Electoral Law Reforms**

**By the Center for Monitoring Election Violence  
(CMEV)**

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## **Centre for Monitoring Election Violence - CMEV**

The Centre for Monitoring Election Violence (CMEV) is an election observation organization that contributes to both the election monitoring process and the electoral reform process of this country. CMEV was formed in 1997 jointly by the Centre for Policy Alternatives (CPA), the Free Media Movement (FMM), and the INFORM Human Rights Documentation Centre. One of CMEV's starting core objectives was to maintain an updated database of election violations. This objective has now expanded to include the observation of estimated election campaign costs of political parties, independent groups and candidates contesting elections.

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## 1. Approach

It is indisputable that the post-universal electoral reform process in this country had to undergo timely changes in line with the constitutional reforms. However, it is difficult to say whether the necessary reforms were carried out through a broader public consultation or a more socially interactive approach to society. One of the fundamental features of democracy is to ensure vital, timely changes to the country's electoral system and processes, thereby addressing the people's aspirations. Thus, CMEV presents a preliminary draft of the reforms essential to the overall process, including the legislative framework of the electoral system. The total number of elections held in Sri Lanka since 1931, when universal suffrage began, is 74. It also includes 15 parliamentary elections. This record of conducting elections is unparalleled compared to any state in the world that adopts a democratic electoral process.

For so long, the electorate in this country has not exercised its sovereignty to elect legislators in a comprehensive electoral system or a satisfactory political culture. Despite the challenges faced in the past, the Sri Lankan electorate is still committed to the electoral process to defend its democratic rights. The highest honor that can be bestowed on such a passionate group of citizens is the introduction of an electoral system that protects the inherent dignity and representation of all communities and groups. In addition, the introduction of a system of appropriate representative democratic assessments and standards that embrace the social, political, and economic tendencies that must necessarily be reflected in a post-war country as an urgent collective effort. Against such a backdrop, the Center for Monitoring Electoral Violence (CMEV) hopes that the established Electoral Law Reform Committee will make a series of futuristic recommendations that are sensitive to the needs and movements of the country beyond its current existence.

In addition, this set of proposals not only addresses the electoral system that should prevail in a post-war country. Adequate attention has been paid to the many outdated election laws in the country and the elements associated with the integrity of elections that should maintain even in non-election periods. The exercise of the right to vote, which is a fundamental right of an appropriately qualified voter, is not merely a unique spectacle of an individual but a building and integration of the collective consciousness of a country. It is, therefore, not a surprising aspiration that the electoral choice of the citizen should be reflected in the legislature and other bodies of the public as much as possible. Formulating necessary laws and providing a favorable mechanism for this is not something that any government can ignore. Therefore, the Centre for Monitoring Election Violence (CMEV) has drafted these proposals emphasizing the due place where the voter should be positioned in the electoral culture, the electoral representation of the country and the appropriate representation model for Sri Lanka, as well as the structure of the Electoral Management Body that should create an appropriate field for that representation. CMEV has previously issued a series of

proposals on such issues throughout an island wide discussion series conducted under the theme of "From Dialogue to Action: Recommendations and Strategies for Electoral Reform in Sri Lanka".

In addition, the Centre for Policy Alternatives, edited by Rohan Edrisinghe and Asanga Welikala, has published a book titled 'The Electoral Reform Debate in Sri Lanka' in 2008, and the process of electoral reforms in Sri Lanka has extensively been discussed therein. In addition, the Centre for Monitoring Election Violence has posted on its website the final election monitoring report of each election it observes, along with its recommendations. The final reports of the elections CMEV observed from the 1998 Jaffna Municipal Council elections to the Parliamentary elections held on August 05, 2020, can be accessed by visiting our website, and the last two reports on the two most recent national elections are available via the following links.

Final Monitoring Report on Parliamentary Elections 2020, Published by the Centre for Monitoring Election Violence - <https://cmev.org/2020/09/29/cmev-election-observation-report-parliamentary-election-2020/>

(Final Observation Report on the 2019 Presidential Election, Published by the Centre for Monitoring Election Violence - <https://cmev.org/2020/06/17/cmev-election-observation-report-presidential-election-2019/>

In addition to the proposed electoral system, we also need to pay special attention to the series of proposals put forward by other organizations and interested individuals in elections. We are confident that there are sufficient fundamentals to formulate an effective electoral system even among those proposals. Bernard Fernando, a retired banker and gentleman with interest in electoral systems, is one of the pioneers in proposing to hold parliamentary elections on the basis of district merit, holding the entire country as a single electoral unit. The proposal put forward by MP Mano Ganeshan as well as the Movement for a Just Society should be discussed to implement the same proportional representation system in smaller constituencies.

We kindly inform the Committee that the Centre for Monitoring Election Violence is always willing to provide any further clarification related to these proposals.

## **2. Key Elements of Proposals:**

**01. Appropriate method for elections that reflect the people's will: Comprehensive review of the electoral system in Sri Lanka and seeking ideas and suggestions for a more appropriate electoral system for the country.**

**02. Conducting and Managing Elections: Proposals to be made on the Election Commission of Sri Lanka as the Election Management Body and its essential independent existence and technical and legal procedures.**

**03. Consideration of appropriate proposals for creating a level playing field and creating a responsive electoral culture: Proposals related to ensuring a level playing field for all candidates in the elections and accurate report and disclosure of election campaign expenditure which had been in the country for some time but has disappeared with the advent of the subsequent Constitutional reforms. Simultaneously, ideas and suggestions will be sought regarding the accountability of candidates and public representatives and the use of the election process for social development.**

**04. Active involvement of electoral stakeholders in the electoral process and ensuring inclusive elections: Despite the broader social representation, there are several areas where there is minimal political representation in the face of historical and contemporary social assessments and attitudes. Less privileged and marginalized communities / social groups of persons with disabilities, including women and youth, are core in electoral participation. These proposals will examine the qualitative and quantitative promotion of the electoral participation of these stakeholders.**

**05. Considering proposals for an appropriate mechanism to create an informed electoral community that affirms electoral aspirations and universal suffrage: Electoral literacy and political literacy are essential for a healthier democracy. It discusses proposals to integrate the social attitudes of the children and youth community towards the elements of governance and to integrate a formal and informal educational background with electoral culture related to the selection of their political representative.**

### 3. Content of Proposals:

**The elements mentioned above are further elaborated here.**

01. Identifying the most appropriate election system that reflects the will of the people:

With the advent of universal suffrage, Sri Lanka has shifted from limited representation in the legislature to a single constituency-based electoral system (First Past the Post - FPP). From then until a new constitution was introduced in 1977, that system was followed. Since then, the proportional representation system that has been in place is still the current electoral system in the country. However, its prototypical nature has changed considerably. The Sri Lankan electorate hopes for a people's representative who is confined to a limited area. However, the parliamentary elections held before introducing the Republican Constitution in Sri Lanka did not adequately represent the number of votes obtained by each political party and did not imply any Shared Democratic Value. The total number of votes won by the election winner was higher than all other opposition political parties and independent groups. What is clear from this is the disproportionate nature of the absolute majority system of elections. For example, it is essential to briefly analyze the results of two elections that followed a simple majority system.

According to the overall results of the parliamentary elections held on May 27, 1970, the Sri Lanka Freedom Party (SLFP) obtained 36.9% of the votes. At the same time, they won 91 out of 151 seats, or 60% of the total seats. However, the United National Party (UNP) won 37.9% of the vote, winning only 17 seats. It was a minimum minority of 11% of the total number of seats. That phenomenon re-emerged differently, and at that time, the real victim was the Sri Lanka Freedom Party. That was the 1977 parliamentary election. Out of the total 168 seats, the United National Party won 140 seats with 83%. However, even in the face of such a massive result, the UNP received only 50.9% of the declared valid votes. That is a tiny percentage compared to the number of seats won. The phenomenon re-emerged differently, and the real victim was the Sri Lanka Freedom Party (SLFP), the victim of the same odd result with 29.7% of the total votes cast, but managed to win only 08 seats. It is 5% of the total number of seats. Its ironic nature is that the Tamil United Liberation Front (TULF), which polled 6.4% of the total valid votes, receiving 18 seats, amounted to 11% of the total number of seats and became the main opposition force in parliament, making a giant leap in line with the SLFP. Thus the overall election results in both the above elections illustrated the inherent weaknesses of the simple majority single-seat system, which, no matter what the democratic principles, would undoubtedly produce anti-democratic results that would be challenged. Therefore, considering this phenomenon alone justifies the decision to revert to a proportional system, and it appears that the decision taken in

1977 was not so challenging. The massive victory of the political party that came to power at that time was also a factor. (One general and entrenched concept in Sri Lanka is the misconception that as soon as a political party wins an election, the entire electoral system must be changed).

Just as the proportional representation system, which many consider one of the deciding factors in the electoral problems facing Sri Lanka today, has caused the displeasure of many electoral parties, and society is moving away from it to the point where electoral reform is only changing that system. However, the Centre for Monitoring Election Violence (CMEV) believes that the main reason for the withdrawal of the Proportional Representation System (PR) from the masses was that the political party in that system was ideologically oriented. For example, one of the central features of the system introduced to Sri Lanka with the new constitutional amendment was selecting candidates by a political party on merits based on election results. However, the preferential system that was later added to it completely subverted this idea. Thus the entire electoral system was put at risk in the face of prevalent personal factors. (Moreover, it was one of the arguments put forward by their lawyers before the courts to justify the MPs who later switched political parties for various personal gains. That is to say, in this electoral system based on preferential votes, the most popular is not the party, but their candidature and the increase in the number of votes is because they have gained more popularity among their party members).

Accordingly, the Centre for Monitoring Election Violence believes that many criticisms of the proportional representation system based on preferences are unfounded and could have easily been fixed in the right direction. From its inception (the year 1997), we as an organization have been of the view that the proportional representation system will ensure proper representation for the ethnic and politically least represented communities and groups in the country with different identities. We believe so as compared to the single constituency-based electoral system (First Past the Post - FPP) that has been adopted up to that time and the PR system will negate the undemocratic principle that the winner will take over everything. However, the implementation of other electoral laws that were essentially considered in the implementation of that electoral system often did not take place and there seemed to be deliberate disposal of protection measures Parliament could have quickly enacted. The people were motivated to act with a robust hostile attitude towards this electoral system with reason. Nevertheless, neither the leadership of the political parties nor the leaders of the social institutions and the clergy came forward to inquire into or rectify any of these issues. Moreover, it is astonishing that active political science or other sociological disciplines in national universities do not research on this critical background through active intervention. It was a real tragedy that other electoral stakeholders, especially these political parties, did not come forward to defend any of



the good features of the bad electoral system, thinking that it was a legacy they had inherited.

The following are some of the remedies that we repeat but which the whole society has deliberately discarded.

### **01. 01**

**A.** Winning the candidacy of a popular but not politically inclined candidate with money and other social power over party activists with a genuine interest and passion for politics and using that method of electioneering as a last resort to win by hook or by crook. The most common tactics used were distributing money and goods and abusing state property to their advantage. (The typical response of some candidates after the election is that they are not obligated to provide relief for people because they have spent money on every vote).

**B.** During the election season, there will be fierce competition within and between parties, and a generation of candidates will be formed with the sole objective of collecting preferential votes.

**C.** Candidates campaigning in an unusually large area ignored the people after winning the election, or the relationship between the people and the people's representatives is wholly lost.

**D.** Deploying members of the same family in every election in many parts of the country and extending the dominance of a generation that has continued for decades into politics and power. The fact that this trend is spreading from the local level to the national level was another factor disturbing the voters.

In addition to the above, there are many more aspects to add. Here are just a few highlights. For example, at the end of every national election, such as the presidential election or the parliamentary election, the role of immature and inexperienced and politically loyal leaders appointed to state corporations, authorities, and other semi-government agencies can be seen. The number of voters who see this as a weakness of the electoral system is high. The reason is that the costly election campaign in a large area needs the unwavering support of such supporters and the commitment to satisfy them in return is significant. The present proportional system is one of the essential electoral systems in the country, which, if sufficiently supervised and remedied, will have the potential to satisfy the aspirations of the people of this country. Therefore, the following are some of the basic steps that could have been taken if adequate attention had been paid to the above mentioned issues.

## 01.02

**A.** Giving priority to the candidates residing in the relevant areas in the nomination process and emphasizing to the Cabinet Minister, State, or Deputy Minister in granting nominations in the absence of a Member of Parliament in a particular electoral area (commonly known as an electorate) in one specific district. Even though it may be contrary to the original intent, more attention should have been paid to such local professionals and activists in the awarding of National List seats. Another remedy is the need for political parties to limit to some extent the nomination of persons of the same family or kinship for candidature at all levels. If such matters were restricted to a certain extent so as not to infringe on anyone's democratic rights, it should have been to the liking of the general public.

**B.** Bringing in popular figures and interpreters from other districts to represent each district has also caused a great deal of resistance from party members and the voters in respective constituencies. The continuation of this vicious practice by political parties today to underestimate or suppress candidates with good political experience and knowledge in the relevant districts or to achieve other aspirations also accelerated the decline of the proportional system.

**C.** Political party leaders are not futuristic and unrealistic enough to agree to a mechanism to regulate election campaign spending or take such protectionist measures. Simultaneously, the elimination of tactics could have changed the electoral culture entirely. One factor is not using their ability to participate in voluntary activities to publicize their assets and liabilities. Proportional representation also had the disadvantage of keeping its election expenditure reports or sources of revenue a mystery to the people and not expanding access to the assets and liabilities of the people's representatives that are common in many other democracies.

**D.** As the people's representatives in Parliament are entering a national role; more priority should be given to candidates rooted at the local level. Nevertheless, even those structures were used only as a ploy to gain Parliament access or maintain political stability. Not only that, the political parties did not stop holding the relevant elections on time and severely undermined the proud enthusiasm of the voters for the polls. Due to the inadequacy of local government bodies and provincial councils to provide service close to the people, they faced many serious problems. There are many opportunities that policy makers have missed out on from their subordinates and three such instances can be cited for reference.

- i.** Report compiled through a collective stakeholder workshop held in order to strengthen the provincial council system (Provincial Councils-Operational Experience of Devolution - Report of the Committee to study the operation of Provincial Councils in Sri Lanka) was neglected and the acts of successive governments making people detached from the provincial council system were one of the reasons to undermine it. In addition, despite various attempts by other institutions and organizations to intervene, the political authority underestimated the provincial council system. One of these efforts was the report – Strengthening the Provincial Council System – Thematic Report of Workshop Deliberations – compiled by the Centre for Policy Alternatives in 2008 with the participation of a majority of provincial council representatives and officials as well as other activists. Another excellent report that can be used in this regard is “Devolution in the Eastern Province: Implementation of the Thirteenth Amendment and Public Perceptions - 2008-2010,” written by Dr. Asanga Welikala.
- ii.** Report of the Commission of Inquiry into Local Government Reforms - December 1999. The failure to pay due attention to this report and make adequate efforts to put it into action was one of the reasons for the decline of local government in Sri Lanka over the next two decades. This is by far the only excellent report released in Sri Lanka about local government.
- iii.** Without holding a formal discourse on the National Policy for the Strengthening of Local Governments in Sri Lanka published in the Extraordinary Gazette Notification No. 1632/26 issued on 18-12-2009 by the Ministry of Local Government and Provincial Councils to strengthen the local government system in Sri Lanka and disposing of it without implementation.

In view of all these, the Centre for Monitoring Election Violence has proposed that the most effective method of electioneering in the country is the Mixed Member Proportional system (MMP).

## 04. Mixed Member Proportional System

This electoral system is already being used successfully (in whole or part) in several countries, including New Zealand, Scotland, and Germany. The most recent Sri Lankan experience was the local government elections held on February 10, 2018. However, even though it was called a mixed member proportional system, the result was 100% proportional in practice. Mixed-member features are almost non-existent there.

## 05. MMP System

In addition, the Interim Report of the Parliamentary Select Committee issued in 2007 also proposed a mixed electoral system. One of the notable proposals of the committee was the new structure of parliament proposed for the mixed system. The structure of the interim report of the Committee issued in 2007 is as follows.

- A.** Parliament has 225 members.
- B.** Under the First-Pass-the-Post system (FPP), 140 members are elected based on electoral constituencies (Constituency Members of Parliament). Accordingly, the entire country will be divided into 140 individual constituencies. That is through a new delimitation process.
- C.** The district proportional system elects 70 members (District Members of Parliament) system. These Members of Parliament are elected by the candidates who are contesting the elections but are not represented.
- D.** The number of Members of Parliament elected under the National List is 15. Arrangements should be made to submit the list of both contesting and non-contesting constituencies for the individual constituencies at the time of handing over the relevant nominations. All political parties must ensure that women candidates are given a fair representation on the national list. In addition, the following criteria are considered.
  - i.** The political party which obtains the highest number of valid votes will be awarded 05 seats from the National List.
  - ii.** About three out of 10 seats are reserved for under-represented ethnic or political groups. However, those parties must get more votes than the 'natural cut-off point' that ultimately determines at the end of the election. The other issue to be considered is that these political parties should not have won any seats at the single constituency or district level.

**iii.** The remaining National List seats are awarded in proportion to each political party's votes at the national level. Relevant candidates will be nominated by the Secretaries of the respective political parties as Members of Parliament, considering the proportion of votes they have obtained.

Although this electoral system appears to have addressed the traditional electoral mindset of the committee members, its primary burden rests on the single constituency base. It also seems to limit the representation of under-represented political and ethnic groups. It also appears that the committee members, in general, have been thinking of an electoral system with a bipartisan approach. At present, priority is not given to issues such as the representation of women and youth, which cannot be excluded.

Accordingly, the Centre for Policy Alternatives (CPA), which actively participated in the discussion on the most appropriate electoral system for the country, has released a preliminary study report in 2017 that can be used in this regard. The Centre for Monitoring Election Violence states that this study report is the most practical of comparing a suitable electoral system. It is advisable to visit that link to refer to that report for further review of that methodology.

[http://constitutionalreforms.org/wp-content/uploads/2016/06/CPA\\_WP\\_CR\\_No\\_16\\_Final-2.pdf](http://constitutionalreforms.org/wp-content/uploads/2016/06/CPA_WP_CR_No_16_Final-2.pdf).

Several central factors led to the suggestion that the mixed member proportional system was appropriate for the country. On the one hand, it balances the unpopularity of the people to some extent, and on the other hand, it gives a proportional result, which is the lifeblood of an electoral system. On the other hand, they have listened to the demand for a people's representative closer to them. Most importantly, it has the flexibility to adapt to local needs. Whatever electoral system is proposed, the number of members in the legislature will inevitably fluctuate. The Centre for Monitoring Election Violence believes that this system can retain the existing 225 members as much as possible or replace them with a better system with a minimal increase.

Furthermore, the distinctive feature of this system is the preservation of the existing qualitative standardized approaches to the proportional system and the re-emergence of existing accountability in the single electoral constituency system. The most effective of these methods can be achieved by using a single and proportional representation of 50% - 50%. However, there is also more room to try 60% -40% or some other parallel methodology. An example of the flexibility of this system is the ability to offer under-filled seats (Compensatory Seats) under the proportional system whenever there is a loss of proportionality in the election results. The other peculiarity of this methodology is the ability to minimize the challenge faced within the existing

size of the district (District Magnitude). This creates an opportunity for political parties to enjoy their results on a proportional basis at the provincial or national level while experimenting with their popularity at the individual level. (District level proportionality is not very practical and will be based on national or provincial level proportionality). There are two other important points. That is the delimitation process and the ballot paper.

## 06. Delimitation:

Society is not so pleased about the delimitation process that has been approved in this country so far. (This does not refer to the last delimitation of Provincial Councils in the country. Criticism of members of the Legislature was minimal on the report, which was tabled in Parliament within four months under an extensive and objective process). We mean the commissions that were established before that. Further, the statutory and legal provisions of the Delimitation Commission, which is already legally established in the country, should be further expanded and the statutory and legal provisions should be incorporated so that they can be officially included in any delimitation-related work taking place in Sri Lanka.

Further, when the Centre for Monitoring Election Violence inquired from the relevant parties regarding the formulation of this resolution, it became clear that they were deeply skeptical about the delimitation process of the ethnically and politically underrepresented ethnic and political groups in the country and the process can be used to address their reasonable political aspirations.

Accordingly, here is an overview of how to use this process more systematically. The basic premise of the mixed membership system is to use appropriately demarcated electoral units. Here is a simple example. If there is a need to reduce the size of the existing electoral districts (commonly referred to as an electoral constituency) from 160 to 150, here is a methodology that can be considered. Therefore, the delimitation process can be considered for each of these methods and must be implemented well-scientific and smartly.

### **An approach to create 150 electorates**

The following constituencies can be merged:

- Southern Province: Balapitiya and Ambalangoda can be amalgamated.
- Northern Province: Jaffna, Nallur and Jaffna, Chavakachcheri and Kilinochchi, Point Pedro and Uduppiddy, Kayts, Vadukkodai, and Manipay, Kankasanthurai and Kopai divisions to be converted into 06 divisions.
- Uva Province: Considering Badulla and Hali Ela, Passara and Viyaluwa divisions and dividing them into two.
- Sabaragamuwa Province: Inquiry into the possibility of converting Aranayake and Yatiyantota into one seat.

It is advisable to visit the link mentioned here (link) for further review.  
([http://constitutionalreforms.org/wp-content/uploads/2016/06/CPA\\_WP\\_CR\\_No\\_16\\_Final-2.pdf](http://constitutionalreforms.org/wp-content/uploads/2016/06/CPA_WP_CR_No_16_Final-2.pdf))'



## 07. Double ballot papers:

It is better to use a dual ballot paper to reap the full benefits of this mixed proportional representation system. However, there is no difficulty in generating the desired results by making timely and structural changes to suit the needs of the country/region in regard. Nevertheless, whatever options are used, it is doubtful whether the spirit of the hybrid system, which can be considered a hybrid electoral system, can be achieved through a single ballot paper. The general idea of a dual ballot paper is to choose a political party of one's choice at the national level in parallel with selecting the candidate closest to oneself. It encourages the all-party and broad-based political participation that must undoubtedly exist in a people's representation.

Accordingly, the Centre for Monitoring Election Violence strongly believes using the mixed representation system is more effective in provincial and local government elections and parliamentary elections. Further, before considering the methodology of Provincial Council elections, one key point needs to be emphasized in this proposal. That is the emerging social dialogue on the existence and functioning of the Provincial Councils. The discourse that the provincial council system should be abolished without a proper assessment or research approach appears only a slogan embodied in political opportunism. Accordingly, the ruling party and other political parties must reach a consensus to maintain the existing provincial council system, already a statutory governing structure, as proper management and efficient sub-national unit.

It is proposed to use the proposed mixed member proportional representation system for the forthcoming Parliamentary elections as well, instead of the open list proportional representation system applicable to provincial council elections so far. It is based on the findings of the report of the Civil Society Committee on the Provincial Council Elections, which was compiled by the Centre for Monitoring Election Violence (CMEV) and People's Action for Free and Fair Elections (PAFFREL). A roadmap on the conduct of the Provincial Council elections and the electoral system to be based on it was prepared and if there is any further clarification, the report can be referred. (Review Report of the Civil Society Action Committee on the Provincial Council Election System-<https://cmev.org/2018/08/06/report-of-the-civil-society-committee-to-review-the-provincial-council-election-system-the-provincial-council-amendment-election-act/>).

At the same time, the closest government to the people that have evolved in Sri Lanka for a long time is the Local Government Institutions or Local Governments. It is a matter of great concern that although it has undergone rapid structural change in recent times, it has not undergone a qualitative change in parallel. This is a time when the need for a community and a group of policy makers, who see local governments as

one of the unavoidable factors in the new development strategic plan, is increasingly emerging, apart from the tendency to view local governments only as a stepping stone to national politics. At the same time, there is a robust social debate over the establishment of local governments and the concurrent election law. Therefore, it is a matter of urgency to pay close attention to the local government election law. Any proposal for the formal establishment of Local Government Institutions should be based on a predictive vision of the country's future prosperity as a whole. Whatever reforms are made to grasp power increasingly, the immediate outcome of such reforms is to distance local government from the people further.

Furthermore, the Centre for Monitoring Election Violence is of the general opinion that mere electoral reform in the country is not enough to establish a sound electoral culture in the country and that a lasting change in governance is needed, including the formulation of a new Constitution. If the electoral reforms implemented without such paradigm shift do not bear much fruit, it will inevitably lead to the frustration of the citizenry. Therefore, the present Government has considered the series of proposals submitted by the Centre for Policy Alternatives to the Special Committee established in the Ministry of Justice for the drafting of a new Constitution. The executive, electoral system and political parties, devolution of power and sub-headings of political parties and the second chamber are also crucial. (Submission by the Centre for Policy Alternatives (CPA) to the Ministry of Justice Experts Committee to Draft a New Constitution, December 2020).

Furthermore, even if it is not relevant to this proposal, it will not be difficult for the local government bodies to properly use their human and physical resources and exercise their powers to pave the way for adequate local government funding. At such times, even the activities of many members do not pose a severe difficulty in managing.

Even so, it is a serious question whether the administration of local government bodies, which have no legal capacity to establish an opposition, is governed based on equality. For example, out of the 342 established today, only the members of the ruling political party are given priority in the decentralized funding provided by the local authorities for development activities in the area. It is entirely at the discretion of the Chairperson and in the end, it is the people of the area who are prejudiced. One of the factors that confirms the vicious nature of this disparity is that even some of the female members who won the divisions did not receive the provisions from the day the relevant institutions were established.

❖ *Therefore, the Centre for Monitoring Election Violence proposes:*

### **A. 01. Parliamentary Election:**

If the Parliamentary Electoral Select Committee comes to a policy agreement on holding the Parliamentary elections under the mixed representation system, it would be more appropriate to set up an Advisory Committee to continue to discuss its proportional impact and other remaining concepts and criteria. It is more appropriate to maintain it with the full involvement of the Election Commission. The need for such an advisory committee arises not for any other reason but because the electoral system must be a system that will penetrate the future for two decades or so. This does not mean that every election should be held under the same proportional representation system. The technical partnership of the Election Commission and the representation of other parties in this Committee is exceptionally crucial. Here are some of them: Registered Political Parties, Delimitation Commission, Sri Lanka Police, Ministry of Local Government and Provincial Councils, Election Monitoring Organizations, Election Professionals' Organizations, Media Institutions and Active Journalists, Women's Organizations and other identified activists. National level university representation is also important. (The Election Commission has stated in principle that it generally agrees with this proposed electoral system. The People's Action for Free and Fair Elections (PAFFREL) and the Centre for Monitoring Election Violence met at the Elections Secretariat to discuss this proposal on 07 July 2021).

### **A. 02. Provincial Council Voting:**

A. 02. i. The most appropriate electoral system for holding provincial council elections in this country should be a mixed member proportional representation system. The most appropriate single division and proportional representation percentage should be 50% - 50%.

A. 02. ii. It is more appropriate to use the Provincial Council Elections (Amended) Act No. 17 of 2017 to conduct the relevant elections. In order to create a more active majority in the Provincial Council, four (04) bonus seats should be given to the political parties which have obtained the highest number of votes in the Provincial Councils with less than 100 members.

A. 02. iii. Candidate lists submitted by political parties for the electoral system should be more democratic and a collective effort should be made to make it a people centric

process. Therefore, district lists should be prepared in order of priority. Accordingly, even under the system of mixed member representation, the space for nominating a suitable candidate for a district to a political party subject to proportional representation should not be given entirely to a committee consisting of the leader/secretary of a political party or a limited number of others. However, in order to protect the vitality of a political party, it is more appropriate to give the above party authorities the power to nominate only 1/3 of that group of political party leadership.

A. 02. iv. Women should be given more space to contest instead of being nominated for elections. Under the existing provisions (Provincial Council Elections (Amended) Act, No. 17 of 2017) Act, action should be taken to increase the number of women candidates from one-sixth (1/6) to one-fifth (1/5).

A. 02. v. The pre-rated district list should be kept closed alternately for each female and male candidate (one female candidate at a time and one male candidate at a time). That list should start with a woman and make sure that such lists are not altered.

A. 02. Vi. Steps should be taken to include a mandatory provision to provide a 25% nomination opportunity for women if they somehow move away from the mixed member proportional representation system to the previous preferential system. In addition, 25% representation of women should be created in every provincial council.

### **A. 03 - Local Government Elections (Local Governance System)**

A. 03. i. The mixed member system currently in use can be termed the most favorable and appropriate election system for holding local government elections. However, since it only highlights the features of fully proportional representation, it is vital to examine and adapt to what framework is most appropriate for a natural mixed system.

A. 03. ii. Under the current local government election system, the number of members currently elected or nominated in the local government elections held on February 10, 2018, is higher than the assets and resources of the local government bodies. Foremost among the reasons for this was the informal nature of the delimitation system. At the same time, 40% of the members of the proportional system, as well as the indefinite number of Overhang Seats, are other factors contributing to this increase. Given these factors, if the present electoral system is to be re-used (the Centre for Monitoring Election Violence is the most appropriate method), local government boundaries should be redefined through a more systematic delimitation system. An innovative

delimitation process using accepted criteria on a scientific basis can reduce the number of members at least to nearly 1,500. However, in 2011 the number of members elected in the election according to the proportional representation system under four stages was 4566. It is unfounded that the number of members should be reduced to the same level and local government bodies should be utilized to provide opportunities for as much youth representation as possible at the local level.

A. 03. iii. When referring to a new delimitation system, the National Delimitation Commission, which is constitutionally constituted, should contribute. Committees appointed by the Provincial Councils and the Ministry of Local Government were later accused of being politically motivated, and the Centre for Monitoring Election Violence said some of the allegations were correct. This problem can be solved by directing the already divided divisions to a more accurate and acceptable scientific delimitation.

A. 03. iv. Even if the number of members is proposed to be kept to a minimum, only 25% can be reduced from the number currently remaining in local government bodies. This means that the country will be left with a system of local government bodies of just over 6,000 people. The Centre for Monitoring Election Violence believes that the government should effectively manage that number in the face of proper politicization tactics. It should be kept in mind that the emergence of more excellent political representation is the answer to many of the most pressing political issues in society.

A. 03. v. The minimum threshold percentage applicable to a local government body claim should be 2.5%. At the same time, the existing women's representation should be maintained, and steps should be taken to increase it to 40% gradually. As the women's political quota is not a permanent remedy, the quota can be discontinued when it is commensurate with the percentage of women's representation in the country. However, it is not simply a matter of sympathy for women but a political opportunity that must be sacrificed to benefit those who have been historically affected and oppressed in the face of negative attitudes in this country. Political parties, the Election Commission, women's organizations, the Ministry of Women's Affairs, election monitoring organizations and the media have an inalienable responsibility.

A. 03. vi. When contesting for the local government divisions, the percentage of nominations given in the electoral system that has been in action so far should be

increased from 10% to 20%, and the share of nominations already given under proportional representation should be kept as it is 50%.

A. 03. vii. Although the percentage of women's representation in a governing body should be 25% by law, it has been calculated from among the members elected and nominated before the general procedure. Therefore, even if the number of Overhang Seats increases the number of members of a local government body, that total number will not be considered in granting women's representation. Action must be taken to change this situation.

A. 03. viii. The entire electoral culture is at risk in the informal nature of the current system of proving residency when contesting for a particular local government body. Therefore, it is necessary to resort to a methodology that can overcome those shortcomings immediately. Obtaining a Grama Niladhari confirmation and checking the electoral registry is the immediate step taken in this regard.

A. 03. ix. Although the procedure to be followed is clearly stated regarding any public servant residing in the relevant local government area who contests the local government elections, there is no actual procedure for whether such a methodology is properly implemented. Therefore, the existing law should be amended so that such candidates can obtain an affidavit and use it as a base document in any legal proceedings related to the relevant candidature.

# **02.**

## **Conducting and Managing Elections:**

## 02. Conducting and Managing Elections:

Proposals are considering the Election Commission of Sri Lanka as the Election Management Body and its sovereign and independent existence and technical and legal procedures.

Since time immemorial, the system in Sri Lanka is that the Elections Department or the Election Commission is an institution solely accountable to Parliament. It was a matter of national and international attention and respect for the forthcoming elections in this country. This fact has made the people of this country more and more interested in elections. Also, the 17th Amendment to the Constitution, which was ratified on October 3, 2001, as well as the 19th Amendment to the Constitution, which was introduced on May 15, 2015, protected that vitality. The turning point was the replacement of Chapter IX (Executive - Public Service), which was a provision of the 1978 Constitution with a new chapter. That is the 17th Amendment to the Constitution. The chapter thus added was Chapter XII (a) and (Constitutional Council) and Chapter XIV (a) (Election Commission). The introduction of a new pair of Chapters introduced a new system of statehood to the country. However, due to various statutory and legal reasons, the Elections Commission could not be established for 14 years until 2015. Until then, the powers vested in the 17th Amendment to the Constitution were exercised by the Commissioner of Elections. During the last 14 years, i.e. from 2001 to 2015, the relevant powers were used because special provisions had been made in this regard. Nevertheless, the Centre for Monitoring Election Violence is of the view that the background created by the 20th Amendment to the Constitution is by no means conducive to the functioning of an independent election management body. Accordingly, although there is no opportunity to consider the matter before such a Committee, we further note that any motion made to the Parliamentary Select Committee should pay special attention to the background illustrated above.



❖ *Therefore, the Centre for Monitoring Election Violence proposes:*

- 02. i. The Elections Commission must be legally and institutionally empowered and facilitated to carry out its functions and functions as it deems fit, in a manner that reflects the official mandate of the Commission. The passage of a new Act in Parliament to introduce a legal mechanism that accurately grasps the scope of that Commission is a significant task that should not be overlooked. Reference to the Human Rights Commission of Sri Lanka Act No. 21 of 1996 is vital if needed as an example of the appropriate course of action.
- 02. ii. In case of any election related complaint, the procedure adopted so far in taking legal action is to be filed by the Sri Lanka Police in the relevant court of law. The Election Commission should also have the power to prosecute. Our observation is that this weakness has also led to an underestimation of the functions of the Election Commission. The power to decide on the course of action on a complaint must be vested in the Elections Commission.
- 02. iii. The establishment of an Electoral Complaints Mechanism, which is effective only from the election campaign period to the post-election period, beginning with the declaration of an election, is the general procedure adopted by the Department of Elections in Sri Lanka since its inception. It is a serious shortcoming that there is no follow up on any election complaints. Therefore, an active Electoral Dispute Resolution Unit should be established even during non-election periods to allow access to it at any time as well as other relevant parties, including election monitoring organizations and the media, to maintain close contact. The proposed new Elections Commission Act should provide the relevant legal basis.
- 02. iv. Any Sri Lankan over the age of 18 who is eligible to vote should cast their vote at the appropriate age. In addition, legislation should be enacted to make it mandatory for all eligible persons to register in the Annual Electoral Registry, and a grace period should be provided for such registration. Also, a familiar and expeditious mechanism should be set up to include them in the electoral reform process for annual voter registration as soon as they reach the age of 18. Therefore, the members of the Legislature should ensure that the Bill already tabled in Parliament by the Election Commission to ensure the suffrage of citizens is passed immediately. It is, though late, one of the very best attempts by the Election Management Body of Sri Lanka. Furthermore, the methodology proposed by Bill is not fully accessible online. Facilities should be promoted and

a proper program should be introduced to enable the annual voter registration list revision process to be carried out entirely through online technology in order to deal with any such pandemic properly, be it the rapidly spreading COVID-19 virus or any other virus associated with it. The Elections Commission should implement an island-wide program to manage any doubts or further clarifications that may arise among the public. Traditional and social media should be allowed to play their leading role in this regard.

- 02. v. Many people believe that voting should be done in this country using Electronic Voting Machine (EVM). It is gratifying that the Election Commission has embarked on such a technology that efficiently uses time and resources. However, there is another specific factor that cannot be ignored. That is to say, and there is a tendency for the election management institutions that have entered into electronic technology to move away from it gradually. Among the reasons for this are the damage caused by over-storage and the simultaneous cost of purchasing the appropriate equipment. Public confidence in the process must also be strengthened. Therefore, an expert committee with a sound understanding of the subject should be appointed under the supervision of the Election Commission to inquire into the effectiveness of that methodology. Political parties and election monitoring organizations should be allowed to represent it. Considering the delay in the 2018 Local Government Elections results and the technical partners who assisted in it, it is clear that using it without a formal national program for electronic voting poses a severe risk. Furthermore, the Centre for Monitoring Election Violence believes that it would be more appropriate to first implement it as a pilot project in Colombo or another relevant district where computer literacy is high and then gradually replace it in the outlying areas.
- 02. vi. Requests are also being made to allow Sri Lankan voters to reject everything in a situation where none of the political parties or candidates mentioned in the ballot papers are eligible to vote (None of the above-NOTA). Even such a system is being used in several countries worldwide, not in the face of a unanimously accepted methodology but various forms peculiar to those countries. Regarding this dialogue, the Centre for Monitoring Election Violence is of the view that in a country where an excellent electoral culture with decades of systematic democratic practices has been established, change must take place, not by re-experimenting with such approaches, but by reusing the best practices of a clean political culture. Therefore, it is essential to note that our organization is committed to building a new electoral culture instead of alternative approaches such as the NOTA.

- 02. vii. Notably, election observation organizations have long been active in achieving a clean political culture and free and fair elections. However, it has not yet been given the statutory or legal recognition it needs is a severe problem. It is important to give some statutory recognition to election observers who reveal the relevant data and figures as well as an accepted surveillance system to see if the aspirations of the people expressed at an election are as visible as the election results. Therefore, in order to establish a good electoral process in this country, it is imperative that election monitoring be made a legally acceptable mechanism and that its oversight is vested only in the Elections Commission.
- 02. viii. The criteria for registration of political parties should be more precise, and none of the party leaders should be a foreign national or a dual citizen at the time of pre-registration. The acceptance or non-acceptance of any political party is a power vested only in the Election Commission. However, legal provisions should be included, making it a function of the Election Commission to disseminate information on annual party registrations through the accepted media. It is sufficient to amend the provisions of the Parliamentary Elections Act No. 01 of 1981. Further, there should be no impediment to any party's ability who meets the relevant legal requirements and qualifies to register a political party and communicate its views to the citizens. However, the Election Commission should set up a mechanism to limit the number of people who resort to party registration for narrow purposes. There is also a need for a program to identify and take action against parties that have been silent for years without even competing at the national or local level elections, as well as political parties that provide false information in providing information to other parties, including annual accounts. (It should also be noted that this means that political parties do not have access to measures to restrict their activities). One of the steps that can be taken to regulate the large number of parties contesting without a specific objective is to introduce dual registration at the national and regional levels. The Elections Commission should consider in depth the criteria by which the chances of contesting the National Elections are met. The relevant criteria have already been introduced and the entire party registration should be made a transparent and accountable process beyond the gazette notification. There is room for the Indian model to be used to some extent. The Election Commission of India has managed the registration of political parties in two ways, Registered Political Parties and Recognized Political Parties. It is also essential that if a political party is confined to a limited geographical area,

it should have criteria for qualifying for a national election. Otherwise, the extra cost will inevitably turn into a waste of money.

- 02. ix. There is a strong tendency in the country to promote candidates for the Parliamentary and Presidential Elections and other political parties and candidates in their place. Strict election laws should be introduced to remove candidates (Proxy Candidates) who pick up such promoters or successors. It is a well-known fact that he withdrew from the candidature before 1977 and therefore lost his civil rights even to those who called for his vote to be given to the opposition candidate. That is because the court interpreted even such matters as indirect bribery of voters. Thus, the Election Commission should make some arrangements and legislate to identify such candidates and political parties.
- 02. x. Introducing an appropriate mechanism to negate the notion that political parties are being sold for money: Another central issue that has created a strong public dissatisfaction with the current political culture in the country is the allegation that political parties are being sold for money. Although such complaints have been received so far, we believe that neither the election monitoring organizations nor the Elections Commission has received the necessary evidence to substantiate such allegations. However, these kinds of allegations are by no means negligible. Therefore, the Election Commission should take steps to include provisions that make political parties accountable to the people's sovereignty. It is important to note that if political parties remove or transfer their officers, new legal provisions should be included that require them to report the relevant details in detail through other media platforms, including the print media. In addition, it should be made a condition of the relevant law that such parties publish newspaper advertisements at their national convention / general meeting informing them of the location (date and date of the general purpose of holding the general meeting).
- 02. xi. Members of the People's Agency change political parties from time to time: The Centre for Monitoring Election Violence observes a heated social debate on this issue. We also agree with the argument that in order to build a clean political culture in the country, such pernicious political activities must be controlled. Nevertheless, we are of the view that the crossover of political parties should be considered from a broader perspective. Suppose a system of proportional representation continues to function in this country. In that case, the patronage of the political party of which it is a member will not be sufficient to enter Parliament or any other representative body in such a system, and the

image it will form among the people will be crucial. (This counter-argument has also been raised in cases filed by the relevant party against MPs who have left their political party and gone to the ruling party for office). The position of the Centre for Monitoring Election Violence in this regard is that attempts to restrict party members within a single party in a party with a constitution that does not formally establish internal party democracy deprive them of the right to exercise their conscience on the one hand. We are of the view that if such a restriction is to be reached, it should be done only after further democratization of the political party constitutions in this country. Otherwise, if one argues that the strong powers of the party leaders further confirm the oppression of party members, the counter-arguments against it will be minimal. Furthermore, the political party machinery must be able to take action against those who act against the will of their party in order to accept such privileges and it is not justifiable to return it to the voters. It is also to be recalled that in many cases where the majority of the MPs who have crossed over parties have sought a mandate again, the voters of this country have taken steps to elect them to Parliament with a very high number of votes.

- 02. xii. The absence of holding elections timely is one of the main reasons people express their displeasure over the election process. Therefore, it is up to the Election Commission to decide on the Presidential, Parliamentary, Provincial Council, and Local Government Elections out of the five types of elections to be held in this country. In that case, appropriate action should be taken immediately to give the Election Commission the power to conduct elections through an Election Calendar. The last recent elections, the local government elections held on February 10, 2018, and the parliamentary elections held on August 5, 2020, were both held in such a controversial context. Therefore, the Election Commission should release an Election Calendar up to the exact dates on which the elections are to be held. It is also an important step for the Election Commission to consult with all political parties to resolve any practical issues that may arise in this regard. (This does not mean that the elections will be held on the same day, but rather after a certain period).
- 02. xiii. Powers of the Minister in charge of the subject to extend the term of office of Local Government Institutions by one year: Local Government Elections are held every four years. However, the general tradition in this country is that the Minister in charge of the subject extends the term of those institutions by one year. That action cannot be considered a good democratic approach. In making such a decision, the political party's will should always be taken into consideration and decisions on a crucial structure such as the electoral process

in the local government system should be taken by the Election Commission. Therefore, immediate action should be taken to enact laws to give the Election Commission the power to extend the relevant period.

- 02. xiv. If during the Parliamentary or Provincial Council Elections, the heads or members of the Local Government Institutions represent the Local Government Institutions and contest for it. For that, it is important to review the existing laws and understand their weaknesses. The experience gained in this regard during the last parliamentary elections in this country was not so optimistic. The fact that the Election Commission does not follow a definite and consistent policy is a phenomenon that should be taken seriously in drafting such a law.
- 02. xv. Annual returns of Political Parties should be linked to the Election Expenditure Regulation Act, which is expected to be established by the Election Commission in the future. It is also important to make such formal documents as public as possible in order to bring them to the public's attention.
- 02. xvi. Recognition of Electoral Officers as Peace Officers: Electoral Officers committed to controlling election violence and achieving a prosperous election should be identified as peace officers to create the necessary background for them to be more proactive in their positions. The immediate reason behind this is the more effective handling of election complaints. According to our organization's observations, the process by which election complaints often reach the stage where they are referred for action cannot be so credible. Giving specific powers to election officials and enforcing them is thus a timely endeavor. District / Level and Electoral Complaints Investigation Officers i.e. Assistant / Deputy Commissioners of Elections, can be considered here.
- 02. xvii. In the event of a parliamentary election and an independent group contesting the Provincial Council and Local Government elections, the candidate dies during the election campaign or withdraws from the race for any other reason. At present, there are insufficient legal provisions to determine who will replace the leader of the relevant independent group as the group leader. Further, even when elected as a Member of Parliament, the course of action to be taken in the event of a vacancy due to the above reasons is not very clear. Legal provisions should be introduced immediately to remove this ambiguity.
- 02. xviii. Nomination for National List Position/s: In any forthcoming election in this country, there should be a definite grace period for the representatives to

be nominated by the political parties in such an electoral system. When that grace period expires, the Election Commission should be given the opportunity to nominate representatives after considering the order of priority in the list so received. If any judicial action has been taken, the relevant parties should introduce new provisions to conclude such cases within a very short period.

- 02. xix. Election Delay: The Centre for Monitoring Election Violence believes that the extraordinary delay in the election proceedings before the courts is an underestimation of the sovereignty of the people of this country. One case that proves this is filed in court against two local government bodies, Hudubada Pattu and Pudukudirippu, two Pradeshiya Sabhas in the Mullaitivu District. It was delayed for nearly five years without any result, and as a result, the registration of political parties in the country had to be suspended. Another case in this regard is the misconduct of one of the candidates who contested for the Southern Provincial Council during the 2014 Southern Provincial Council election to an official of the Department of Elections in his main election campaign office. Today, the trial of a case related to such violence is a phenomenon that would be prejudicial to any party involved in such an incident. Therefore, the Election Commission should initiate discussions on a judicial system that can prioritize election related cases. The Ministry of Justice, the Judicial Service Commission, the Chief Justice and other relevant parties, political parties, observers' organizations and the Bar Association should be involved.
- 02. xx. Consideration of appropriate proposals to create a level playing field in the electoral arena and to create a responsive electoral culture: Proposals are presented to ensure the level playing field of all candidates inaccurate reporting and disclosure of election campaign expenditure which has improved in the country for some time but has disappeared with the advent of the new Constitution. Simultaneously, ideas and suggestions are raised to utilize the electoral process for candidate/people's representative accountability and related social development.

**03.**

**Consideration of  
appropriate proposals  
for creating a level  
playing field**



### **03. Consideration of suitable proposals for creating a Level Playing Field in the electoral arena and creating a responsive electoral culture:**

One of the decisive factors contributing to the misuse of the electoral culture in this country is the lack of broader and proper electoral regulatory mechanisms. In any country where democratic elections are held, such a protectionist system has been implemented to improve the accountability of the people's representatives and make them real people's representatives. Therefore, there is an urgent need to introduce a mechanism to regulate election campaign expenditure before any election is held in this country. It is more accurate to identify it as an urgent national need.

In this regard, the election law, which was in force before 1977, can also be considered for re-application with amendments. The New Delhi Declaration, signed on 15 December 2015 in New Delhi, India, including Sri Lanka, is an excellent international initiative that can be used in this regard. (<https://cmev.org/2016/12/21/cmev-debate-on-delhi-declaration-on-political-finance-regulation-in-sri-lanka/>)'

In addition, the People's Action for Free and Fair Elections (PAFFREL) and the Centre for Monitoring Election Violence (CMEV) have jointly prepared a preliminary document to regulate election spending for the first time in the country. Subsequently, the Election Commission has drafted a bill to this effect in a similar but more appropriate technical context. It has already been reviewed by the Department of Legal Draftsman and submitted to the Attorney General for approval. Accordingly, the efforts already made by the Election Commission, the Election Management Agency of Sri Lanka, need to be successfully completed. With the necessary cabinet approval, much of the responsibility now rests with the members of the legislature.

It is not a phenomenon that agrees with any democratic principle that political parties and candidates who spend much money on an election gain an indirect advantage by winning. It deviates from the desire to create a Level Playing Field (Samabimak), the golden rule that must exist in an election. However, so far, people have been talking about such costly political parties and candidates only as a rumor or a series of unconfirmed events. In such a context, we would like to draw attention to the kind attention of the Committee to the fact that the Centre for Monitoring Election Violence has been able to confirm with data and figures the inconsistencies in the election campaign. This is the first time in the country that a formal and island wide monitoring process has been carried out.

Accordingly, the Centre for Monitoring Election Violence has established a comprehensive mechanism in the last two national elections to monitor election expenses incurred on social media, including paid television, radio and newspaper advertisements as well as election campaign expenses in the field. The Centre for

Monitoring Election Violence has released all the estimated election campaign costs and their consequences on electoral integrity based on its observations in the form of final reports in relation to the 2019 Presidential Election and the 2020 Parliamentary Election. Relevant reports can be accessed from the following links.

<https://cmev.org/2020/09/29/cmev-election-observation-report-parliamentary-election-2020/>

(Final Observation Report on the 2020 Parliamentary Elections, Published by the Centre for Monitoring Election Violence (CMEV).







<https://cmev.org/2020/06/17/cmev-election-observation-report-presidential-election-2019/>

(Final Observation Report on the 2019 Presidential Election, Published by the Centre for Monitoring Election Violence (CMEV).

Thus, it is not an easy to accurately measure the costs incurred during an election period. More human and physical resources, as well as access to new technological approaches, are essential. In such a limited context, an observer organization like ours can only detect 20% and 30% of the total election expenditure. Even in such a limited context, here are two summary tables of cost and related information that can provide some idea of the election expenses of political parties and candidates. It is easy to see an incredible difference between the views of many registered political parties on their financial strength in their annual financial statements to the Election Commission and these revelations.

The Centre for Monitoring Election Violence also observes that if a new law and culture related to the election campaign is not established in the country, the young and women who are qualified to enter politics and have the required qualifications but have the least wealth and power will disappear from the political arena.

## Estimated election campaign cost incurred by political parties in the Presidential Election held in 2019







<b>Election Campaign Costs Monitoring</b>					
Centre for Monitoring Election Violence (CMEV)					
Total Estimated Cost (Million LKR)					
From 13th October to 13th November 2019					
<b>Party</b>		<b>Printed Media</b>	<b>Electronic Media</b> (25% Discounted Cost)	<b>Other costs</b> (Meetings etc.)	<b>Total Estimated Cost</b> (Million LKR)
	Sri Lanka Podu Jana Peramuna (SLPP)	107	1126	593	<b>1,826</b>
	New Democratic Front (DNF)	216	793	728	<b>1,737</b>
	National People's Power (NPP)	14	39	116	<b>169</b>
	Jana Setha Peramuna (JSP)	0	7	0	<b>7</b>
	National People's Movement (NPM)	3	0	0	<b>3</b>
	Socialist Party of Sri Lanka - (SLSP)	1.5	2.5	0	<b>4</b>
<b>Total</b>		<b>341.5</b>	<b>1967.5</b>	<b>1437</b>	<b>-</b>
<b>Estimated Cost of other 29 Presidential Candidates</b>					<b>50</b>
<b>Total Estimated Election Campaign Cost (Million-LKR)</b>					<b>3,796</b>

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தேர்தல் வன்முறைகளைக் கண்காணிப்பதற்கான நிலையம்

Final Observation Report on the Estimated Cost of the Presidential Election 2019,  
Published by the Centre for Monitoring Election Violence.

<https://cmev.org/2020/01/15/final-report-on-estimated-election-cost-monitoring-presidential-election-2019/>

## Estimated election campaign cost incurred by political parties in the Parliamentary Election held in 2020

<b>Estimated Election Campaign Costs</b>						
Total Estimated Costs Update 2 02 July – 02 August 2020						
Parties		Cost Categories				Estimated Total Cost (million LKR)
		Printed Media	Electronic Media	Social Media (Facebook)	Other Costs	
	Sri Lanka Podujana Peramuna (SLPP)	90	1,229	26	512	<b>1,857</b>
	Samagi Jana Balawegaya (SJB)	31	637	18	203	<b>889</b>
	United National Party (UNP)	34	311	6	85	<b>436</b>
	National People's Power (NPP)	6	119	2	60	<b>187</b>
	Ape Jana Bala Pakshaya (OPPP)	3	71	3	10	<b>87</b>
	Ilankei Tamil Arasu Kadchi (ITAK)	2	2	1	73	<b>78</b>
	All Other Parties	4	26	4	33	<b>67</b>
<b>Estimated Total Campaign Cost (million LKR)</b>						<b>3,601</b>



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Final Observation Report on the Estimated Cost of the Parliamentary Election 2020, Published by the Centre for Monitoring Election Violence.

<https://cmev.org/2020/09/30/final-report-on-estimated-election-cost-monitoring-parliamentary-election-2020/>

❖ *Therefore, the Centre for Monitoring Election Violence proposes:*

- 03. i. The Election Campaign Expenditure Regulation Bill, which has already been drafted by the Election Commission and referred to the Attorney General for observation, should be passed in Parliament immediately. Its provisions should be used for elections, and the relevant election laws should be amended accordingly. As such, the mechanism proposed by the relevant Bill in connection with the regulation of election campaign expenditure should be subject to the full supervision of the Election Commission, and the full participation of election parties should be ensured. The related mechanism should be maintained within the Election Commission as a national function through a unique function.

Also visit the link below for an introduction to election spending regulation, published by the Centre for Monitoring Election Violence

[https://cmev.org/wp-content/uploads/2017/07/cf\\_english-version.pdf](https://cmev.org/wp-content/uploads/2017/07/cf_english-version.pdf)

Below are some aspects to be concerned when taking action to formulate campaign expenditure regulations.

- 03. i. 01. A maximum expenditure limit should be imposed on all political parties and groups participating in the election campaign period, officially two weeks after the end of the election campaign period following the official announcement of the election at every level of election/polling in the country. In contrast, the maximum amount of sponsorship / monetary contribution that can be received from each party should be limited. It should be the legal role of the Election Commission to publish clear guidelines on those costs as well as the possible contributions to each of the sponsors. When imposing restrictions on a party, special attention should be paid to the various types of publicity, including the travel of party leaders (including air travel) and other staffing and paperwork expenses.
- 03. i. 02. It should be prohibited to receive cash or other assistance from any government agency or any government-owned company as well as foreigners in obtaining sponsorship contributions to the election campaign. In addition, the Election Commission should review guidelines on withdrawals and other assistance from a foreign source and provide guidelines on the amount of such funding or other assistance available.
- 03. i. 03. A candidate contesting any election, should manage his entire campaign under a bank account opened for the same purpose during the election campaign.

- 03. i. 04. Political party secretaries/independent party leaders are obliged to provide relevant information on any such expenditure/contribution. It should be the legal responsibility of the relevant party officials/leaders to properly update and keep records of expenditure accounts of bank accounts and total expenditure.
  - 03. i. 05. Candidates contesting any election in Sri Lanka should accurately report/update statistics on their expenditure, receipts as contributions, and major candidates, as well as political parties, independent groups and should submit those reports to the Election Commission within 08 weeks of each election. Following the use of such reports, the Election Commission should take appropriate legal action when there is sufficient evidence that the candidates have violated the relevant election limits/laws of the political parties. The draft prepared by the Election Commission already states the steps that can be taken.
  - In this regard, the CMEV and PAFFREL, which are engaged in organizing the citizen community for the first time in the country, recognize the draft as a key document that should be enforced more positively and effectively in regulating election expenses. At the time of drafting it, both our organizations were also present to discuss the relevant issues.
- 03. ii. Assets and liabilities should be changed entirely, and provisions should be made as much as possible to make information more accessible to the public. Specifically, any candidate running for office should take steps to include a legal requirement that he declare his assets and liabilities at the time of his nomination. A new legal provision can be introduced here that when the Election Commission receives nominations, the relevant political parties or independent candidates must make public the declarations of assets and liabilities to be handed over along with the nomination papers through any medium.
- 03. iii. Every candidate contesting the election should submit to the Election Commission a brief report on his or her nomination along with the existing court cases or other related matters (Commission of Inquiry into Bribery or Corruption). When it is an independent group, its group leader and, if it is a political party, its secretary should make it a legal obligation to submit this report. If there is an example in this regard, the judgment of the Supreme Court of India dated February 13, 2020, can be further considered. Follow the link below to decide the case.

[https://main.sci.gov.in/supremecourt/2018/44369/44369\\_2018\\_4\\_1501\\_20493\\_Judgment\\_13-Feb-2020.pdf](https://main.sci.gov.in/supremecourt/2018/44369/44369_2018_4_1501_20493_Judgment_13-Feb-2020.pdf)

- 03. iv. Legalization of Electoral Policy Statements: One of the major obstacles to electing a more favorable public response to elections is the non-fulfillment of election manifestos issued by political parties at every national election in the country and the lack of accountability by the relevant parties to implement them. Therefore, the Centre for Monitoring Election Violence suggests that any policy statement made by a political party should first be submitted to the Election Commission. A certain period has to be given after submitting the nominations. After that, with the official recognition of such statements, the relevant matters should be made public by the Commission and by political parties and independent groups using their media platforms and websites. At the same time, an amendment to the Parliamentary Elections Act No. 01 should introduce legal provisions that would make those policies publicly challenging in the courts.

- 03. v. The Election Commission should take necessary steps to completely control the unwarranted political propaganda and interference of staff/executives deprived of political rights. This is one of the factors that has made the recent elections in this country a complex operation to conduct. When the public service in this country is in a crisis of political influence, it is a tragic and urgent need for individual staff officers to violate the electoral law and the Establishments Code that they have introduced for the perpetuation of their public service. The problem is exacerbated by the fact that the Elections Commission has taken several positive steps to control the misuse of state resources by public officials, but there is a lack of awareness in the society about the steps that have been taken. Furthermore, while the involvement of trade union/executive officers in government activities during the election campaign cannot be questioned, the Election Commission should be more transparent in regulating and taking necessary action against officials who use that privilege.

- 03. vi. Regulation of Media Behavior and Social Media during the Election Campaign: Election observation institutions in Sri Lanka have conducted research papers, studies, seminars and workshops on the impact of election-related media since its inception. In addition, comments are made on the legal background and regulatory mechanisms that need to be put in place. At the same time, however, the slow or negative response of political parties has resulted in the media acting in a manner that could have a decisive impact on the election results and a serious breach of the 'Level Playing Field' that must necessarily exist in an election. However, the Centre for Monitoring Election Violence is of the view that media behavior and its impact is not just a phenomenon that affects the subject of elections but also represents a cross-

section of society as a whole. Therefore, we are never saying that the media should be censored on the basis of elections. We also emphasize that the media consumer should be aware of the media usage of his choice and act accordingly. Therefore, we strongly emphasize that the use of the media for their election campaigns is part of the strategic plan of each political party. In that context, we have focused only on the mechanism that must exist in general election management.

Accordingly, it is crucial to take steps to apply the legal provisions of Act No. 01 of 1981 to the Private Media and to enable the Election Commission to act on the subject of state media in this country. The 17 and 18 Amendments to the Constitution on dealing with the media should be replaced immediately. Procedures for the re-imposition of media criteria that the Elections Commission has been able to impose so far, and on how the 20th Amendment to the Constitution imposes provisions on the use of the media during the election period, subject to the discretion of the heads of electronic media institutions, and the procedure to be followed in the event of a breach should be placed. Further action should be taken to stop the informal practice of giving different prices to each candidate or political party (Rate Cards) when giving promotional advertisements to candidates or political parties. A joint program with the public and private media should be introduced so that all candidates can access their promotion at an affordable cost.

- 03. vii. Social Media and Media Criteria: A strong social focus is now being created on social media, which can potentially transcend or more prominently intervene in the field of elections. When looking at the performance of the last three elections in the country, it is clear that it would not be wise to manage elections without paying proper attention to social media. Accordingly, the Centre for Monitoring Election Violence has proposed updating the existing election law considering social media as a kind of election campaign platform as per the provisions of Act No. 01 of 1981. For example, an election campaign on Facebook can be considered concurrent with a meeting held in a public place, and the Election Commission should be able to act if there is any prejudice.

In addition, it is essential to set up a formal grievance mechanism by holding ongoing discussions with the companies that own the social media platforms. Countries such as India and Indonesia have made solid efforts to ensure that the new media behavior during the election campaign period does not affect the election results. It is important to use good practices in such countries as well. Most important when considering a social networking platform such as Facebook is the company's Community Standards and the extent to which they are practical in implementing the country's electoral law. In addition, it is important to empower the Election Commission to respond on time. Human and physical facilities are a serious challenge.



A recent study by the Centre for Monitoring Election Violence on social media and its impact on elections has revealed that it would not be difficult to hold a credible election if the relevant international companies were held accountable for maintaining proper communication about the country's enforced domestic laws.

Accordingly, Elections Dispute Resolution Unit should establish a separate program with appropriate human resources and equipment to monitor social media activities closely. It tracks the news or articles exchanged on the relevant social networks and closely monitors the paid or unpublished advertisements. It is important to investigate such advertisements or news, especially during quiet periods. The law of the land can also be applied under certain amendments to matters such as hate speech and information gathering, which are already a subject of controversy even during the non-election period and the assistance of the Sri Lanka Police and election monitoring organizations should be sought when the Election Commission deals with such matters. It is imperative that action be taken to ensure that there is no bias or prejudice in the introduction or amendment, or enforcement of relevant laws. Therefore, in obtaining the intervention of the Sri Lanka Police in the above matters, a proper follow up should be carried out by the Election Commission.

**04.**  
**Active involvement of  
electoral  
stakeholders in the  
electoral process and  
ensuring inclusive  
elections:**

#### **04. Active involvement of election stakeholder in the electoral process and ensure an inclusive election:**

In this regard, the Centre for Monitoring Election Violence focuses on the steps that can be taken to establish an electoral system where no one is excluded. The most vulnerable are the youth and women, as well as other statistically underrepresented communities. It is the responsibility and duty of any government to change the decision of an election, transfer power to the party concerned, and provide every eligible voter with the right to vote and exercise their voting right. Furthermore, women political activists are the foremost segment in the country that has historically been subjected to severe injustice and exclusion, while the mainly other underprivileged community in this regard is the people with disabilities. The Parliament of Sri Lanka must work diligently to take all necessary steps to bring the inherent talents of that community into the national political arena. The contribution of all parties is an essential element in taking such action. The Centre for Monitoring Election Violence produced its election monitoring documents in Braille in 2015 and worked closely with many of the measures taken by the Election Commission at the time to achieve an inclusive election.

❖ *Therefore, the Centre for Monitoring Election Violence proposes:*

- 04. i. The number of registered voters in the country should be identified through a very accurate census process, and the number of voters representing the relevant constituencies should be identified numerically. All potential for Advance Voting in Sri Lanka should be reviewed so that all parties can cast their ballots, including those so identified. It should also suggest that an appropriate system should be designed for those who find it difficult to go to their polls on Election Day, enabling such segments to use their suffrage.

- 04. ii. Immediate steps should be taken to establish free trade zones (FTZs), prisons, government institutions, hospitals, and specially set up special temporary polling stations in areas where such voters are more concentrated. In situations where it cannot set up special temporary polling stations, immediate action should be taken to promote voting facilities to other groups who cannot reach polling centers due to reasonable reasons. It is important to review what the most appropriate approach should be to mitigate such issues. As there are people in this country who even consider postal voting as a privilege, voting facilities should be promoted as much as possible through alternative methods. One of the most convenient technical options available in this regard is to make room for the use of postal voting as much as possible. However, such a decision should be taken after a comprehensive study. It is also important to have discussions with the Ministry of Health, Ministry of Mass Media, Petroleum Corporation, Ports and Airports, Road Development Authority, Board of Investment, Department of Labor, Department of Prisons, Ministry of Fisheries, Ministry of Trade and Ministry of Defense in this regard. This is because even though they are not attached to election duties on Election Day, they are unable to exercise their sovereignty due to the inability of a large number of people to access essential services in other public and private sectors. Among those in distress are hospital staff, including doctors, nurses, journalists, petroleum refineries, refineries, porters, port and airport staff, and customs officials, employees engaged in highway related jobs, the majority of young people working in 13 established Free Trade Zones in Sri Lanka, remand prisoners, fishermen who go to sea on or before election day but find it challenging to land on election day, come from far and wide to work in supermarkets in Colombo and Young people who are temporarily staying and working in other suburbs are those who work in the private security services but do not have the opportunity to go home. (The situation in the Katunayake-Biyagama Investment Zone, where most youth are employed out of the Free Trade Zones aforementioned, should be considered due to a large number of that segment and the number of social

problems they face due to not registering to vote in the area. Although many of them live in the area, it is difficult to access government services as they are not official voters in the area. Going to the polls in their respective original residencies is also expensive and time-consuming.)

Methodology for granting voting leave to private sector employees and accountability of employers The Department of Labor has calculated the relevant distances for voters who are eligible to cast their ballots on Election Day but are registered at remote polling stations, specify the relevant periods, and grant leave to those employees as required. It is customary to issue an official announcement on Election Day. However, our observation is that the number of employers who comply is meager. Complaints that these regulations are not being enforced in workplaces such as garment factories are also numerous. Therefore, the Department of Labor should review the process and formulate a program to direct private sector employers to comply with the relevant regulations and take action against those who do not fulfill such responsibilities, with the assistance of the Election Commission.

- 04. iii. Out of Country Voting: A major drawback is the lack of accurate and accurate information on the number of migrant workers employed outside Sri Lanka or the number of expatriates working in other fields. Accordingly, an accurate database of Sri Lankans living abroad, especially foreign workers, should be updated under the Elections Commission. (There, a new program unit could be set up under the Election Commission. Its primary function should be to coordinate with other central government agencies). For the first time, the Philippines has created a systematic mechanism for facilitating communities' voting in other countries.

- 04. iv. The Centre for Monitoring Election Violence believes that promoting of voting facilities for Sri Lankans living abroad is one of the most progressive aspects of electoral practices. However, an appropriate mechanism must be put in place with a strong review perspective. The serious issue that arises is even though polling stations can be set up after the participation of even local election officials in a foreign country, whether the relevant people will get the required propaganda knowledge. One of the great virtues of an election is that all competing political parties have the opportunity to campaign on a Level Playing Field. However, even in this country, it is important to pay adequate attention to such issues in a context where it has become a challenge to create a level playing field in elections. Therefore, the Centre for Monitoring Election Violence firmly proposes to appoint a qualified technical committee to conduct a systematic study of this overall background before the end of the Committee's activities. Representation of such a committee should ensure the participation of political parties, election monitoring organizations and key stakeholders under the

supervision of the Election Commission. This Centre for Monitoring Election Violence has posted a preliminary introduction on its website. <https://cmev.org/2017/02/28/a-guide-on-facilitation-of-voting-rights-for-out-of-country-voters/>

- 04. v. It should be accepted as the accepted position and policy of the Government to increase the representation of women in all levels of governance in the country from a minimum of 25% representation to 40%. In this regard, the Government should take necessary affirmative steps to generate a positive attitude towards the representation of women.

- 04. vi. At the time of registration of political parties, the relevant parties should officially be informed to set aside 10% of their party funds for the development of the knowledge of women political activists and such commitment should be legally enforced by the Election Commission.

One of the most progressive proposals for electoral law reform in the country was promoting youth political representation in local government bodies. The report that led to that move was the Presidential Commission on Youth, chaired by Prof. Lakshman Jayatileke, which proposed proposals to increase youth representation by 40% during the nomination phase. The resolution proposed in 1990, has been in force as a legal right since 1994 but was repealed in 2017. That is, by not mandating the need for youth representation in line with women's representation. Many political leaders and representatives who are in politics in this country today are the ones who came to the polls with the help of this noble nomination quota for the youth. Accordingly, we would like to emphasize that the youth representation quota should be reintroduced at the local government and provincial council levels. We would also like to remind that in proposing such a quota, proposals have been made for a parallel quota for women. Therefore, in considering such youth representation, we would like to request the Committee make the necessary recommendations for enacting the rules that half of the young candidates should always be young women.

- 04. vii. Nomination of Representatives for Multi-Member Divisions: Under the existing Local Government Elections Act, both members can be nominated by the winning political party or independent group in a multi-member division. However, in such a case, the main objective in creating such a multi-member division is inevitably lost. The desire to give some political representation to ethnically and politically under-represented ethnic and political groups may be violated in such a case. Therefore, care should be taken to nominate representatives for multicultural divisions on a system

designed to absorb the relevant ethnic groups or other less privileged sections of society.

- 04. viii. Protecting the rights of candidates administering election campaigns in a proportional representation system: The current nature of illegal election campaigning, including the pasting of posters, must continue to be prohibited if the current electoral system is not drastically changed or the proportional representation system is still used to some extent. It is also important to take all possible steps to ensure an eco-friendly election campaign. At the same time, it should not be ruled out that the candidates contesting an election have the same election promotion. Therefore, in every election held in this country, and in every such election, any candidate who stands for it must recognize the equal right of all to promote his or her election promotion and the Elections Commission must act to provide the relevant facilities. It is important to introduce a formal program to take appropriate action. In such a task, it would be useful to construct one or more public billboards for each Grama Niladhari Division and provide guidelines for creating relevant promotional tools (posters, etc.) within one of the generally accepted criteria.

- 04. ix. Promoting women's political participation is not the responsibility of one group or individual but a collective obligation with greater significance at the national level. However, in some of the provisions contained in the newly introduced Local Government Elections Act, the political party (runner-up), which has the second highest number of votes in a local government body, has a greater responsibility to nominate women representatives. Whether they became runners-up of any political party or not, they had to exclude members traditionally committed to their political party and give more weight to women political representatives. One of the possible consequences of this is the legal freedom of all political parties in the country to refrain from making the contribution they should have made to promoting women's political activism. Therefore, the Centre for Monitoring Election Violence is proposing that the relevant political party or independent group should not be exempted from the responsibility of nominating representatives in relation to the women's political quota, even when there are two or fewer members in a local government body.

- 04. x. The number of complaints received by election monitoring organizations regarding harassment of women candidates during the election campaign is of concern. This was confirmed in the local government elections held on February 10, 2018. Accordingly, a concerted effort should be made to eradicate violence against women candidates during an election campaign season. To this end, the Electoral Dispute Resolution Unit under the Election Commission should be further

strengthened. Other relevant agencies, including the Children and Women Bureau, the Sri Lanka Police and election monitoring organizations, should join the relevant mechanism.

- 04. xi. The Elections Commission and the Sri Lanka Police should take steps to deploy adequate female police officers to election dispute resolution units at district level offices of the Election Commission and the Sri Lanka Police, and the Election Commission should provide adequate training to such staff on their duties and sensitivities of handling such matters.

- 04. xii. Legal and other barriers that prevent people with disabilities from actively participating in elections in this country must be prevented. Legislative provisions that address the said issues should be enforced, ensuring they can exercise their right to vote like other citizens. To this end, the existing legal provisions should also be reviewed, and a new bill should be passed in Parliament immediately. It should also include the right of persons with disabilities to register to vote. As well as that process, they should be empowered to take appropriate action as the Election Commission has to properly assess and address the oppressive phenomena that they constantly face while contesting elections and accessing information. This requires a program created in collaboration with the Department of Social Services as well as the community of persons with disabilities.

- 04. xiii. In order to achieve the objective of giving proper representation to persons with disabilities, a larger membership in a community with the lowest numerical representation in almost every sector of the country in the electoral process, should be studied whenever possible for governance activities. Extensive social intervention is required in the future as the percentage of 3% that has already been approved for recruitment of persons with disabilities, especially for public service, is not being properly implemented in any public institution. The Election Commission should also make every effort to recruit persons with disabilities as per the relevant quota.

One of the problems that arise with every election is the number of people who lose their National Identity Cards on Election Day. It is a significant number, more than two hundred thousand in number. Therefore, it is proposed to resolve this issue immediately through an expeditious program prepared in collaboration with the Department of Registration of Persons. Our experience is that there has been a set of issues going on for some time. The relevant authorities should first make it their



strategy to identify those groups and facilitate access to them. The Centre for Monitoring Election Violence (CMEV), and the People's Movement for Free and Fair Elections (PAFFREL), have made active contributions from time to time to enhance further the existing work of issuing National Identity Cards to such absent voters.

- 04. xiv. Providing voting facilities to the Bhikkus: About 8,000 Bhikkus living in the country and 346 Meheni monasteries (Female Monks) have been established in connection with it. Only about 2,000 of these people are ordained, while the other 6,000 live as novice monks. Although these people are commonly referred to as monks, it is questionable whether they have received official recognition from government agencies, including other religious denominations. A good example of this is that the minimum percentage of National Identity Card holders and only 300 possess NICs. The magnitude of the problems caused by this problem is enormous. On one side, the National Identity Card is required to sit for the Advanced Level or examinations beyond that level, and it is one of the identity cards approved by the Election Commission for voting.

Despite the possibility of registering as a voter in this crisis, it is natural to face some difficulties in voting. Accordingly, it is clear that this issue cannot be resolved by the Election Commission alone and that it is a task with national level significance that should be carried out with the participation of the Department of Buddhist Affairs, the Department of Registration of Persons and, if desired, the Hon. Mahanayake Thero. During the last two national elections in Sri Lanka (Presidential Election 2019 and Parliamentary Election 2020), the Human Rights Commission also intervened to resolve this issue. However, there is some controversy surrounding the Bhikkuni Sasana in Sri Lanka, which was started around 1997 by the Dambulla faction of the Asgiriya Maha Viharaya and thus, all concerned stakeholders should collectively discuss and resolved this matter. The debate on conciliation can last a long time. Therefore, the Centre for Monitoring Election Violence believes that the provision of voting facilities to these large number of monks should be made urgently.

- 04. xv. District election offices in collaboration with other relevant agencies should act in collaboration to facilitate the elders and other persons eligible to a cast ballot and staying in camps and other centers for detainees as well as youth residences established in Sri Lanka as well as functional housing and camps under the Department of Probation and Child Care Services. The provisions should be made available to enable the relevant heads of institutions to take the relevant persons to the polling booths on the day of the election through some means. (It is also possible to plan how the appropriate allocations will be made based on the data collected through a related preliminary survey.)

**05.**

**Considering proposals  
for an appropriate  
mechanism to create an  
informed electoral a  
community that affirms  
electoral aspirations  
and universal suffrage:**

## **05. Consider proposals for an appropriate mechanism to create an informed electoral community that affirms voter aspirations and universal suffrage:**

The success of any electoral process in the world depends on how people are aware of it and how close they are to it. Accordingly, it is a matter of grave concern that the current pattern of civil rights in this country is not so healthy.

### *❖ Therefore, the Centre for Monitoring Election Violence proposes:*

- 05. i. The Ministry of Education and the Election Commission should work together to re-examine the process associated with curriculum development in Sri Lanka and to present to school children an educational program that can more effectively inculcate civic responsibility in the minds of children. When necessary, the assistance of stakeholders, including the Bar Association of Sri Lanka should be received. The Elections Commission should make a determined effort to produce content and curriculum content relevant to electoral education that can be used as a basis for formal teaching in Sri Lanka's established universities, teacher training colleges, colleges of education and other formal educational institutions. The National Institute of Education, which is responsible for curriculum development in the country, has the opportunity to intervene more broadly in this regard.

People's Representatives are inclined to a Legal Framework on the Structure and Role of Representatives:

- 5.ii. Although one may feel that he/she is not directly involved in the establishment and mandate of the committee, another point we would like to emphasize is that you are elected to public representative bodies and that the role of such nominated representatives should be more formally framed. It is an indisputable fact that the institutions at different tiers of governance, including Parliament, are currently in a state of disarray. One of the most substantial reasons for this is that the people's representatives have either neglected their role or acted beyond their legal authority and procedural parameters within which they should operate. It is fair to say that this is due to out-of-date laws as well as existing misconceptions about the legal and institutional framework. Nevertheless, this does not mean that we should in any way restrict or discourage the activities of the people's representatives. Approaching the relevant representatives to a specific vision of their role from the subordinates and making the people more aware of that role. Accordingly, it is more appropriate to include detailed information on the above matters in the laws related to Elections, regardless of the institutional practices and the place of the

law regarding the relevant representation role. Therefore, immediate action should be taken to amend the relevant Acts by specifying the primary role of the relevant representative body and the specifications of the functions or responsibilities of the agents as well as the nature of accountability in each model of representation such as Local Government Institutions, Provincial Councils, Parliament, and the Presidency.

# Summary

## Summary

At the heart of the proposal of the Centre for Monitoring Election Violence to the newly appointed Parliamentary Selection Committee – mandated to identify appropriate reforms of the election laws and the electoral system and to recommend necessary amendments – is the establishment of a core electoral culture in the country with an updated legal system that is in line with current country's current trends. It focuses on the norms and values that must exist in a post-universal society and on the structural changes that must occur spontaneously in a post-war country.

There, we have proposed the Mixed Member System of proportional representation, the most favorable and electoral system that can accurately address the political aspirations of the most favorable and ethnically and politically underprivileged sections of all races. At the same time, it is proposed to re-establish youth political representation at the local government level and at the provincial council level as much as possible. One of the highlights of this resolution is the call for every political party to commit at the national level to promote women's political activism as its collective political aspiration. It will be a tribute to the women political activists who have historically been asymmetrically represented in politics and have been marginalized. There is also a similar space for collective and institutional action to achieve an inclusive election that no one misses.

In addition, if a paradigm shift is to be made in the politics of this country, a regulatory system should be put in place that should not be left out. It is about unlimited and unregulated election campaign expenses. The aim is to keep the aggrieved parties within the electoral process in the face of a heterogeneous electoral process taking place in a context where no level playing field can be witnessed.

We also seek to assist in implementing a formal dialogue and program in the country on the elements that underlie the creation of a good electoral culture in our overall proposal. For example, the debate on the appointment of National List Members of Parliament has intensified in this country only in 1988 when the debate on the 14th Amendment to the Constitution began. However, the following statement proves that it is still a matter of debate. This matter was raised 33 years ago by the Hon. Minister Dinesh Gunawardena is also the Chairman of the present Committee.

*(Please note that below is a translation done by the Centre for Monitoring Election Violence of the quote extracted from the Hansard as the said speech was in the Sinhala language.)*

“... Hon. Deputy Speaker, we are aware of the views expressed by the Supreme Court on the 14th Amendment to the Constitution. In particular, the Supreme Court has pledged to make a clear ruling on this national document. According to the Solicitor General's pledge, this list should be published in a gazette notification at the time of receipt of nomination papers, not as a secret document only with the party secretary. The Prime Minister said that this was made for small parties. The argument is that if the parties that are losing less than 1/8 in

Colombo and less than 1/8 in the Central Province are added and hundreds of thousands of votes are received, then at least one or two would enter. However, the big parties have the advantage. Because, despite the argument that these twenty-nine are going to be twenty-nine intellectuals, this is not what is happening. There is no doubt that the big parties are turning this into a racket by naming the 29 biggest millionaires in Sri Lanka. The 29 seats national ratio is a ploy to pave the way for the racketeering millionaires to come to parliament when the racketeering millionaires are unable to get elected to parliament. This could be the beginning of a an unfortunate situation for the Ceylon Parliament ... ”

"... We can see how millionaires are shaping the socio-economy of our country without coming to this Parliament. What happens after casino clubs, race bookies and other racketeers come and sit in Parliament is even more dangerous. This is the opportunity that comes from these 29 seats. The big political parties are using this, of course. This is clear to us from the history of Parliament. How was it sent to the Senate at that time? ... Most of those who went to the Senate were sent based on the financial assistance given by those to the party ... ”

***Hansard Report / 04 May 1988.***

Apart from the development of a country, one of the decisive factors in the overall existence is the accountable response of its governance and political system to its citizens. One aspect of this is that the conduct of free and fair elections. It is not enough for an election to be free and fair. The citizens of the country should perceive that it is free and fair. They should feel it to be so. One such basis for creating such a rich electoral culture is reformist exercises. Accordingly, this Parliamentary Select Committee has a crucial role to play in relation to election law reforms. As one of the most active election observation organizations in the country, we congratulate the committee and it future endeavors.