



ELECTORAL INTEGRITY

**A review of Incidence of Misuse
of Public Property during 2024
Presidential Election**

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Transparency International Sri Lanka (TISL) is an independent, non-governmental, non-profit and nonpartisan organisation with a vision of Sri Lanka in which government, politics, business, civil society and the everyday lives of citizens are free from corruption. As the fully accredited national chapter in Sri Lanka of the Berlin-based Transparency International (TI), TISL partners and works with TI and its chapters world-wide.

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The PPPR team acknowledges the efforts of the Election Commission of Sri Lanka in administering and managing the Presidential Election and for inviting both local and international observation groups to engage in the process to ensure electoral integrity. The District Election Commissioners in particular, extended considerable support to the PPPR team to ascertain whether a violation has taken place and to pursue action where required.

The PPPR team would also like to appreciate the commitment and valued contribution of the District and Electorate Observers that worked long hours in challenging conditions to report incidents of public resource misuse. We thank all the media organizations for the publicity given to the PPPR's work and for assisting in communicating information to the public.

We would also like to extend our gratitude to the PAFREL, CMEV, IRES, CaFFE and Hashtag Generation for partnering with TISL to work on the collective tool called 'Chanda Salli Meetare' which is developed to measure the campaign finance during the election.

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A special note of gratitude is also extended to the TISL and PPPR teams that worked grueling hours during the election period and for their commitment towards integrity and democracy. It is their hard work that exposed numerous cases of election law violations and increased understanding of the implication of the misuse of public resources. Finally, we are grateful to the citizens and media who played a pivotal role in reporting instances of misuse of public resources, thereby contributing to a more transparent and accountable electoral process.

This report is a collective effort and we as, Transparency International Sri Lanka hope it will serve as a valuable resource in safeguarding the integrity of future elections in Sri Lanka.

Nadishani Perera
Executive Director

INTRODUCTION

Purpose and scope of the report

The report presents a comprehensive analysis of Transparency International Sri Lanka's (TISL) election observation activities, specifically focusing on the misuse/abuse of state resources during the 2024 Presidential Election. TISL's role in monitoring and preventing corruption is of paramount importance, especially during electoral periods when the risk of public resources being exploited for political gain is heightened. This report will serve as a detailed record of the findings from the Program for the Protection of Public Resources (PPPR), which aimed to protect public integrity by identifying and mitigating incidents of state resource abuse.

The scope of this report includes documenting the key findings, challenges, and outcomes of the PPPR's election monitoring activities. It will also highlight the types of violations observed, such as the misuse of government vehicles, premises, and funds, and the deployment of government officials for political purposes. The report will further discuss TISL's recommendations for strengthening mechanisms to prevent the misuse/abuse of state resources in future elections and improving collaboration with the Election Commission of Sri Lanka (ECSL) and other relevant authorities.

Overview of election monitoring in Sri Lanka

Election observing in Sri Lanka has evolved significantly, especially with the strengthening of the Election Commission's (ECSL) powers through constitutional amendments. The 2024 Presidential Election marked the seventh time the country has held this election, with the Election Commission actively overseeing the process under the 19th Amendment to the Constitution, which reinstated its powers. The ECSL's authority to curb the use of public resources for campaigning was restored, ensuring a more level playing field for all political candidates.

For the presidential Election- 2024, TISL's role in election observing began on 9th August 2024, ahead of the official declaration of the election on 26th July 2024. The PPPR, as part of TISL's mission, monitored the misuse of state resources across all 25 districts. The program aimed to identify instances where public assets were used to benefit a particular political party or any candidate, thereby undermining the principle of equal opportunity. A wide range of mechanisms, including a dedicated website (Apesalli.lk), hotline, email, and fax services, were set up to facilitate public complaints. On election day, TISL mobilized 65 mobile observers to ensure comprehensive coverage, focusing on areas most susceptible to misuse of public resources.

Throughout the observing period, TISL documented 1,178 incidents, with 596 complaints submitted to the ECSL. Key violations included the appointment of considerable number of new recruits to government positions, which could have long-term implications on state expenditure. This report will delve into these incidents, providing an in-depth analysis of how public resources were misused and offering recommendations to prevent similar violations in the future. The overarching goal is to uphold the integrity of Sri Lanka's electoral process by ensuring that state resources are not abused for political purposes during election period.

BACKGROUND TO THE 2024 PRESIDENTIAL ELECTION

Political context leading up to the election

The 2024 Presidential Election in Sri Lanka, scheduled for September 21, 2024, comes at a critical time for the nation. This is the seventh presidential Election in Sri Lankan history, and it takes place amidst a backdrop of severe political and economic challenges. Since 1982, seventh presidential elections have been held, with each term originally lasting six years, though this was reduced to five years after the 19th Amendment to the Constitution was enacted in 2015.

This election is the second to be held under the amended powers of the Election Commission of Sri Lanka (ECSL), restored by the 19th Amendment. The Commission's mandate to ensure fair elections and prevent misuse of state resources has been crucial, especially in a politically charged environment. The election date is set to occur just before the expiration of the current president's term, which ends on October 17, 2024.

There have been concerns about the delay and postponement of elections in recent years, worsened by the indefinite postponement of local and provincial council elections. The municipal councils, urban councils, and provincial council elections have been repeatedly delayed since 2017, creating an atmosphere of uncertainty and skepticism towards democratic processes. The decision to delay these elections has sparked widespread criticism, with civil society organizations voicing their concern about the undermining of the democratic governance in the country.

This election was not just an opportunity to select a president for the next five years but also serves as a referendum on the leadership that guided the country through an economic crisis. It is the first Presidential Election to take place after the nationwide protest movement known as the "Aragalaya" that culminated in the resignation of the previous president, Gotabaya Rajapaksa, in July 2022. The political and economic turmoil following his resignation shaped the course of Sri Lanka's democracy, making this election a vital moment for the country.

Key political actors and dynamics

Several key political figures and parties are contesting the 2024 Presidential Election. The incumbent president, Ranil Wickremesinghe, who assumed office after Rajapaksa's resignation, is running for another term. Wickremesinghe's leadership during the economic crisis and his role in negotiating the IMF bailout package have been central to his campaign. However, his administration has been met with criticism for its handling of the economy and failure to address public demands for transparency and accountability.

On the other hand, opposition figures such as Sajith Premadasa, leader of the Samagi Jana Balawegaya (SJB), have garnered support from the population demanding systemic reforms. Premadasa's campaign focuses on providing relief to those affected by the economic crisis and addressing corruption issues that have plagued the government.

Anura Kumara Dissanayake, leader of the National People's Power (NPP) coalition was another prominent candidate for this election. Dissanayake has built his campaign around the idea of systemic change, offering a leftist alternative to both the ruling government and the traditional opposition. He has gained support for his calls for reducing corruption, promoting social justice, and creating an economically sustainable future for Sri Lanka. His emphasis on combating the dominance of entrenched political elites resonates with a growing segment of voters, particularly in the wake of the Aragalaya movement that called for a radical overhaul of the political system.

In addition, several smaller parties and independent candidates, including those representing minority groups, have entered the race, pushing for social justice, transparency, and economic reforms. This diverse political landscape reflects the growing dissatisfaction with traditional political parties, as many citizens seek alternatives to the entrenched political elites.

The dynamics between political parties and key actors are also influenced by the global economic pressures on Sri Lanka. International stakeholders, particularly those tied to the IMF and other financial institutions, are closely monitoring the election and its outcome as it will determine the country's path to recovery.

Major concerns raised before the election period

Leading up to the 2024 Presidential Election, several significant concerns were raised, threatening the fairness and integrity of the electoral process. Among the primary concerns were the potential misuse of state resources by the ruling party, government interference in the judiciary, and the introduction of draconian laws.

One major issue was the postponement of local government and provincial council elections, sparking fears that the presidential election might also be delayed. Given the history of election postponements in recent years, public trust in the electoral process was at risk. Concerns about voter suppression and undue influence by the government further heightened tensions.

Additionally, new legislative developments raised alarms regarding the future of democratic governance. The **Online Safety Act**, the **Anti-Terrorism Law**, and the new **NGO Law** were seen as direct threats to freedom of expression and civil liberties. These laws, introduced in the lead-up to the election, were criticized for being overly restrictive and granting the government excessive control over dissenting voices. Civil society groups voiced their apprehensions about how these laws might curtail political activism, restrict media freedoms, and limit the participation of independent actors in the electoral process.

Furthermore, the government's continued attempts to intimidate the judiciary and undermine the independence of institutions created a "chilling effect" on the judicial system and other watchdog bodies. This is especially concerning for civil society organizations like Transparency International Sri Lanka (TISL), which play a pivotal role in monitoring elections for fairness and transparency.

Finally, the election was seen as a critical juncture for implementing necessary governance reforms. The **Civil Society Governance Diagnostic Report** and the **IMF's Governance Diagnostic Report** both highlighted essential anti-corruption reforms that needed to be addressed. These reports recommended measures to enhance transparency, strengthen institutions, and ensure equitable economic recovery, all of which were closely watched during the election.

TISL and other civil society organizations who are with similar minds advocated for these reforms to be reflected in the manifestos of presidential candidates, ensuring that elected president takes meaningful steps toward creating a more accountable, corruption-free political environment.

Organizational Preparation for the Presidential Election

The presidential election was particularly critical for TISL as an anti-corruption focused organization, as it is the first election following the launch of the Civil Society Governance Diagnostic Report and the IMF's Governance Diagnostic Report, which outlines essential anti-corruption and governance reforms for equitable and sustainable economic recovery. Transparency International Sri Lanka (TISL), together with other partnering CSOs and citizens plan to advocate and monitor whether these recommendations are reflected in the election manifestos of the candidates.

With the introduction of the Regulations of Election Expenditure Act No. 03 of 2023 (REEA), there is a legal framework in place to regulate election expenditures in Sri Lanka. This law mandates that all candidates adhere to specific spending limits and disclosure requirements, ensuring that financial practices during campaigns are fair and transparent. The observation of campaign finance is crucial to prevent undue influence of money on the electoral process and to safeguard the democratic rights of voters.

Under the leadership of TISL, five prominent Election Monitoring Organizations in Sri Lanka, namely, People's Action for Free and Fair Elections (PAFFREL), Campaign for Free and Fair Elections (CaFFE), Centre for Monitoring Election Violence (CMEV), Hashtag Generation, Institute for Democratic Reforms and Electoral Studies (IRES), and Transparency International Sri Lanka (TISL) have collaboratively joined together to establish and implement a collective mechanism to observe campaign expenditure through a tool (website and a mobile app). The collective goal is to observe the implementation of the new campaign finance law (REEA), empower citizens with vital information to make informed voting decisions, ensure a level playing field among presidential candidates and to foster a fair and inclusive electoral environment that upholds democracy.

This collaborative tool is designed to contribute to the long-term goals of promoting transparency and accountability in Sri Lanka's electoral processes. By increasing public awareness of the role of money in election campaigns and its influence on voter decisions, it encourages citizen engagement in campaign finance observing through this dedicated website. This tool will present valuable insights on campaign expenditure of presidential candidates on various cost categories including mainstream media, social media, public events, billboards and cutouts, press conferences and launch ceremonies, and campaign offices. By doing so, it will enhance the overall transparency of campaign financing and contribute to the integrity of the electoral process.

The layout of the campaign finance observing website is designed to be user-friendly and informative, with various features and tools to engage citizens and provide detailed information on election expenditures. The home page introduces the purpose of the tool and highlights the Regulation of Election Expenditure Act in a simplified version. It includes a call-to-action banner encouraging citizen engagement and links to the websites of related organizations such as TISL, PAFFREL, CMEV, CaFFE, IRES, and Hashtag Generation. Also, a disclaimer highlighting the limitations of the tool will be displayed as well.

A main feature of the website is the display of presidential candidates' profiles. Each profile includes the candidate's name, picture, and a live total of the estimated calculation of their campaign expenditures, broken down into selected cost categories (mainstream media, social media, billboards and cutouts, public events, press conferences, launch ceremonies, and campaign offices). The profiles can also include the candidate's asset declarations, election manifesto, and links to external resources to view their parliament performance, if available publicly.

The website will display the estimated expenditures of each candidate visualized through charts, infographics, maps, and reports. Charts will illustrate each candidate's total expenditure and the distribution across different cost categories. Interactive infographic cards under each cost category will offer a detailed breakdown and supporting evidence. A map of Sri Lanka will visually represent the candidates' expenditures, specifying the locations and details of the spending in each cost category. This layout ensures that users can easily access and understand the financial aspects of the presidential campaigns, for informed decision-making.

As a pioneering election observation organization, TISL is committed to standing with the people of Sri Lanka in their pursuit of democratic integrity. Given this critical context, funding opportunities are vital to TISL efforts to advocating for democratic values and ensuring electoral integrity. Such contribution will enable TISL to conduct comprehensive election monitoring, advocate for necessary reforms, and foster a fair and transparent electoral process in Sri Lanka, ultimately benefiting the country and its citizens.

Nominations

Nominations for the 2024 Presidential Election were officially declared by the Election Commission of Sri Lanka on 26th July 2024. As per the announcement, the commission detailed the schedule for nominations, deposits, and the polling process. Candidates were invited to submit their nominations on 15th August 2024, between 09:00 AM and 12:00 PM at the Election Commission. During this same time frame, objections to the nominations could also be lodged.

To ensure their candidacy, each candidate was required to pay a security deposit before submitting their nominations. The deposit fee was set at Rs. 50,000 for candidates from recognized political parties and Rs. 75,000 for independent candidates. These deposits were accepted during working hours starting from 26th July until 12:00 noon on 14th August, the day prior to the nomination deadline.

A total of **40 candidates** made the required deposits by 14th August, but only **39 candidates** successfully submitted their nominations. Of these 39 nominations, **22 candidates** represented registered political parties, while **17 were independent candidates** proposed by individual voters. One candidate could not submit the nomination as required, and another tragically passed away before the election. The record number of candidates reflected the high interest in the 2024 election; however, it is noteworthy that none of the candidates were female, despite the significant female voter base in the country.

The 2024 Presidential Election sees **17,140,354 eligible voters** across **13,421 polling divisions**. This election is particularly crucial as it follows a period of political unrest and economic crises in Sri Lanka. The electorate is eager for political change, hoping that the election will lead to a transformation of the political system and a shift toward a more transparent and accountable governance model. This large voter base and the unprecedented number of candidates signal a pivotal moment in Sri Lanka's political landscape, with the people anticipating meaningful reforms and changes in leadership direction.

Table 1: Names and number of votes of the Presidential Candidates

#	Name of the Candidate	Party Abbreviation	Votes Obtained	Percentage
1	ANURA KUMARA DISSANAYAKE	NPP	5,634,915	42.31 %
2	SAJITH PREMADASA	SJB	4,363,035	32.76 %
3	RANIL WICKREMESINGHE	IND16	2,299,767	17.27 %
4	NAMAL RAJAPAKSA	SLPP	342,781	2.57 %
5	ARIYANETHIRAN PAKKIYASELVAM	IND9	226,343	1.70 %
6	DILITH JAYAWEEERA	SLCP	122,396	0.92 %
7	K.K. PIYADASA	IND4	47,543	0.36 %
8	DISSANAYAKA MUDIYANSELAGE BANDARANAYAKE	IND13	30,660	0.23 %
9	SARATH FONSEKA	IND12	22,407	0.17 %
10	WIJEYADASA RAJAPAKSHE	JPF	21,306	0.16 %
11	ANURUDDHA POLGAMPALA	IND11	15,411	0.12 %
12	SARATH KEERTHIRATHNA	IND5	15,187	0.11 %
13	K.R. KRISHAN	APP	13,595	0.10 %
14	AGAMPODI PRASANGA SURANJEEWA ANOJ DE SILVA	DUNF	12,898	0.10 %
15	PRIYANTHA WICKRAMASINGHE	NSSP	12,760	0.10 %
16	NAMAL RAJAPAKSHA	SBP	12,700	0.10 %
17	AKMEEMANA DAYARATHANA THERO	IND1	11,536	0.09 %
18	NUWAN BOPEGE	SPF	11,191	0.08 %
19	AJANTHA DE ZOYSA	RJA	10,548	0.08 %
20	VICTOR PERERA	IND10	10,374	0.08 %
21	SIRIPALA AMARASINGHE	IND2	9,035	0.07 %
22	SIRITUNGA JAYASURIYA	USP	8,954	0.07 %
23	BATHHARAMULLE SEELARATHANA THERO	JSP	6,839	0.05 %
24	ABUBAKAR MOHAMED INFAS	DUA	6,531	0.05 %
25	PEMASIRI MANAGE	IND14	5,822	0.04 %

OFFICIAL RESULTS



ELECTION COMMISSION

Presidential Election - 2024/09/21
All Island Result - Without Preferences

122698103



#	Name of the Candidate	Party Abbreviation	Votes Obtained	Percentage
26	MAHINDA DEWAGE	SLSP	5,338	0.04 %
27	KEERTHIE WICKRAMARATNE	AJP	4,676	0.04 %
28	PANI WIJESIRIWARDENA	SEP	4,410	0.03 %
29	OSHALA HERATH	NIF	4,253	0.03 %
30	ANURUDDHA ROSHAN RANASINGHE	IND15	4,205	0.03 %
31	SARATH BANDARANAYAKE	NDF	4,070	0.03 %
32	K.A. KULARATNA	IND6	4,013	0.03 %
33	LALITH DE SILVA	UNFF	3,004	0.02 %
34	PALLIMULLA KAPUGAMAGE ANURA SIDNEY JAYARATHNA	IND7	2,799	0.02 %
35	JANAKA RATNAYAKE	ELPP	2,405	0.02 %
36	MYLVAGANAM THILAKARAJAH	IND8	2,138	0.02 %
37	SARATH MANAMENDRA	NSU	1,911	0.01 %
38	A.S.P. LIYANAGE	SLLP	1,860	0.01 %
Total Number of Valid Votes :			13,319,616	97.8 %
Number of Rejected Votes :			300,300	2.2 %
Number of Votes Polled :			13,619,916	79.46 %
Number of Registered Electors :			17,140,354	-

LEGAL FRAMEWORK AND METHODOLOGY

Legal Framework

The protection of public resources is a cornerstone of ensuring fair and transparent elections. Misuse of state assets, including funds, vehicles, and facilities, for electoral purposes undermines the democratic process and creates an uneven playing field for candidates. As a result, both national and international legal frameworks have been established to safeguard public resources and ensure their proper use during elections. These legal provisions empower civil society organizations, like Transparency International Sri Lanka (TISL), to observe the misuse of public assets and contribute to a fair electoral process. Understanding these legal frameworks is essential to appreciate the methodology adopted by TISL in its election observation efforts.¹ Jurisprudence emerging from the Supreme Court has interpreted these articles to mean that power is held in trust for the people or on behalf of the people². Therefore, all public resources in the hands of elected representatives as well as public officials are held under their guardianship on behalf of their real owners – the public.

The PPPR obtains its definition of public resources or public property from the Offences against Public Property Act where it is defined as “the property of the Government, any department, statutory board, public corporation, bank, co-operative society or cooperative-union”³. In the Hettiarachchi v. Mahaweli Authority case, the Supreme Court of Sri Lanka has identified land, buildings, vehicle equipment, funds or other facilities or human resources owned by State or Corporations as public property. TISL and PPPR define the term public resource as any movable or immovable property in every description that is vested in and maintained by the State and used for the purposes of the State.

The Offences against Public Property Act, No. 12 of 1982 provides guidance on the misuse of public resources. Section 5 read with section 10 of the Act state; “any person who dishonestly misappropriates or converts to his own use any movable public property shall upon conviction be punished with imprisonment of either description for a term not less than one year but not exceeding twenty years, and with a fine of one thousand rupees or three times the value of the property in respect of which such offence was committed, whichever amount is higher”. The main responsibility of prosecution under this Act lies with the Attorney General. No one has been tried under this provision for the misuse of public property for election campaigning even though cases of such misuse have existed in the past.

[1] Article 3 of the Constitution

[2] See *Bulankulama and Others v. Secretary, Ministry of Industrial Development and Others*, (2000) 3 SLR 243 available at http://www.lawnet.lk/docs/case_law/slr/HTML/2000SLR3V243.htm and *Sugathapala Mendis v. Chandrika Bandaranaike and Others*, S.C (F/R) No. 352/2007 available at http://www.tisirilanka.org/pub/li/pdf/WA_Judgment.pdf (Last visited on 10.06.2010)

[3] Section 12 of the Offences against Public Property Act, No. 12 of 1982

The primary responsibility of protecting public property is vested with Secretaries to Ministries. According to the Government's Financial Regulation 156 (7) Ministry Secretaries are expected to exercise due economy in all financial transactions and they should also ensure that expenditure is not incurred unless absolutely necessary even though financial provisions exist, or funds are available.⁶ Similarly, Financial Regulation 127 (7) states that all Chief Accounting Officers are responsible for taking measures to ensure that the procedure laid down under Regulations 102 to 108 is followed. If a loss is caused to the government by delays, negligence, fault or fraud on the part of officers, such officers are surcharged.

Public Officials employed by the State are also considered a public resource and are particularly prone to misuse during an election period. Chapter XXXII of the Establishment Code prevents Public Officials from participating in political meetings or taking part in political activities connected with the campaign by any candidate or party except in exercising the right to vote⁴.

The PPPR is also of the view that the misuse of public resources by a public servant constitutes the offence of 'corruption' under the Anti-Corruption Act. A public servant who abuses public property and resources for the benefit of himself or another person and causes wrongful or unlawful loss commits the offence of corruption under the Anti-corruption Act No 09 of 2023.

A comparison between the 17th, 18th and 19th Amendments to the Constitution is warranted in order to understand the powers vested in ECSL to safeguard public resources. With the introduction of Independent Commissions through the 17th Amendment, the Election Commission was empowered to prohibit the use of any movable or immovable property belonging to the State or any public corporation for election campaigning of candidates according to Article 104B (1) (a) of the Constitution.

Furthermore, Article 104B (4) (a) states: "the Commission shall have the power during the period of an election, to prohibit the use of any movable or immovable property belonging to the State or any public corporation – i. for the purposes of promotion or preventing the election of any candidate or any political party of independent group contesting at such election; ii. by any candidate or any political party or any independent group contesting at such an election. by a direction in writing by the Chairman of the Commission or of the Commissioner General of Elections on the instructions of the Commission.

[4] Financial Regulations, 1992 7. Section 1.2, Chapter XXXII of the Establishments Code Volume 1 2019

However, the mandate of the Election Commission was limited by the 18th Amendment removing the power to prevent the use of public property for election campaigning for or by any candidate, political party or independent group. The Election Commission no longer had the power to issue directions to prevent political parties from using state resources to advance their campaigns during elections and prevented the Commission from being connected to any matter related to the public service or any matter within the ambit of administration of the Public Service Commission or the Judicial Service Commission⁵.

Repealing the restrictive provisions of the 18th Amendment, the 19th Amendment to the Constitution restored the powers of the Election Commission once again empowering the Commission to issue directions to prohibit the use of public property for election campaigning. Anyone who fails to comply with the directions issued by the ECSL can be punished using Article 104GG9 of the Constitution and jurisdiction to hear and determine any matter relating to this is given to Provincial High Courts established under Article 154P of the Constitution.

Once an election is declared, the ECSL issues various directives on the manner in which the election should be conducted. Using Article 104B (4) (a) of the Constitution, the Election Commission issued directions on the misuse of public resources on 26th July 2024 through the Extra Ordinary Gazette No.2394/56 (the Gazette). The Gazette identified the following moveable and immovable property as State resources that should be free from abuse:

1. Use of State Vehicles for Election Campaign Purposes
2. Use of State Building & Premises for Election Campaign Purposes
3. Appointments, Transfers & Promotions for State Officials targeting Election
4. Misusing State sponsored Development Activities
5. State Officers acting in favor of Political Parties & in Breach of Official Duties
6. Giving Incentives/Equipment with Political Objectives
7. Use of State Officials & Security Resources for Election Campaign
8. State Officers using social media for the Promotion of or in Prejudice to Any Party, Group or Candidate
9. Manipulation of State sponsored Livelihood Grants & Allowances for Election Purposes
10. Using Equipment and Facilities of State Institutions Without Paying
11. Other Illegal Election Campaigns Using State Resources

[5] Article 17 of the 18th Amendment to the Constitution 9. Any public officer, any employee of any public corporation, business or other undertaking vested in the Government under any other written law and any company registered or deemed to be registered under the Companies Act, No. 7 of 2007, in which the Government or any public corporation or local authority holds fifty per centum or more of the shares of that company, who - (a) refuses or fails without a reasonable cause to co-operate with the Commission, to secure the enforcement of any law relating to the holding of an election or the conduct of a Referendum; or (b) fails without a reasonable cause to comply with any directions or guidelines issued by the Commission under sub-paragraph (a) of paragraph (4) or subparagraph (a) of paragraph (5), respectively, of Article 104B, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

After enforcing the campaign finance law, 2024 presidential election was the first election held in Sri Lanka. Sri Lanka's Campaign Finance Act No. 03 of 2023⁶ established on 24th January 2023, notably marks as a legal framework to regulate election campaign expenditures, promoting transparency and fairness in the country. The Act sets spending limits for candidates, mandates financial disclosures, and prohibits the misuse of public property for campaign purposes. It aims to prevent the undue influence of money in politics by ensuring that campaign expenditures are transparent and monitored. The Act also requires candidates to disclose funding sources and spending details, thereby fostering accountability. Violations, including exceeding spending limits or hiding sources, can lead to penalties, enhancing the integrity of the electoral process.

During the election period, with the increasing use of social media platforms for election campaigning, the ECSL was proactive in engaging with officials attached to Facebook and other platforms in trying to prevent disinformation and unethical means of campaigning. A separate complaint mechanism was established by ECSL to report fake accounts, misinformation and other disruptive behavior. ECSL also issued directives regarding the behavior of Public Officials on social media. Thus, under this directive, Public Officers who are not entitled to political rights were prevented from engaging in political campaigning even in their private capacity using any social media platform and the Public Officers who are entitled to political rights were prevented from using state resources for political campaigning on such platforms.

The misuse of state resources during elections is recognized as a serious violation of international electoral standards. Several international legal frameworks and conventions address this issue, aiming to ensure transparency, fairness, and the integrity of elections. These frameworks emphasize that state resources must not be used to confer undue advantages on any candidate or party during election periods.

These standards support the efforts of organizations like Transparency International Sri Lanka (TISL) to observe and prevent the misuse of public resources during elections in accordance with both national and international laws.

[6] Regulation of Election Expenditure, an act to regulate the expenditure incurred by recognized political parties, independent groups and candidates at every election conducted under the local authorities elections ordinance (chapter 262); the provincial councils elections act, no. 2 of 1988; the parliamentary elections act, no. 1 of 1981 and the presidential elections act, no. 15 of 1981

Methodology

The Program for the Protection of Public Resources was designed in January 2001 by three civil society organizations with the objective of protecting public resources during the election period. In December 2001, it was launched as a special project of the Institute of Human Rights focusing on election-related abuses. Since then, TISL has used this methodology with periodic revisions to observe the misuse of public resources in all national level elections, the 2013 Provincial Elections 2015 presidential election 2019 presidential election and the 2018 Local Government Elections.

The Presidential Election was declared by the Election Commission on 26th July 2024 by the Extraordinary Gazette No. 2394/51, and the nominations submission was due on 15th August 2024. As formal campaigning commences as soon as an election is declared, TISL decided to commence observation activities from 9th August and record complaints until 21st September. Going beyond the 22 Electoral Districts of the country, TISL identified and appointed 25 Administrative District Coordinators (DO) for observation purposes. The DOs supervised a total of 177 Electoral Observers (EO) who were tasked with observing violations at an electoral level. As such TISL's election observation team covered every district and electoral division of the country. Both levels of coordinators were trained in the applicable legal framework and were provided with the tools and resources necessary to observe, verify, document and report on misuse of public resources.

The PPPR methodology included two main elements:

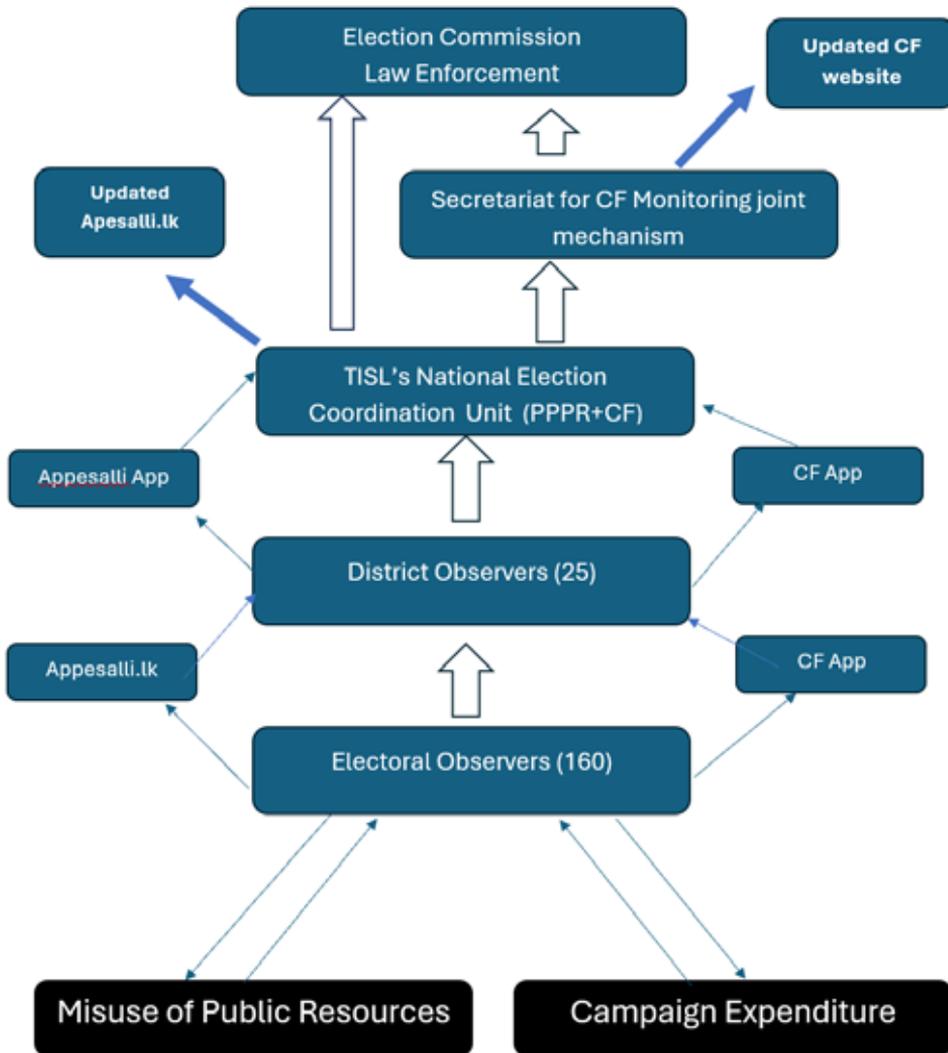
1. Collection and Verification of information
2. Dissemination of Information

Information on instances of public resource misuse was obtained through three means:

- Network of Observers
- The General Public
- Field Visits

The EOs were engaged in ground level physical observations and input information using the two applications (Apesalli and campaign finance) accessed through their mobile phones. The DOs received the information uploaded by their respective EOs. DOs were expected to engage in a verification and thereafter upload the verified entries to the applications for access of the National Coordination Unit placed at the Head Office of TISL and led by the National Coordinator. The National Coordination unit did the final verification and uploaded the information to the Apesalli website and forwarded incidents to the Election Commission and necessary authorities. TISL provided weekly updates on the observations via social media and where necessary through press releases and conferences.

TISL received and documented complaints from the public through the Apesalli and campaign finance web platforms, which will be channelled by the National Coordination Unit to be verified by the election observers on the ground. Then, the verified complaints will be directed to the Election Commission to take appropriate action. Also, a targeted media campaign was conducted calling the citizens to inform incidents pertaining to the misuse of public resources.



Campaign Expenditure Monitoring (Chanda Salli Meetare)

The methodology of the campaign finance observing tool comprises a series of steps to ensure the credibility of the information collected before it is made available to the general public.

- a) Recruitment and Training of Election Observers – As this is the first time TISL experiencing the new tool for campaign finance monitoring, only 4 districts were selected to monitor campaign finance. They are Colombo, Galle, Kandy, and Puttalam. Under the supervision of the district observers, 47 electoral observers joined the campaign finance monitoring.
- b) Pre-Election Quotation Obtaining – Before the call for nominations, the Election Monitoring Organizations got quotations from different suppliers to decide cost categories. Based on evaluation of quotations, a standard pre-estimated cost for each category was determined and entered the back-end system.
- c) Deploying Electoral Observers – Even though TISL monitored only four districts, all other districts have been monitored by the electoral observers of the partner organizations.
- d) Submitting Expenditure Reports through the Mobile Application called Chanda Salli Meetare –
- e) The app facilitates real-time data and evidence collection and submission, ensuring timely and efficient reporting of campaign expenditures.
- f) Verifying and Approval of Data – The coordinator of each Election Monitoring Organization is responsible for verifying the data submitted by their election observers based on evidence before making it publicly available.
- g) Post Election Measures – As the Regulations of Election Expenditure Act No. 03 of 2023 requires all election candidates and parties to submit their returns (financial reports) after the election to the Election Commission of Sri Lanka, those will be obtained from the Election Commission for evaluation purposes. The financial data contained in the returns will be compared with the findings of the campaign finance observations collectively done by the Election Monitoring Organizations. In addition to publishing comparative analysis on expenditure, the information disclosed by the candidates/political parties related to donations will be published on the website.

In addition to the above, the following key interventions were made from 9th August to 21st September 2024:

- A series of social media advertisements were published, inviting the public to act against the use of public resources for electioneering.
- Two press briefings were held to keep the public informed of ongoing election violations and they were live streamed via Facebook.
- Some of team members joined the Television and Radio programs on misuse of public property in elections.
- Continuous dialogue with local and international observer groups.

Geographic coverage and timeline

Transparency International Sri Lanka (TISL) undertook a comprehensive observation of the 2024 Presidential Election, ensuring extensive coverage across all 25 administrative districts and 160 electorates in the country. For each administrative district, a dedicated district observer was deployed, responsible for monitoring the overall electoral process within their assigned region. In addition to district observers, electoral observers were specifically assigned to each electorate to ensure localized and detailed monitoring.

In response to heightened electoral activity and other special considerations, TISL allocated additional observers to certain areas. For instance, in the Tissamaharama electorate of Hambantota District, Seruwila electorate of Trincomalee District, and Puttalam electorate of Puttalam District, supplementary electoral observers were deployed. Furthermore, the Colombo District saw the allocation of three additional observers specifically tasked with monitoring campaign finance violations and activities.

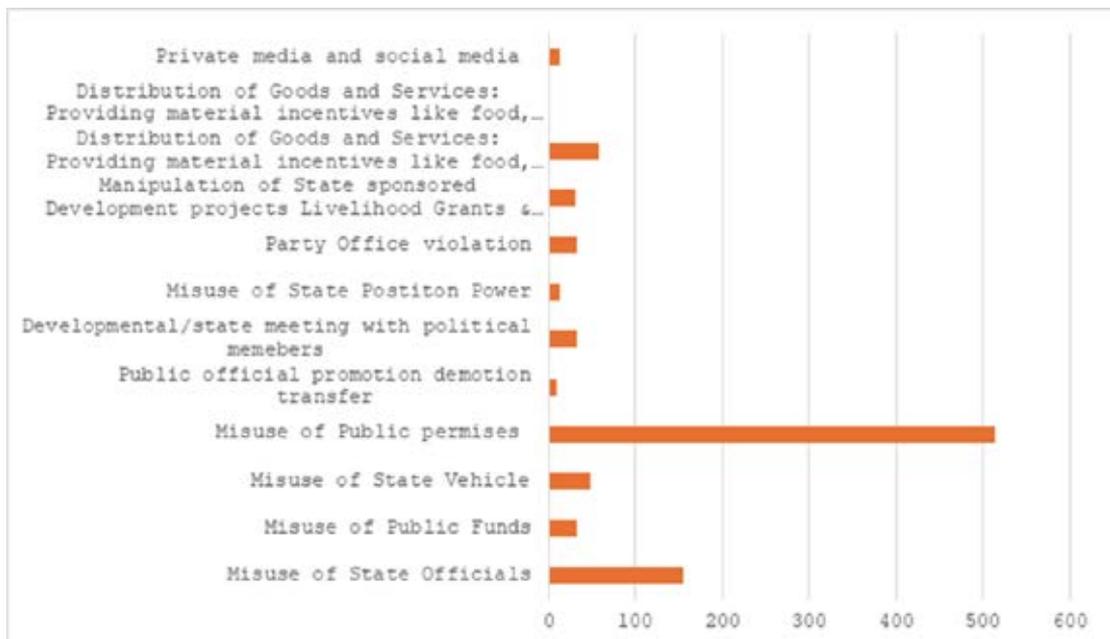
The observation effort commenced on 12th August 2024 and extended through 23rd September 2024, covering the critical pre-election period, the election day itself, and post-election monitoring. This comprehensive approach ensured robust oversight throughout the electoral process, safeguarding the integrity of the election.

KEY OBSERVATIONS

The PPPR recorded 1126 election violations during the campaign, including misusing state property, premises, officials, vehicles, & funds, voter registration issues, and social media misinformation. Over 650 complaints were taken into proper action, sharing incidents with ECSL or local observer groups.

The highest number of complaints was recorded in the Kegalle district with a total of 249 complaints being reported. The second highest number of cases were received from Colombo district while the third highest number of cases of misuse of state resources were reported from Galle district. As mentioned above, all the complaints were recorded under 13 categories⁷. The two categories that recorded the highest number of cases during the election were misuse of public premises (513 cases) and misuse of state officials (155 cases) and both accounted for nearly 60% of the total number of complaints.

Categories of Complaints Received



[7] The 11 Categories are as follows: Private Media and Social Media, Distribution of goods & services; providing material incentives like food,...; distribution of goods and services; providing material incentives like food,..., Manipulation of state sponsored development projects livelihood grants & ..., Party office violation, Misuse of state position power, Developmental/state meeting with political members, Public official promotion/demotion/transfer, Misuse of public premises, Misuse of state vehicles, Misuse of public funds, Misuse of state officials

01) Misuse of State officers

The skills, knowledge of public officers and their time are deemed to be public property. Therefore, the use of public officials for electioneering is a serious violation of election laws and other laws governing the public service.

TISL has received several reports regarding the misuse of state officials during the recent election. The participation of government officials in events promoting presidential candidates is not limited to this; many teachers and school principals have also been inappropriately utilized for election campaigning activities, along with numerous other state officials.

It has been reported that a consular general from the Australian Embassy Mr. Sandith Samarasinghe participated in a meeting held in Anuradhapura Junction in Trincomalee on 04-09-2024 at 3.30p.m to confirm the victory of a presidential candidate. Additionally, this consular general has acted in a manner that promotes Independent Candidate Mr. Ranil Wickramasinghe on several occasions. TISL has informed the Election Commission regarding this matter. The Commission stated that the consular general does not have the capacity to participate in activities that promote a presidential candidate and must be immediately informed about this issue.

Further on August 27, 2024, a political meeting for a presidential candidate (Mr. Ranil Wickramasinghe) was held at the Mawathenna main bus station from 1:00 PM to 5:30 PM. TISL have received complaints that several government officials used state vehicles to participate in this meeting and show support for the presidential candidate. Sabaragamuwa Governor Naveen Dissanayake and Northern Province Governor Mahipala Herath have also been involved in this matter. The involvement of government officials by using state vehicles to promote presidential candidates represents an abuse of state resources to a large extent. This interference is clearly detrimental to the creation of a level playing field for all candidates. Complaints regarding this incident have been submitted to both the Kegalle District Election Commission and the Election Commission.

Furthermore, TISL have received a complaint regarding the principal of Ambalantota Janananda Vidyalyaya, Mrs. Nelna Karunaratne, participating in canvassing activities on behalf of the presidential candidate of the National People's Power. The incident occurred on 2024.09.10 within the Tissamaharama electorate, Ambalantota Police Division, specifically in areas such as Karambagalamulla and Bolana. It is alleged that she participated with a group of more than five individuals. Additionally, there is a complaint regarding the promotion of a candidate through her Facebook account. As a public official with limited political rights, a school principal is prohibited from engaging in activities that promote any candidate. TISL has sent a cautionary letter to the principal of the school concerned regarding this matter.

02) Misuse of public funds

The misuse and arbitrary distribution of state funds during elections have emerged as a serious concern in Sri Lankan politics. The PPPR has lodged several complaints with the Election Commission of Sri Lanka (ECSL) regarding election activities funded by the state. These activities include the promotion of propaganda, and the provision of incentives aimed at vote buying.

Most of these funds were related to the fund released by honorable ex-president Mr. Ranil Wickramasinghe under the decentralized fund. For example, Honorable minister K. Kader Masthan allocated 800,000 rupees for the construction of a playground at the Bankalai St. Ann's Primary School in Mannar district through their diversified budget plan, and a foundation stone-laying ceremony took place on August 20, 2024, at 10:00 AM. TISL submitted a letter to the relevant election commissioner regarding this situation. As a result, the Election Commissioner has halted further development of the project during the election period. And in Batticaloa district, 61 public grounds have been gone under reconstruction within the election period under the decentralized president fund.

Also, The Cabinet's decision to grant a monthly allowance of 2,500 rupees to retired public servants, along with steps to provide financial support for the development of temples, has raised concerns. Programs aimed at recognizing students who successfully passed the 2023 Grade 5 Scholarship Examination, offering them awards and scholarships. Initiatives under the Ministry of Infrastructure Development in collaboration with the Indian government to build housing in the Nuwara Eliya district, as well as projects providing computer units to Buddhist educational institutions, highlight the improper use of public resources. A complaint has been submitted by TISL to the Election Commission, urging the Commissioner General of Elections to pay immediate attention to these issues.

03) Misuse of State Vehicles

The use of government-owned or rented vehicles for election purposes is a widespread issue. In this election, the PPPR unit received multiple complaints about government vehicles being used to transport politicians to campaign rallies and for other campaign-related activities. Especially, TISL observed the use of State helicopters belongs to Sri Lankan Air Force for the election propaganda of major political parties of honorable ex-president Mr. Ranil Wickramasinghe and Honorable ex-opposition leader Mr. Sajith Premadasa.

On September 10, 2024, presidential candidate Mr. Ranil Wickramasinghe running as an independent candidate arrived by helicopter at the Kilinochchi Central College grounds to conduct a presidential rally. Two helicopters were used, accompanied by military personnel for security. Additionally, numerous vehicles were deployed, including an ambulance from the Kilinochchi hospital, special forces vehicles, and police cars. TISL has sent a complaint letter to the Kilinochchi Assistant Election Commissioner regarding this election violation and has filed an RTI request to verify whether the helicopter was used in accordance with proper procedures.

Presidential candidate Mr. Sajith Premadasa attended a public meeting in the Rikillagaskada area by helicopter to confirm their victory; however, it remains unclear whether payment was made for the helicopter. Additionally, a private team was engaged for media coverage, claiming they were being paid by the Presidential Secretary's Office. TISL has filed an information request with the Air Force headquarters to inquire about evidence of payment for the aircraft.

TISL can also observe the state vehicles being used for the election propaganda works of some candidates and buses owned SLTB was also used for these purposes.

On that note In Batticaloa, Posters for a party's presidential candidate have been affixed to government bus NB 9718. TISL has sent a letter to the relevant election commissioner regarding this situation. As a follow-up, the election commissioner is conducting an investigation in Kathangudi about this incident.



04) Misuse of Public premises

The display of posters and banners that misuse public property, as well as the acquisition of state property without proper payment, also falls under this categorization.

Out of the total number of complaints we received, the majority was related to the use of government premises and buildings for displaying cutouts and banners. For example, in the Tissamaharama electorate of the Hambantota District, within the Ambalantota Police Division, approximately 200 meters ahead of the Ruhunu Ridiyagama Detention Centre, there are writings of the Samagi Jana Balawegaya presidential candidate, Sajith Premadasa's symbol and name in large letters using white paint on the road. These writings extend from the specified point to the Welena Junction and across three locations along the Welena Road. This constitutes both the misuse of public property and a violation of election laws.

Additionally, along the main road from Ukuwela to Elkaduwa, within the Matale Police Division, posters featuring the image of presidential candidate Sajith Premadasa were displayed on both sides of the government iron bridge located near Suduganga, in the vicinity of the Udathehenna town. In addition, posters of independent presidential candidate Ranil Wickremesinghe were displayed on the bridge near the railway station on Pola Road in Matale town. After informing the officials of the Matale District Election Complaint Unit, they assured that prompt action would be taken to remove the posters.

In the Dambulla Electoral Division, along the Kala Wewa Road in Galewela, posters featuring the images of candidates from the National People's Power, Samagi Jana Balawegaya, and Sri Lanka Podujana Peramuna contesting for the presidential election have been displayed on public places such as electric poles and walls. Along the Dehiowita-Magammana Road, within the Ruwanwella Electoral Division, campaign posters of presidential candidates Anura Kumara Dissanayake, Sajith Premadasa, Ranil Wickremesinghe, Dilith Jayaweera, and Wijeyadasa Rajapakse were displayed on CEB and SLT poles, as well as on barriers belonging to the Road Development Authority.

05) Public official recruitment, promotion, demotion and transfer

In the first few weeks following the declaration of elections, the PPPR noted a number of instances where government appointments were given to new recruits in various parts of the country which is a clear violation of election laws. While some of these appointments were newly formed, others were delayed appointments that seemed to strategically coincide with the election period.

On July 28, 2024, it was reported that Lanka Mineral Sands Limited made appointments for 43 labor positions at the Pulmodai office. In violation of the Election Commission regulations, Lanka Mineral Sands Limited prepared to make these appointments on July 28, 2024. Following complaints regarding this matter, the

services of the acting general manager of Lanka Mineral Sands were suspended, and appropriate disciplinary actions against him were considered. Additionally, the appointments were temporarily halted, and necessary notifications were sent to the Ministry of Industry through the Election Commission. Even though the Election Commission asked to do so, they haven't respected the commission's statement and continued. Therefore, TISL have decided to observe on this further to prevent these kinds of violations from taking place in the future.

06) Developmental/state meeting with political members

Complaints have been received regarding an event related to the commencement of infrastructure construction activities using concrete on the Bandarawela-Amunudowa, Idamegama Road, and Bandarawela Sama Chaithya area in Badulla district.

There was a complaint regarding the initiation of a development program for carpet laying along the road from the 10th mile to Kabagamuwa on the Kegalle-Bulathkohupitiya Road.

We have received a another complaint regarding the recent installation of new electrical lines along Walawatta Road, located beyond the Thorana Junction in the Kelaniya Pradeshiya Sabha area.

A report has emerged regarding the misuse of a ldrinking water project located at the junction of the Gampaha Hanwella-Kirindiwela Road and Malwana Road, where a new water supply line has recently been installed.



07) Misuse of State Position Power

One of the main aspects which TISL observed in this election was the state position power has been utilized as a part of election campaigning. A complaint has been submitted to the Election Commission by the TISL, urging the immediate attention of the Commissioner General of Elections regarding the following matters:

1. The Cabinet's decision to provide a monthly allowance of Rs. 2,500 to retired public servants.
2. Steps taken to provide financial support for the development of (religious institutions).
3. Programs aimed at recognizing and awarding medals and scholarships to students who excelled in the 2023 Grade Five Scholarship Examination.
4. The construction of housing in the Nuwara Eliya District with support from the Government of India, aimed at granting public ownership.
5. The provision of computer units for separated and Buddhist educational institutions.

These initiatives raise concerns about the misuse of state power. Furthermore, three petitions (SCFR116/2023, SCFR 131/2023, and SCFR 138/2023) have been filed with the Supreme Court regarding the issuance of six liquor licenses. An interim injunction has also been issued during this timeframe. Complaints have been received concerning the issuance of these licenses by officials from the Department of Excise, allegedly aimed at promoting the current President. The Election Commission has been notified to take appropriate action regarding this conduct, which appears to be outside the established procedures.

08) Party Office violation

During the lead-up to the presidential election, several party offices have been reported for violations related to the display of campaign materials. Complaints have emerged regarding the unauthorized use of party leaders' images on banners, posters, and cutouts, often overshadowing the candidates' representation. These violations not only breach electoral regulations but also raise concerns about the equitable representation of all candidates in the election process. As such, there is a call for the election authorities to investigate these allegations and ensure compliance with the electoral regulations.

More than 30 violations related to party offices have been reported during the election period. These include instances where party offices have exceeded the required distance limits by installing flagpoles, displaying banners featuring images of other politicians, and setting up party offices beyond the permissible size. Complaints regarding these violations have been directed accordingly.

Complaints have been received regarding several party offices in Mirigama, (Gampaha District) specifically about the display of the main organizer's image on every cutout, banner, and poster, in addition to the candidates' images. Among

these, there is a particular complaint about the inclusion of the image of Patali Champika on one of the cutouts. In the Minuwangoda electoral division, TISL has repeatedly lodged complaints with the election dispute resolution centers regarding the display of non-compliant campaign banners and cutouts at several party offices and along the main road. On the 19th, the Balangoda Police were informed about an office of the National People's Power (NPP) that was being operated in the Wewalwatta area (Rathnapura District) along the Rassagala road during the election during the silence period. Subsequently, TISL was informed by the respective DO that, the Balangoda Police took action to remove the office.

09) Manipulation of State sponsored Development projects, Livelihood Grants & Allowances for Election Purposes

The government stated a few cabinet decisions on execution of different state sponsored development projects, livelihood grants and allowances in the form of electioneering. Accordingly, the Election Commission has been informed that the government has decided to provide the assistance regarding the following matters:

1. Cabinet Decision on Pensioners: A cabinet decision made on August 6, 2024, to provide a monthly allowance of Rs. 2,500 to retired public servants.
2. Financial Benefits for Muslim Places of Worship: Provision of financial benefits for the development of Muslim places of worship.
3. Increase in Senior Citizens' Allowance: An increase in the senior citizens' allowance to 10%.
4. Housing Rights in Nuwara Eliya District: The transfer of housing constructed under the Ministry of Plantation Infrastructure to the rights of the public.
5. Computer Units for Educational Institutions: A project to provide computer units to separated and Buddhist educational institutions.
6. Recognition for 2023 Scholarship Exam Candidates: Acknowledgment and provision of medals and scholarships to students who successfully passed the Grade Five Scholarship Examination in 2023.

On August 1, a ceremony was held to commemorate the 40th anniversary of Sri Jayawardenepura Hospital, attended by a delegation that included the Minister of Health. During the event, the hospital was officially reopened with a new face, and a number of new medical equipment was provided. Since this event occurred after the announcement of the presidential election, the distribution of equipment and the inauguration could be seen as a misuse of state property due to political involvement.

Complaints have been received regarding various development programs, foundation laying ceremonies, inaugurations, and the distribution of goods for village level societies like "Maranadara Samithi" and Dhamma schools. This was conducted by Kapila Nuwan Athukoralage, the Member of Parliament for the Trincomalee District, within the Seruwila electorate's local administrative division.



RELAUNCHING CEREMONY AND 40TH ANNIVERSARY CELEBRATION



RELAUNCHING CEREMONY AND 40TH ANNIVERSARY CELEBRATION

It has been reported that the Mahawa-Anuradhapura railway line is being prepared for an official inauguration on September 12th, motivated by political interests. The Sri Lanka Station Masters' Union had previously, on September 5th, informed the Election Commission, as well as the Deputy Election Commissioners of the Kurunegala and Anuradhapura districts and the General Manager of Railways, that this incomplete railway development project could lead to numerous difficulties if opened to the public prematurely. TISL has also submitted letters to the Election Commissioner and the Deputy Election Commissioners of Kurunegala and Anuradhapura, highlighting the potential risks and unsafe conditions associated with this project, both now and in the future. Reports indicate that action has been taken to halt this operation based on these concerns.

10) Misuse of state resources distributing food, allowances, incentives and other subsidies for vote buying

PPPR unit of TISL received 58 complaints regarding misuse of state resources for vote buying. This included distribution of allowances, providing incentives for different groups of people focusing on political intentions. As well as some political party members had provided food, cloths and other subsidies to manipulate the voters. Even through Gazetteno. 2394/56 published on 26th of July 2024 by the ECSL strictly prohibits the use of State resources for the distribution of above-mentioned goods, it was observed that this direction was commonly violated by certain political parties.

Mr. Rohini Kavirathna, the member of parliament who is supporting Samagi Jana Balawegaya had distributed brochures which mentioned the money allowance of 36,000.00 to the parents on 15th of September 2024 at one of the schools of Dambulla. She was targeting children who were participating in the grade 5 scholarship exam. The brochures were being distributed by a private education institute in the Dambulla district. When TISL were informed about this incident, necessary actions against this case were taken by Matale district observer as he informed this to Matale district election office and filed a complaint against this incident.

Former president Ranil Wickremesinghe, the independent presidential candidate had shared an application mentioning that he would provide Rs.25.00 as an incentive for a one liter of kerosene oil among the fishermen having intention for taking their votes. This incident happened on 3rd of September 2024. TISL informed about this incident, prepared a letter and sent it to the district election office Matara and were able to settle the case.

Anura Kumara Dissanayake, presidential candidate had organized a meeting for the business community in Galle district on 07th of September 2024 at Aradhana hotel at Richmond hill road, Galle. It was about to start at 7.00 p.m. and organize a dinner party. TISL informed about this incident, immediately contacted the deputy commissioner of election in Galle district were able to stop that violation.

On August 12, 2024, solar panels were provided to 150 religious sites in the Nawalapitiya electorate. This was part of a national project by the Ministry of Power and Energy to distribute solar panels to religious sites across the country. Under this initiative, several Buddhist temples, Hindu kovils, Christian churches, and Muslim mosques in the Nawalapitiya electorate were provided with solar panels. It has been reported to TISL that former local government representatives, as well as residents, participated in these events.

11) State-Controlled Media Bias

The PPPR received 1 complaint regarding misuse of State-owned media. It was about the independent television network (ITN) which has been actively promoting Ranil Wickremasinghe, the then-president of Sri Lanka. ITN has been allocating a significant time allocation of its broadcast period to promote Ranil Wickramasinghe's political campaigns. By dedicating substantial airtime to his campaign, ITN has effectively become a platform for promoting Ranil Wickramasinghe's political presence and shaping public perception in his favor. Even No. 2394/56 of the Gazette published on 26th of July 2024 by the ECSL strictly prohibits the use of State-owned media for the promotion purposes of any political party, it was observed that this guideline was commonly violated by the authorities. This coverage has sparked discussions about media influence and the impartiality of national broadcasting during critical political periods.

In response to concerns about media impartiality, TISL has submitted the Right to Information (RTI) requests to the independent television Network. These requests seek to clarify the extent of ITN's involvement in promoting Ranil Wickramasinghe's campaigns and to clarify that Ranil Wickramasinghe's party had paid the necessary payments to allocate the airtime on ITN for promoting his campaigns. This information is crucial to ensure transparency and confirm that the coverage was not provided unfairly or without proper financial arrangements, aligning with ethical media practices.

12) Private Media and Social Media

The PPPR received 13 complaints regarding misuse of private media channels and social media. Those private media and social media platforms have contributed to the promotion of political parties in ways that break election laws. The guideline No. 2394/56 of the Gazette published on 26th of July 2024 by the ECSL set guidelines for political advertisements in private media, requiring transparency regarding funding sources and ensuring that all political parties receive equitable treatment in media coverage.

A complaint has been filed against Sri Lankan media channel HIRU for promoting presidential candidate Sajith Premadasa even after the election date was declared. The channel allocated significant air time to Samagi Janabalgaya's campaigns, and the complaint has submitted a Right to Information request to ensure transparency of the procedure.

A complaint has been filed regarding social media misuse by several parties for personal political purposes, specifically for presidential candidates. The Matale district election commissioner was informed about this violation.

A case in Colombo district involved misusing WhatsApp media for Ranil Wickramasinghe's political campaign, manipulating people to promote his slogan, 'Puluwan Sri Lanka'.

13) Other

The Public Property Protection Report (PPPR) registered 81 complaints regarding various election violations, such as the use of personal vehicles for promotional activities and unauthorized advertising. However, many of these complaints were hindered by insufficient evidence and a lack of detailed information necessary to initiate formal complaint proceedings.

ACTION TAKEN AND DIRECT INTERVENTIONS

The Program for the Protection of Public Resources (PPPR) focuses not only on reporting the misuse of public resources but also actively works to prevent such instances. The 2024 Presidential Election is considered one of the most peaceful elections in Sri Lankan history, with fewer violent incidents reported. However, misuse of public property by candidates for electioneering purposes increased compared to previous elections. TISL made concerted efforts to reduce and prevent these misuses throughout the election period.

1. Distribution of Solar Panels Using Decentralized Funding

A complaint was received about the distribution of solar panels to religious institutions in Nuwara district under political influence. The PPPR team immediately lodged a complaint with the Election Commission, which resulted in the Ministry of Electricity halting the distribution of the solar panels as per the Election Commissioner's instructions on 1st August 2024.

2. Presidential Approval for Welfare Project by National Craft Council

TISL reported a welfare project approved by the then-president, who was also a presidential candidate, aimed at benefiting artisans under the National Craft Council. TISL lodged a complaint with the Election Commission, raising concerns that such projects could affect independency of voting. The Election Commission responded by instructing the Ministry of Industry to suspend the project until after the election.

3. Promise of Subsidies to Fishermen

The PPPR team intervened when it was reported that presidential candidate Mr. Ranil Wickremesinghe promised a kerosene subsidy to fishermen. TISL filed a complaint, highlighting impact of such subsidies as it could promote one candidate over others and with to TISL's actions, the initiative was suspended by the relevant authorities.

4. Misuse of Public Vehicle

A complaint was lodged on 18th August 2024, against independent candidate Mr. Sarath Fonseka for allegedly using an official vehicle from his previous service for campaign purposes. After investigation, it was revealed that the vehicle had been decommissioned and sold at a public auction in May 2024, confirming no misuse of state resources.

5. Personal Security for a Former MP's Spouse

TISL reported the misuse of official security assigned to the spouse of former MP Sanath Nishantha, who was participating in election campaigns without holding any official position. Complaints were filed with the Election Commission and relevant authorities, flagging the inappropriate allocation of security resources.

6. Misuse of Government Helicopters

It was reported that Independent Candidate Mr. Ranil Wickremesinghe used a government-owned helicopter on 10th September 2024, for election campaigning, accompanied by another helicopter from the Sri Lanka Air Force. TISL sent a Right to Information (RTI) request to the Air Force to ensure transparency and verify whether proper payments were made for the helicopter usage.

7. Land Promises in Election Campaign

Members of the United National Party (UNP) in the Kaiveli area of Mullaitivu were reportedly offering land to local residents in exchange for their votes during the 2024 presidential election. Acting swiftly upon this information, TISL lodged a formal complaint with the local police. As a result, three individuals involved in this illegal activity were arrested, and the land allocation forms that were being used to solicit votes were seized, effectively halting the operation and preventing further violations of election law.

8. Party Office Irregularities

The NPP party office in Mannar was opened on 8th September 2024 without proper registration. A TISL district observer reported the incident, and the Election Commission quickly intervened, ensuring that the office was registered according to election laws.

9. Misuse of Public Premises

A political campaign was scheduled in the Muthumariamman Temple premises in Mullaitivu on 17th September. Following a complaint, the Mullaitivu District Election Office took swift action, and the event was canceled.

10. Illegal Rallies

A motorcycle rally in support of Mr. Ranil Wickremesinghe, planned in Mullaitivu on 8th September, was halted after six individuals were arrested. The participants were found distributing campaign pamphlets and carrying out illegal activities in violation of election regulations.

11. Hambantota Public Officials' Election Duty Suspension

19 government officers were found in Hambantota district participating in election campaigns in violation of their establishment codes. As a result of TISL's complaint, nine officials were suspended from election duty, including seven principals, one deputy principal, and one public health inspector. Further action is expected against the remaining officers.

Additional Observations

TISL identified several election law violations, including the illegal display of posters, banners, and cutouts, along with the distribution of food and money by various political parties. Through coordinated efforts with district observers, many events were canceled, ensuring a transparent and fair election process. The PPPR's proactive approach has contributed significantly to safeguarding public resources during the election period.

ELECTION DAY ENGAGEMENT

Activities carried out on election day

The Presidential Election, held on 21st September 2024, was largely peaceful with minimal election-related violations reported. Polling stations across the country opened at 7:00 AM and closed by 4:00 PM, providing ample time for voters to cast their ballots. On Election Day, Transparency International Sri Lanka (TISL) deployed 40 staff members to observe polling stations in 18 districts, including Colombo, Gampaha, Kalutara, Galle, Matara, Hambantota, Kandy, Nuwara Eliya, Matale, Anuradhapura, Puttalam, Jaffna, Vavuniya, Trincomalee, Batticaloa, Ampara, Kegalle, and Rathnapura. These districts were prioritized based on their pre-election track records, where the TISL election secretariat had identified and analyzed heightened risks for potential election violations. This analysis was supported by the district observers, who had flagged areas within their districts where violations were most likely to occur. The district observers were also instructed to prepare detailed Election Day observation plans, including routes to cover polling stations in red-flagged areas, ensuring a thorough and targeted approach.

In addition to TISL staff, a total of 177 electoral observers were deployed on the ground, bringing the total number of observers to 244 personnel. These electoral observers were tasked with closely monitoring election activities, particularly focusing on the misuse of public resources. The observers were vigilant in identifying election-day violations, working in close collaboration with the Election Commission and other independent observation organizations. TISL staff were assigned to these districts based on the organization's pre-election period assessments and observer availability. The decision to deploy observers was prioritized to cover districts where violations had been reported during the pre-election period and where potential risks of Election Day violations were high.

Key observations during the voting process

The table below provides an overview of all forms of violations identified by TISL's mobile observers throughout Election Day. These violations were systematically reported and recorded to ensure a free and fair election process in coordination with other election monitoring organizations.

Table 2: Districts covered, and number of staff members involved in observation on the day of the election

District	Number of Observers	No. Of observed polling stations	Number of Incidences Reported in the Election Day
Colombo	26	61	12
Gampaha	19	44	5
Kalutara	13	16	3
Galle	14	231	9
Matara	10	40	5
Hambantota	8	46	4
Kandy	16	15	2
Nuwara Eliya	7	16	1
Matale	7	14	2
Anuradhapura	10	38	3
Polonnaruwa	4	73	1
Badulla	11	18	1
Monaragala	4	28	2
Kurunegala	15	128	1
Puttalam	8	72	8
Jaffna	12	38	3
Kilinochchi	4	42	22
Vavuniya	6	43	3
Mullaitivu	4	25	6
Mannar	4	22	2
Trincomalee	6	16	2
Ampara	5	35	1
Batticaloa	6	30	2
Kegalle	12	69	15
Rathnapura	11	17	16
Total	242	1177	131

Nature of violations reported during the election day observation can be identified under the categories as follows:

- Misuse of Public Property – minor violations
- Illegal Campaigns
- Voter Fraud
- Voter Intimidation
- Vote buying
- Polling Station Irregularities
- Security Issues
- Physical Violence

Immediate interventions made on election day

On Election Day, TISL took immediate action by lodging formal complaints. There were three complaints lodged with the National Election Complaint Management Centre; two from Kalutara district and one from central Colombo. The mobile observer team filed complaints directly with the district election offices and alerted the relevant police divisions in each district. In some cases, district observers also lodged complaints. The mobile observer team closely monitored the actions taken by the authorities to address the issues raised in each complaint, ensuring that proper interventions were made to resolve the violations. This proactive approach contributed to maintaining the integrity of the election process.

Post Election Period

The post-election period following Sri Lanka's 2024 presidential election has remained as peaceful as election day itself. Voters and political parties have respected the outcome, and there is a atmosphere calm across the nation. Authorities have ensured a smooth power transition, with minimal unrest or disputes emerging from the results.

PARTNERSHIPS AND JOINT EFFORTS

Collaboration with other civil society organizations and election monitoring bodies

1. Chanda Salli Meetare – Joint Mechanism on Campaign Finance

Sri Lanka's electoral process underwent a major transformation with the introduction of the Regulation of Election Expenditure Act No. 3 of 2023, which marked the first instance of formal regulation of campaign finance. The Act, which applies to all candidates, sets new standards for transparency in campaign spending. Under this law, the Election Commission of Sri Lanka has imposed a spending limit of Rs. 109.00 per voter, amounting to a total budget of Rs. 1,120,979,151.60 per candidate contesting the 2024 Presidential Election. This figure represents 60% of the total allowable expenditure, while the remaining 40%, or Rs. 747,319,434.40, can be allocated by recognized political parties or nominating voters. Candidates are required to submit comprehensive expenditure reports, detailing campaign costs and any contributions received, including donations in cash or in kind, within 21 days following the election.

Recognizing the need for robust monitoring of this new legislation, Transparency International Sri Lanka (TISL) led a joint initiative with five other leading election monitoring organizations: People's Action for Free and Fair Elections (PAFFREL), Campaign for Free and Fair Elections (CaFFE), Centre for Monitoring Election Violence (CMEV), Hashtag Generation, and the Institute for Democratic Reforms and Electoral Studies (IRES). This coalition developed a collaborative tool—a website and mobile app—designed to track and assess campaign finance expenditure in real time. The platform's goal is to foster transparency, ensure accountability, and promote fair competition among candidates while equipping voters with essential information to make informed choices.

The tool, named "Chanda Salli Meetare," offers an interactive platform where citizens can monitor the estimated campaign expenditures for each candidate, broken down by categories such as media expenses, public events, billboards, and campaign offices. Each candidate's profile displays up-to-date expenditure estimates, as well as additional details such as asset declarations, election manifestos, and links to other resources. The platform's homepage is designed to be user-friendly and includes simplified explanations of the Regulation of Election Expenditure Act, encouraging public engagement. Links to related organizations such as the Election Commission, TISL, and other partners are also provided, alongside a disclaimer on the tool's limitations. The cost categories are public events, campaign office, public campaign, press conference and launching events, social media, and mainstream media. The Chanda Salli Meetare does not endorse or oppose any political party or candidate. Election expenditures are calculated based on standard minimum costs, and the Meetare is not responsible for third-party actions based on this information.

TISL has taken the lead in this effort by deploying and training 47 observers to monitor campaign expenditure across four districts: Colombo, Kandy, Puttalam, and Galle. These observers provide expenditure data on public campaigns, events, and campaign offices, which feeds into the broader monitoring efforts. TISL also extended its expertise to train observers from other partner organizations, ensuring consistent and reliable campaign finance monitoring across the board.

This collective effort represents a significant leap forward in promoting electoral transparency and accountability in Sri Lanka. By offering a structured mechanism to observe campaign finance, the platform empowers citizens to actively participate in upholding the integrity of the electoral process and holding candidates accountable for their campaign spending.



Please access here - <https://chandasallimeetare.lk>

1. Presidential Debate 2024

As part of its ongoing commitment to transparency and informed voting, the March 12 Movement, co-convened by TISL, organized a pivotal event that brought together presidential candidates on a single platform. This initiative allowed candidates to share their visions, strategies, and action plans for the upcoming election. The Presidential Debate was scheduled across three stages on September 7th, 8th, and 9th at the Bandaranaike Memorial International Conference Hall (BMICH) in Colombo. Of the 39 candidates invited, 15 confirmed their participation. The public was encouraged to submit questions via a digital platform, and the debates were live streamed on social media, providing a valuable opportunity to promote candidate accountability and foster an informed electorate.

Role of international observers

During the 2024 Presidential Election, Transparency International Sri Lanka (TISL) worked closely with international election monitoring bodies to enhance the integrity of the electoral process. Notably, the Asian Network for Free Elections (ANFREL), Commonwealth observers, and European Union (EU) international observers engaged with TISL.

TISL's National Coordinator to PPR Unit and Executive Director met with these international delegations to provide insights into the election environment. Additionally, ANFREL and EU observers sought detailed feedback from TISL district observers to assess the pre-election landscape. This collaboration extended to key districts such as Puttalam, Kandy, Anuradhapura, Nuwara Eliya, and Jaffna, where international observers focused on assessing potential issues and collecting critical data about the electoral climate. These joint efforts significantly contributed to the credibility and transparency of the observation process, ensuring comprehensive monitoring across the country.

CONCLUSION

Summary of findings

This report on electoral integrity, specifically focusing on the misuse of public resources during the 2024 presidential election, identifies several critical issues that threaten the electoral process. The analysis reveals various instances where state resources were inappropriately utilized for political gain, demonstrating a troubling trend that undermines the democratic principles essential to fair elections. The misuse of public property distorts the level playing field, which is crucial for free and fair elections, and further erodes public trust in the political system. Additionally, while there was a notable reduction in electoral violence compared to previous elections, the strategic misuse of public property by candidates and political parties presents a significant challenge to election integrity.

The introduction of the campaign finance law is a landmark in Sri Lankan election history. As an observation organization, TISL, alongside four other organizations, launched the “Chanda Salli Meetare” platform to track campaign expenditures of all candidates contesting the election. This initiative allowed us to monitor the campaign finances of all 38 candidates across four districts—Colombo, Galle, Kandy, and Puttalam. Moreover, through the website ApeSalli.lk, we tracked incidences of public property misuse during the election period. 177 electoral observers, led by 25 district observers, covered all electorates in the country, gathering valuable data on these occurrences.

Overall Assessment of the Misuse of State Resources in the Election

The evidence presented in this report demonstrates that the blending of state resources with political campaigns creates an unfair advantage for certain candidates, compromising the integrity of the electoral process. These practices not only violate existing regulations but also reflect a culture of impunity, which hinders democratic governance. Although the election saw fewer instances of violence, the focus shifted to the more strategic misuse of public resources, such as vehicles, premises, and welfare projects, all of which were used to benefit certain candidates.

While it is commendable that the violence was reduced, no candidate or party should be allowed to misuse public property, regardless of the peacefulness of the election. The Election Commission must take strict action to regulate such misuse and ensure it does not happen in future elections. This report further underscores the urgent need for comprehensive reforms, including clearer regulations and the establishment of independent oversight bodies to safeguard public assets and address any violations.

The collaborative efforts of government institutions, civil society, and the electorate are essential to preventing manipulation and ensuring that public resources serve the interests of the people, not political candidates. Sri Lanka's democracy will only thrive if transparency and accountability are prioritized, ensuring that elections truly reflect the will of the people. In a nutshell, the findings of this report serve as a call to action for all the stakeholders involved in the electoral process. By prioritizing the principles of transparency and accountability, Sri Lanka can pave the way for a more resilient democratic governance, where the will of the people is genuinely reflected and respected.

RECOMMENDATIONS

Establishment of a Complaint Monitoring Mechanism

The Election Commission of Sri Lanka should introduce a robust procedure to track and monitor the progress of complaints lodged during the election period. This mechanism will provide complainants with the ability to inquire about the status of their complaint, including the progress of investigations and any actions taken to address the issue. This would enhance transparency and accountability in addressing electoral violations.

Protection of Complainants' Privacy (Whistleblower Protection)

The privacy of complainants must be strictly respected and protected by the Election Commission throughout the election period. The Commission should ensure that the identity of complainants is not disclosed to third parties without their explicit consent. Implementing such protections aligns with international best practices in whistleblower protection, ensuring individuals feel safe to report violations without fear of retribution.

Accessibility of Polling Stations for People with Disabilities and Senior Citizens

The Election Commission, in collaboration with district election offices, must ensure that all polling stations are accessible to people with disabilities (PWD) and senior citizens. TISL observed several polling stations during the 2024 Presidential Election that lacked adequate accessibility. Going forward, the Commission should prioritize accessible infrastructure when selecting polling stations.

Regulation of Political Party Offices and Transparency

A clear regulatory framework should be developed to govern the establishment of political party offices in districts and electorates. TISL recommends that the Election Commission enforce proactive disclosure mechanisms, mandating all district election offices to publicly display the locations and details of officially registered political party offices. This would allow the public to easily identify these offices and enhance transparency.

Clear Guidelines for Public Officials on Election Period Conduct

The Election Commission must issue clear instructions to public officials regarding their conduct during the election period. Public officers who have political rights should be informed on how to exercise these rights responsibly, while those without political rights should be made aware of restrictions on their political activities. Additionally, comprehensive awareness programs should be conducted to educate public officials about the misuse of state resources during elections, particularly for those managing public assets.

Regulation and Tracking of Government Vehicles

Specific regulations should be issued to all public authorities regarding the use of government vehicles during election periods. A system should be developed to track and easily identify government vehicles, including both those owned by government authorities and those rented for official use. This system would help to prevent the misuse of public vehicles for political campaigning.

Legal Actions Against Electoral Violations

The Election Commission of Sri Lanka must take necessary legal actions against individuals and entities that violate election laws. The Commission should fully utilize the powers granted to it under Article 104GG of the Constitution to ensure accountability and uphold the integrity of the electoral process.

Collaborate with media outlets and social media platforms to detect and combat the spread of disinformation and inflammatory content. The Election Commission should work with fact-checking organizations to counter false narratives that could undermine the integrity of the election process.

District election officials should be instructed to work accordingly to the regulations of the election commission and, we highly appreciate if all the election related officials respect the work of election observation organizations to conduct free and fair elections.

ANNEX 02: GAZETTE NOTIFICATION



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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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No. 2394/56 - FRIDAY, JULY 26, 2024

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

Directions to Prevent the Direct or Indirect use of Movable or Immovable Properties belonging to the State, State Corporations or Statutory Boards during the Period of an Election for the promotion of or in prejudice to any party, group or candidate or obstructing the conduct of the election

THE Election Commission does hereby issue the following directions under Article 104B(04)(a) of the Constitution for the purpose of preventing the use of any movable or immovable property belonging to the State, any State Corporation or Authority or Statutory Board or Public Company for the purpose of promoting or demoting the election of any candidate of any political party or independent group or using such properties in a manner that would obstruct the conduct of the election.

R. M. A. L. RATHNAYAKE,
Chairman,
Election Commission.

M. A. P. C. PERERA,
Member,
Election Commission.

AMEER FAAIZ,
Member,
Election Commission.

A. SHANMUGANATHAN,
Member,
Election Commission.

Prof. LAKSHMAN DISSANAYAKE,
Member,
Election Commission.

At Election Secretariat,
Sarana Mawatha,
Rajagiriya,
On this 26th day of July, 2024.

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In terms of Article 104 B (04)(a) of the Constitution “The Election Commission shall have the power during the period of the election to prohibit the use of any movable or immovable property belonging to the State, any State Corporation or Authority or Statutory Board or Public Company for the purpose of promoting or preventing the election of any candidate of any political party or independent group contesting the election. Under subparagraph (b) of that Article it shall be the duty of every person or officer in whose custody or under whose control such property is for the time being, to comply with, and give effect to such directions issued by the Election Commission. All Public Officers including all Secretaries to Ministries, Chief Secretaries of Provinces should comply with these directions. Also, the Heads of institutions should ensure that all officers coming under their control do comply with these directions. These directions are applicable to all public institutions such as Ministries, Commissions, Departments, Provincial Councils, Local Authorities, Cooperatives, State Corporations, Statutory Boards, State Authorities, State Banks, State Universities and Public Companies.

02. Officials

- 2.1 The skills and knowledge of all public officers and their time are considered the property of the State. Therefore,
 - 2.1.1 Even a public officer with political rights shall not engage in political promotions inside the office premises or outside the office premises without formally availing of leave,
 - 2.1.2 Officers without political rights should not engage in political activities even after availing of leave,
 - 2.1.3 Public officials who do not have political rights will commit an offense if they use their personal social media accounts or other accounts to make statements or publicize anything that either promote or undermine any political party, independent group, or candidate,
 - 2.1.4 Even public officers with political rights should refrain from engaging in campaign activities during office hours using Government resources. It will be considered an offense if the permit the dissemination or publication of false news, disinformation, or intentionally altered or distorted information about any political party, independent group, candidate, or election through their personal social network accounts.
- 2.2 Preventing Misuse of State Properties for Political Activities.
 - 2.2.1 No officer or employee is entitled to use State properties *viz.* vehicles, communication equipment, printers, telephone facilities, photocopy machines, media equipment, circuit bungalows and another public employee or anything else belonging to the State for political activities.
 - 2.2.2 When the Election Commission determines that it is necessary to further investigate information or complaints received by the Commission citing that one or more orders issued by the Election Commission to prevent the misuse of State properties in connection with the election is/are violated, the officials under whose charge the necessary documents, both print and electronic, minutes, registers, and reports on recruitment or appointments lie should pursue action to produce them to the Election Commission or to any other official authorized for the purpose by the Election Commission when demanded by the Election Commission to do so. Public officers concerned shall be and are bound to make detailed statements when required to make an oral or written statement by the Election Commission or any other official authorized for the purpose by the Election Commission for the purpose of a further investigation carried out into any violation of orders or any one of them issued by the Election Commission.
 - 2.2.3 Every public officer shall be and is bound to pursue action to be present at the Election Commission in person to make every necessary explanation and produce all necessary documents when summoned by the Election Commission to inquire into any violation of orders or any one of them issued by the Election Commission regarding the misuse of State properties.
- 2.3 Recruitment, appointment, promotion, and transfer of officers

- 2.3.1 Officers should refrain from making any recruitment, appointments, promotions and transfers of whatever nature in public institutions including the recruitment, appointments, Promotions and transfers done in compliance with the prescribed procedure under the powers vested in the Commission appointed by the Constitutional Council, during this period without the approval of the Election Commission.
- 2.3.2 However, when the Secretary to the relevant Ministry or the Head of the relevant Department opines that there is as need to implement without postponing an island wide program or an internal arrangement for the recruitment/ promotion of officers that has been commenced before the election is announced and when the relevant authorities can ascertain that any other island-wide recruitment/ promotion in the public service or in the State institutions is made properly devoid of political interference, the concurrence of the Election Commission may be granted. In such cases, a request in that regard should be made to the Election Commission and the prior written approval of the Commission obtained.
- 2.3.3 When recruitment is made in Public Service at divisional or provincial levels for the purpose of avoiding interruptions to sanitary, janitorial or maintenance services and of maintaining essential services, such recruitment should be made with the concurrence of the Election Commission and it is the responsibility or relevant authorities to carry out such recruitment in a transparent manner and free of political intervention.
- 2.3.4 General transfers of all public officers including teachers and principals of government schools who would be deployed for election duties in the areas where the election is to be held should be suspended for the period starting from the day on which the nominations are received and ending two weeks after the date of poll.
- 2.3.5 Transfers of Public officers or officers of State Corporations/ Statutory Boards who would not be engaged in election duties should not be carried out on political grounds during the period of election and it is the responsibility of all relevant authorities to give effect to transfer without leaving room for complaints of political intervention.
- 2.3.6 This is not applicable to transfers done on disciplinary orders and if any transfer is required to be made on the exigency of service or under special circumstances, the such requirement should be brought to the notice of the Election Commission and approval obtained.
- 2.4 Preventing misdeeds connected to postal vote marking
- 2.4.1 Public officers should not bring or use any equipment prohibited by the Election Commission inside postal voting stations.
- 2.4.2 When public officers mark their postal ballots, it shall be an offence for them to take/ display/ cause to display, issue to public media, or upload to social media photographs of the ballot paper or the marked ballot or the polling station.
- 2.4.3. It shall be an offense to take photographs of the postal polling station or share these images with the public media or post them on social media networks.

03. Functions, Mobile Services and Trade Fairs

3.1 Functions :

- 3.1.1 Functions such as laying foundation stones, opening ceremonies and vesting in the public utilizing Government funds and State properties should not be organized or conducted during the period of an election since the politicians who attend these functions may express opinions and views on the election and conduct of these functions ceremonially may lead to the promotion or cause prejudice to any party, group or candidate.

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- 3.1.2 In the case of functions scheduled before the publication of the poll notice and which cannot be cancelled or postponed, the Election Commission should be informed thereof for instructions of the Commission to proceed therewith. In the event of conducting such function as involves spending Government funds, and if a promotion of or prejudice to any party/group or candidate has taken place at such function, the officials who organized such a function should be held responsible for the same.
- 3.1.3 The officers who organize functions/events should bring to the notice of the Returning Officers of the respective districts where such events are scheduled to be held during the period of an election well in advance enabling them to make arrangements to observe such events and keep records.
- 3.1.4 It is strictly prohibited to make any statement or to do any act, display or distribute flags/ banners/posters/ leaflets/notices promoting parties/groups or candidates at any function conducted spending State funds during the period of an election and the officers or authorities of State institutions who organize or fund such functions should prevent such promotions taking place.

3.2 Mobile Services and Trade Fairs :

- 3.2.1 Since there is a tendency to use mobile services and trade fairs conducted during an election period utilizing public funds and State property to facilitate the public for the promotion of or causing prejudice to parties/groups or candidates, organizing or conducting of such trade exhibitions or carnivals should be avoided during the period of an election.
- 3.2.2 Any trade exhibitions or carnivals scheduled before the Notice of Poll is published and cannot be cancelled or postponed during the election period should be reported to the Election Commission for guidance. If such events are conducted using government funds and result in promoting or prejudicing any party, group or candidate, the officials responsible for organizing them will be held accountable.
- 3.2.3 The officers who organized mobile services and trade exhibitions should also take action to bring to the notice of the Returning Officers of respective districts where such events are to be held during the period of an election well advanced enabling them to make arrangements to observe those and keep records.
- 3.2.4 It is strictly prohibited to make any statement or do any act, display or distribute flags/ banners /posters / leaflets /notices promoting parties /groups or candidates at mobile services and trade exhibitions conducted spending State funds during the period of an election and the official or State institutions that organize or fund such events should prevent such promotions or causing prejudice to any candidate or party or group.

04. Implementation of programmes to provide common amenities and aids and Special Projects

- 4.1 Long term or medium term special programmes may be implemented for the provision of facilities to the public or for the development of the country or continuous programmes to provide citizens with common amenities and cannot be suspended due to an election. However, Action should be taken to ensure that no promotion of or causing of prejudice to any party/group or candidate is taking place through such special projects or continuous programmes after the issue of the Notice of Poll.
- 4.2 During the period of an election the launch of programmes to distribute State lands, conduct land Kachcheris, award title deeds for State lands, deeds to transfer ownership of houses and reliefs to residents, providing subsidies, fertilizer, agro, equipment for the plantation industry, and providing sports goods, kitchen and household items, equipment for self employment, bicycles, solar power lamps, building material for house constructions, the release of housing loans/ compensations etc. should be suspended. However, if it is apparent that the suspension of the programmes will impede the meeting of needs of the general public, the Election Commission should be consulted for necessary instructions. In the event the programmes are already initiated or for which approval has already been obtained to be proceed, it should be the responsibility of the officers who are charged with such programmes to implement them with the participation of only the relevant officials without leaving any room for the promotion of parties/groups or candidates.

05. Responsibility of the Heads of State Corporations, Statutory Boards that possess State Properties

- 5.1 An officer should be nominated for each State Corporation, Statutory Board, Authority, and Company of which more than 50% of shares are held by the government to take responsibility and supervise State properties thereof.
- 5.2 Any property of any State Corporation, Authority, Statutory Board, or Public Company should not be allowed to be used in such a manner so as to promote or demote any political party, independent group, or candidate. It shall be the responsibility of the Head of the Institution to prevent the use of properties of the Institution for political purposes and the Head of the Institution shall pursue action to prevent the use of State properties to promote or demote any political party, independent group, or candidate. Heads of the Institutions who do not comply with these directives properly will be dealt with treating the breach or these directives as an election offense.

06. Vehicles

- 6.1 All officers in whose custody the pool of vehicles belonging to the State including motor cars, jeeps, cabs and buses, should take extra care in maintaining the vehicle pools and assigning such vehicles during the period of an election so as to prevent such vehicles from being used for the promotion of election propaganda campaigns of any political party, independent group or candidate. It should be noted that assigned vehicles belonging to the State and vehicles rented to be used for specific duties are included in the said category. During the period of election running charts should be properly maintained particularly in respect of pool vehicles and vehicles other than assigned vehicles and the running charts should be scrutinized by a staff officer on a daily basis to make sure that such vehicles are not used for any political propaganda purpose. Action should be taken to ensure that State vehicles are not used for the promotion of or causing prejudice to any political party on the pretext that they are used for official purposes with fake entries to that effect in the running charts.
- 6.2 No vehicle other than those two vehicles assigned for the purpose of providing security to H.E. the President can be operated without the exclusive registration number issued by the Department of Motor Traffic and as such no Minister or any member of his/her staff or another person can use State vehicles or vehicles belonging to public institutions without the relevant registration number. Therefore, Secretaries of Ministries / Heads of Departments and officers in whose custody the pool of vehicles belong to the State should ensure that no vehicle belonging to State Department or State institution is operated with garage numbers or fake numbers.
- 6.3 All Secretaries of Ministries / Heads of Departments should ensure that public funds are not utilized for the use of airplanes or helicopters or other vehicles for political propaganda activities.

07. State Offices, Buildings, Schools, other buildings belonging to the State and Circuit Bungalows

- 7.1 Government office buildings, schools, other buildings and circuit bungalows belonging to the State too are State property. Therefore, such buildings should not be used to conduct political meetings, discussions, etc.. It should not be construed that these directions prevent the buildings and halls which can usually be reserved on payment of specified fees by any political party/ group, candidate, from being so reserved during the period of an election on payment of relevant fees without causing any discrimination towards any Party/ Group / Candidate.
- 7.2 It is strictly prohibited to provide State-owned circuit bungalows, rest houses, and holiday resorts free of charge to persons engaged in election propaganda activities. It is strictly prohibited to reserve any State-owned circuit bungalows, rest houses or holiday resorts free of charge to persons engaged in political propaganda activities. Circuit bungalows, rest houses, and holiday resorts belonging to the State or State institutions and situated in respective areas should not be reserved on a full-time basis during the period of election to any politician, officer or any other person. Also, no person who avails accommodation at the said circuit bungalows should be allowed to engage in promoting any party, group or candidate. Any election propaganda posters, banners, cutouts, bill boards etc., are not to allow to be displayed on State-owned buildings or within their premises or store therein.

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- 7.3 When play grounds or bare lands and halls or such other buildings belonging to the State, Provincial Councils and Local Authorities are reserved for the purpose of holding election propaganda rallies to promote a Political Party/ Independent group or candidate, such reservation should be done in such a transparent manner that no special favor, priority or discrimination is meted out to any party, independent group or candidate. Also, such venues should not be reserved for the use of any party / group/ candidate or for any other purpose for a prolonged period of time so that such venues are made not available for the use by other parties.

08. General

- 8.1 State property, State institutions, vehicles, equipment, buildings, lands and public officers in particular, should not be allowed to be used for the promotion or demotion of parties, groups or candidates in relation to the election. No officer should allow any misdeeds such as attaching public officers of State institutions and vehicles belonging to the State or State institutions or rented vehicles stationed outside the electoral area to offices or institutions situated within the electoral area on the pretext that such attachments are done to carry out urgent duties or special development project work in electoral areas but used to promote (or to prejudice) parties, groups or candidates to take place. Officers, vehicles, equipment, belonging to Media Units of any State institution including Provincial Councils, Local Authorities, State Corporations, Boards, State Banks, other Statutory institutions, and State Universities should not be used for the promotion of any party, group or candidate. If entertainment equipment such as podiums, stages, decorations and vehicles, airplanes and helicopters belonging to State institutions are usually hired under normal circumstances, such hiring during the period of an election should be done in a transparent manner offering equal opportunities for all parties/ groups to hire such items.
- 8.2 Promotion of or causing prejudice to any party/group or candidate should not be done by way of broadcasting / telecasting / publishing through television, radio and press advertisement or by displaying billboards at public places spending public funds to give publicity to development programmes of the Government or to anniversaries / commemorations.
- 8.3 All private cable television channels, private electronic and print media institutions, websites, mobile and fixed telephone service providers should, act in such manner during the period of an election so as to not cause any breach of election laws and in compliance with the media guidelines, directions and instruction circulars issued by the Election Commission and it shall be the responsibility of the Secretary to the Ministry of Mass Media and the Chairman/Director General of the Telecommunication Regulatory Commission who are responsible for regulating of such institutions to ensure strict compliance thereto by the institutions aforesaid.
- 8.4 It shall be the responsibility of the Heads of State institutions/ provincial or Local Authorities and Mayors/ Chairmen/Urban Commissioners/Secretaries and heads of each Divisions under whose custody or control street lamp posts and telephone poles, public roads and pavements etc. fall, to prevent such properties situated within their respective areas of authority from being used for display of banners, posters, flags, billboards and other decorations and for advertising by way of painting or digital panels, with the intention of promoting or demoting parties / groups / candidates.
- 8.5 The Heads of Ministries, Departments or State Institutions should take action to remove photographs, advertising boards, flags, billboards and decorations which have been erected before the commencement of the election period and are being displayed at public places for the promotion or demotion of parties / groups / candidates. The Heads of Local Bodies and the Commissioners and Secretaries of such Bodies should take action to remove advertising boards, flags, billboards and decorations erected at public places within their area of authority.
- 8.6 The directions preventing the use of State properties for the promotion or demotion of election of any candidate at this election should be strictly adhered to without any favour. The Secretaries to Ministries should pursue action to give instructions in this regard to the Heads of Departments, State Corporations and other institutions coming under the purview of the respective Ministry. Also, the Secretaries of Ministries and Heads of institutions should ensure that all officers of their respective institutions comply with these directions and instructions.

- 8.7 Public officers should essentially draw their attention to Article 104b (02) of the Constitution which reads as “It shall be the duty of the Commission to secure the enforcement of all laws relating to the holding of the election and it shall be the duty of all authorities of the State charged with the enforcement of such laws, to cooperate with the Commission to secure such enforcement”.
- 8.8 Please note that the responsibility of bringing the contents of these directions to the notice of respective Ministers, State Ministers, Deputy Ministers and the staff of the Ministers lies with the Secretary to the respective Ministries while the responsibility of bringing such matters to the notice of Governors, Chief Ministers and other Ministers of the Provinces lies with the Chief Secretary and the Secretaries of the respective Provincial Ministries.
- 8.9 The Secretaries to Commissions should pursue action to bring these directions to the notice of the Chairpersons and Members of such Commissions, as applicable.
- 8.10 In addition to the provisions of the Constitution, it is the duty of the Chief Accounting Officer or Accounting Officer of Ministries/ Departments/ Institutions to prevent or to take action to prevent the misuse of State properties.
- 8.11 Negligence and/or omission of the duties entrusted statutorily or otherwise to Local Authorities and other State Corporations, or Statutory Boards and Public Companies shall be treated as a breach of these directions.
- 8.12 Non-compliance with these directions is a punishable offence under Article 104(22) of the Constitution of the Democratic Socialist Republic of Sri Lanka.

The term “State” wherever it appears in these directions means all State institutions including State Ministries, Departments, Provincial Councils, Local Authorities, State Corporations, Statutory Boards, Commissions, State Banks, State Universities, Nationalized Companies and institutions of which more than 50% of shares is held by the State or State owned Companies.

The term “public officers and employees” wherever it appears in these directions means all persons who engage and are employed in the institutions aforesaid and receive a salary or allowance.

Gazette Extraordinary Notification No. 2392/28, dated 10.07.2024 issued in this regard is hereby rescinded.

EOG 07-0278



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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 2394/58 - 2024 ජූලි මස 26 වැනි සිකුරාදා - 2024.07.26
No. 2394/58 - FRIDAY, JULY 26, 2024

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

CODE OF CONDUCT FOR CONTESTING POLITICAL PARTIES/ INDEPENDENT GROUPS AND CANDIDATES OF THE ELECTIONS

THIS Code of Conduct is issued in terms of Section 8(8) of the Parliamentary Elections Act, No. 1 of 1981 as amended by the Parliamentary Elections (Amendment) Act, No. 58 of 2009. The Code is applicable to the period commencing from the date of notice of nomination and to the date of declaration of the result of any election.

Prior to the enactment of laws recognizing Political Parties, political parties have existed in Sri Lankan society since 1931. The laws concerning the recognition of political parties have been amended multiple times since 1959. While rules and regulations have limited impact on enhancing the role of political parties in advancing contemporary society, these parties bear significant responsibility in fostering an environment conducive to conducting free and fair elections.

In light of this responsibility, the Code of Conduct for political parties and candidates was first introduced by the Department of Elections during the Provincial Councils Elections in 2012. Since then, the secretaries of political parties, party representatives, and observer organization representatives have all agree to abide by this Code at the Committee for Investigation of Election Complaints in all subsequent elections.

It is important to note that this updated Code, issued by the Election Commission, applies to individuals in Key positions such as leaders, secretaries, candidates, activists and supporters of all political parties participating in elections, as well as representatives of Provincial Councils and Local Authorities, all party activists, candidate supporters, independent group leaders, and their candidates.

Therefore, all those who are engaged in the elections are hereby informed to adhere to this code of conduct.

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07. Adhere to the instruction that only those who are permitted shall enter the nomination centers or polling stations or counting centers or results declaration centers as well as their premises and act in accordance with the directive not to take weapons to such places.
08. Candidates to abstain from engaging in prohibited election related activities and prevent his/her supporters from engaging in such activities.
09. Candidates or prominent officials of political parties should abstain from participating in state functions held during the election period and refrain from using such events to promote party candidates.

C. Election Propaganda Activities

01. Hold campaign meetings without causing any disruption to law and order and to the lawful campaign activities of rival candidates, and maintain election offices in accordance with election laws.
02. Political parties participating in the elections should present their party's policies and proposed programs to be implemented within a specified timeframe to the voters. With a copy to the Election Commission and to the Department of National Archives through the Election Commission.
03. Follow election laws in printing election material and distributing handbills, among voters.
 In Particular :-
 - i. Refrain from distributing anonymous handbills without indicating the name of the printer/publisher and from printing illegal notices, etc ;
 - ii. Refrain from using large crowds in the form of rallies or processions, music or displaying posters when engaged in door to door canvassing or distribution of handbills and prevent candidates or the close relations of candidates from engaging in door-to-door canvassing, if it is prohibited by the law.
04. Refrain from publishing political newsletters, articles or advertising supplements etc., at the expense of the government or government institutions, during the election period.
05. Refrain from displaying any election campaign notices, posters, photographs or paintings with the objective of promoting the election of a party or an independent group or a candidate, or preventing the election of a rival party, independent group or candidate in a state owned or private building, residential premises or a vacant land belonging to the government or a private person or in a public place or road to which the public have access, such display being permitted to be exhibited only at notified offices and within the premises in which a meeting is conducted on the day of such meeting.
06. Refrain from using lands, buildings or any property owned by the State or Semi-State institutions or Services or official for election promotion, except assembly halls or playgrounds that are hired under normal conditions and from engaging in any propaganda activities such as soliciting votes, distribution of handbills, displaying placards or hoardings in public institution such as offices, schools, etc.
07. Government official quarters allotted to politicians should not be utilized as election office for the promotion of any party or candidate. It is imperative that no offence, corruption, or illegal activity takes place in these precincts that contravenes the election laws or directives issued by the Commission through the Gazette.
08. If public buildings, playgrounds, or government circuits bungalows are used for election propaganda activities, they should be accessed by paying the prescribed fees. Equal opportunities should be provided for all stakeholders to utilize these facilities.
09. All Politicians are expected to cooperate with the district committee overseen by the respective Returning Officer at the district and regional levels to address issues related to the reservation of sports grounds or hall facilities owned by local authorities.

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10. During government or government-sponsored festivals, shows, exhibitions, or sports competition held in areas where elections are taking place, refrain from engaging in political campaign activities to promote candidates or parties participating in the election.
11. Photographs or statements of disenfranchised government officers and serving officers of security forces and police officers as well as retired security force officers or police officers taken or made while on duty or in official uniform, should not be used for publishing, broadcasting or publicizing through social media or any other electronic or print media in a manner promoting or prejudicing parties/ candidates.
12. Refrain from and publicly denouncing the unauthorized involvement of police officers and officers of other security forces, who serve as the lawful protectors of peoples' representatives, in political election campaigns and their use to hinder the election activities of opposition parties.
13. Abstain from using firearms, protective equipment, and tools legally designated for the protection of people's representatives for any unlawful purposes, except for safeguarding the designated people's representative.
14. Refrain from using places of religious worship or land or premises belonging to any religious organization for election promotion.
15. The government places typically allocated for campaign activities by political parties and independent groups should not be exclusively reserved for one party or candidate. Equal opportunities should be provided for other parties or candidates to access these locations for their campaign activities.
16. Display posters or flags or stickers related to the election or the name, number and photographs of the candidate only on the vehicle in which the candidate travels and refrain from using unregistered vehicles or vehicles with garage/fake numbers for election promotion.
17. Restrict any decorations or exhibition of election promotion materials to the venue of an election campaign meeting, ensure that such decorations do not harm the environment and remove all such decorations without delay after the meeting.
18. Refrain from holding processions, public rallies, motorcades and bicycle rallies as promotional activities during the election period as they are violations of election laws.
19. Use loudspeakers only at the places permitted, restrict the use of loudspeakers to the time allowed for the meeting and refrain from using loudspeakers in moving vehicles.
20. Stop all propaganda activities, 48 hours before the day of poll and refrain from holding musical shows, advertisements in print/ electronic media, during such silent period to promote party or candidates.
21. Refrain from using vehicles, or other State property or any powers and privileges available to a Member of Parliament, Provincial Councils or Local Authorities to promote the election of a party, independent group or a candidate.
22. Refrain from using free of charge government owned aircraft or any other vehicles for election propaganda activities.
23. Use the services of Sri Lanka Rupavahini Corporation and the Sri Lanka Broadcasting Corporation provided, under election law, to a party or an independent group for election propaganda, according to the guidelines and conditions imposed by the Election Commission and the Heads of the respective corporations. (This is not applicable for Provincial Council and Local Authorities elections.)

24. Use the free postal facility provided under the election law to send a publication, by political parties and independent groups, to every household according to the provisions of the relevant Act and according to the instructions issued by the Post Master General. (This is not applicable to Provincial Council and Local Authorities elections).
25. Refrain from election promotion activities that disturb the conduct of public examinations including the General Certificate of Education (Ordinary and Advanced Level) and Grade 5 Scholarship Examination at the examination centers and at their evaluation centers at schools.
26. During propaganda campaigns, avoid using images of children in posters, notices, cutouts, and video footage. Additionally refrain from involving children in any propaganda activities.
27. Refrain from promoting parties/ candidates during educational workshop associated with public examinations and scholarship examinations.
28. Refrain from using statements or comments made by a candidate regarding another party or candidate, to promote or prejudice another party or candidate, if the person who made the statements has previously expressed objection to such statements.
29. When conducting election propaganda campaigns on social media and the internet, it is important to consider the following points and adhere to the ethical guidelines applicable to social media :
 - i. Avoid advertising false news, disinformation, and intentionally altered or distorted information generated by artificial intelligence-based computer programs.
 - ii. Refrain from creating fake social media accounts in the names of others to harm other candidates.
 - iii. Street clear of intimidating and harassing individuals who support other parties/ candidates on the internet and social media.
 - iv. Do not enlist social media platforms to disseminate false news, disinformation, and intentionally altered or distorted information.
 - v. Avoid attempting to manipulate or sway public opinion through fake social media accounts.
 - vi. Do not promote pre-election polls through social media.
 - vii. Ensure that advertising activities conducted by social media influencers follow ethical standards.

D. Poll Day

01. Refrain from engaging in any prohibited activity, especially, canvassing for votes *etc.*, mentioned in the election law, within a radius of 500 meters of a polling station on the poll day.
02. Refrain from obstructing voters who come to the polling station and voters casting their vote at the polling station, from influencing the voter and from preventing the voters casting their vote freely and in secret.
03. Refrain from intimidating or causing bodily harm to voters, polling agents, candidates and election observers and their families or causing damage to their houses or properties, from interrupting voters on their arrival at or departure from the polling station, and from chasing away polling agents from the polling station.
04. Ensure that only those permitted (Secretary of contesting political party, candidates and their polling agents) enter the polling station after they prove their identity, while refraining from bringing security personnel or journalists, or photographers into the polling station.

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05. Refrain from committing or promoting of any corrupt practice or offences (such as bribery, intimidation stuffing of ballot boxes at the polling station, breaking into polling stations, impersonation or other corrupt practices or offences.)
06. Refrain from illegal transport of voters to polling stations.
07. Ensure that polling agents co-operate with the poll staff at the polling station and that the agents do not create any disturbance at the polling station.
08. Refrain from interfering with election observers approved by the Election Commission in engaging in observations and support their activities.
09. Refrain from prohibited actions such as videoing, using mobile phones, etc., in the premises of the polling stations.

Please note that above codes are applicable for the day of postal voting as well.

E. Count of Votes and Preference (including Postal Votes), and Declaration of Results

01. Make the counting agents aware of the procedure regarding the counting of votes and preferences (including the counting of postal votes) and the procedure for making complaints.
02. Ensure that the Agents at the Centre for Counting Votes and at the Centre for Declaration of Results observe and follow the administrative arrangements at the centre provided by the Election Commission and the Returning Officer.
03. Ensure that Government Ministers, Ministers of Provincial Councils, Members of Provincial Councils and Local Authorities and other politicians are prevented from entering Counting Centers/halls unless they are duly appointed as Counting Agents or are candidates.
04. Prevent politicians appointed as counting agents or declaration centre agents from being accompanied by security personnel of any politician, with or without weapons, into the counting halls of the Centre for Results Declaration and refrain from bringing unauthorized persons to the premises of the counting halls/centre for Results Declaration.

F. Hate Speech or Speech Prejudicial to National Harmony

Refrain from spreading hate speech, statements that undermine national harmony, false news on print or electronic mass media or social media, as mentioned below, and from endorsing such statements.

01. Abstain from hate speech of any form ; that is speech that threatens, or insults communities or social groups, especially women, persons with special needs or disabled, those of different sexual orientation and other religious or ethnic groups.
02. Ensure that all those engaged in political activities refrain from hate speech at all times, especially during the period commencing from the first day of the nomination period at any election and ending on the day following the date of the poll at such election.
03. Hate speech is identified as an offence and therefore those who make hate speech should be reported.
04. Abstain from making statements or displaying images that disturbs the harmony and mutual trust among the ethnic and religious groups.

05. Abstain from making any statement that may harm or prejudice the dignity of ethnic or religious groups and individuals and abstain from using such statements as propaganda.
06. Abstain from making statements or from any action that could be deemed to be prejudicial to or discriminative of any person or group based on religious, ethnic, linguistic, caste, or gender differences.
07. Abstain from making statements or engaging in any action that is contemptuous or abusive of women based on their physical appearance. Though women are specifically referred to here those who are engaged in politics should refrain from such statements or action since they are relevant to every citizen.
08. Abstain from making statements or engaging in any action that is contemptuous or abusive of any deformity or disability of any person.
09. Avoid using print and electronic media to spread programs that make unfounded or false accusation against opposition parties and their supporters without allowing the concerned parties the chance to respond, during the election period.
10. Refrain from engaging in any form of election propaganda (sharing unreliable election promotion information) in reaction to criticism and allegations directed at a political party or politicians, and respond solely through non-violent legal means.

G. Abstain from Entertaining

01. Refrain from inviting voters or state officers individually or in groups to private or official residences and from entertaining them during the period of the election.
02. Refrain from making premises of financial assistance, laying foundation stones for projects or proposed projects, promising to provide roads, water and electricity services, and making *ad-hoc* appointments to posts outside the approved scheme of recruitment with the aim of attracting votes.
03. Refrain from influencing appointments, transfers, and promotions with political favoritism, whether directly or indirectly.

H. The Use of Nationality, Religion, National and Religious Symbols and other Important Matters

01. Abstain from using or otherwise abusing the National Anthem, National Flag, religious symbols, religious flags, paintings or photographs of founders of religions or religious leaders through publication or broadcast to promote or demote the candidature of a candidate or parties/groups. Also, abstain from exhibiting them at promotional rallies, meetings of parties/groups or candidates or on the notices and display boards. Refrain from using photographs or paintings of public officers, in any manner, to promote parties/candidates.
02. Abstain from uttering at any religious assembly any words for the purpose of influencing the result of an election or inducing any elector to vote or refrain from voting for a candidate of any recognized political party or independent group at such election.
03. Abstain from distributing and displaying at any religious assembly, any handbill, placard, poster, drawing, notice, photograph of a candidate, symbol, sign, flag or banner ; holding or causing to be held any public meeting at a place of worship for the purpose of promoting the election, or the election campaign of a candidate of any recognized political party or independent group at such election.

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Part I: Sec. (1) - GAZETTE EXTRAORDINARY OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA - 26.07.2024

It is expected that candidates contesting at any Election and Secretaries of respective political parties, agents and supporters or candidates, as applicable, act in accordance with the aforesaid code. It is also expected that the candidates and, as relevant, Secretaries of Political Parties will make suitable arrangements to ensure that their agents, party members, followers and supporters earnestly observe this Code of Conduct.

R. M. A. L. RATHNAYAKE,
Chairman,
Election Commission.

M. A. P. C. PERERA,
Member,
Election Commission.

AMEER FAAIZ,
Member,
Election Commission.

A. SHANMUGANATHAN,
Member,
Election Commission.

Prof. LAKSHMAN DISSANAYAKE,
Member,
Election Commission.

On this 26th Day of July 2024,
At Election Commission,
Sarana Mawatha, Rajagiriya.

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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 2397/66 - 2024 අප්‍රේල් 16 වන දිනට - 2024.08.16
 No. 2397/66 - FRIDAY, AUGUST 16, 2024

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

Order under Section 03 of the Regulation of Election Expenditure Act, No. 03 of 2023

THE authorized amount to be incurred by candidates of recognized political parties and other political parties, and independent candidates, contesting the presidential election-2024, held to elect the President under a written law in pursuance of the provisions of the Presidential Election Act, No. 15 of 1981, for election propaganda activities as fixed by the Election Commission in consultations with the candidates of recognized political parties and other political parties, and independent candidates, contesting the presidential election, in accordance with Section 03 of the Regulation of Election Expenditure Act, No. 03 of 2023 is indicated in the schedule below.

R. M. A. L. RATHNAYAKE,
 Chairman,
 Election Commission.

M. A. P. C. PERERA,
 Member,
 Election Commission.

AMEER FAALZ,
 Member,
 Election Commission

A. SHANMUGANATHAN,
 Member,
 Election Commission.

Prof. LAKSHMAN DISSANAYAKE,
 Member,
 Election Commission.

On this 16th day of August, 2024,
 At Election Commission,
 Sarana Mawatha, Rajagiriya.



LA-EPG 4830 - 254 (08/2024)

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 Part I: Sec. (I) - GAZETTE EXTRAORDINARY OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA - 16.08.2024

SCHEDULE

- Each candidate contesting at the Presidential Election - 2024 to elect the President is authorized to incur a sum not exceeding of Rs.109.00 (one hundred and nine rupees) only per elector for the purpose of election propaganda activities. Accordingly, the maximum amount that could be incurred by a candidate is Rs. 1,868,298,586.00 (one billion, eight hundred and sixty eight million, two hundred and ninety eight thousand , five hundred and eighty six rupees) only.
- Sixty percent (60%) i.e. Rs. 1,120,979,151.60 (one billion, one hundred and twenty million, nine hundred and seventy nine thousand, one hundred and fifty one rupees and sixty cents), out of this amount, can be incurred by each candidate for propaganda activities. The secretary of the recognized political party or other political party or the elector who nominated the candidate, is authorized to incur forty percent (40%) i.e. Rs.747,319,434.40 (seven hundred forty seven million, three hundred and nineteen thousand, four hundred and thirty four rupees and forty cents) only, for propaganda activities of the candidate.

Serial No.	Description	Limit of expenditure Rs.
01	Amount allocated to the contesting candidate at the Presidential Election -2024	1,120,979,151.60
02	The amount that could be incurred by the recognized political party or the elector who nominated the candidate	747,319,434.40
	Total	1,868,298,586.00

- The election expenditure reports should be prepared, audited and handed over to the Election Commission by the political party or the candidate, as the case may be, with attestation of the signature of the candidate by Commissioner of Oaths or Justice of the Peace within a period of twenty one (21) days from the date of declaration of results of the election.

This report should include,

- an estimated cost of all donations and contributions, accepted or received in cash or kind by such recognized or other political party or candidate, stating whether they are donations, loans, advances or deposits,
- name, address and number of NIC, TIN of the IRD or the registration number of the donor, contributor, or the institution incorporated or non-incorporated, who made the donation or contribution.

This report should include expenditure on

- all media activities (propaganda notices, handbills, posters, banners, pictures, photographs advertisements etc.),
- radio and television programs,
- news bulletins, magazines, periodicals, social media, digital exposes or any other digital media or publications, and
- supply of fuel to vehicles

with the information whether payments were made or not, if paid, the bills, if not paid, the name, NIC number and address of the person who provided the particular service/ donations

This report should not include the expenditure on

- a. transport costs of the candidate
 - b. costs on stationery, telephone charges or any other communication mode
04. The Election Commission will publish a notice within 10 days of the receipt of such report in Sinhala, Tamil and English languages, at least in one national newspaper, informing the date, time and place where the report could be scrutinized.
 05. Any person is allowed to obtain a copy of such report after making the payments prescribed by the Election Commission. Relevant rates can be obtained from the Returning Officers.
 06. Failure to submit the reports before the stipulated date, and submission of defective reports, is an offence, by the recognized political party or other political party or candidate in terms of the Presidential Election Act, No.15 of 1981 and will be subject to penalties thereunder.
 07. (1) In the Presidential Election 2024, any recognized political party, other political party or candidate should not solicit or accept directly or indirectly any donation, contribution in cash or kind for the purpose of promotion or accommodation of any party or candidate from
 - i. any government department, public corporation or company incorporated under the Companies Act, No. 7 of 2007 or any Act prior to the promulgation of this Act
 - ii. any foreign state, international organization, or a body incorporated outside Sri Lanka
 - iii. any company incorporated in Sri Lanka under the Companies Act, No. 7 of 2007 or under any previous law where fifty or more shares held directly or indirectly by foreign ownership, or
 - iv. any person whose identity is not established
- (2) Any candidate who violates the provisions in the subsection (1), commits an offence under the Presidential Act, No. 15 of 1981 and is subject to the penalties thereunder.

EOG 08-0233

ANNEX 03: PRESS RELEASES

TISL Launches Nationwide Election Observation Focusing on Misuse of Public Resources

Transparency International Sri Lanka (TISL) has deployed 200 election observers across the country to monitor the misuse of public resources for campaign purposes during the 2024 Presidential Election.

Continuing its efforts since 2004, TISL is scrutinizing the misuse of public officials, public property, and state funds for election campaigning. This observation will continue until the election results are officially announced.

At a media briefing held yesterday (August 12) at TISL's premises in Nawala, TISL Executive Director Nadishani Perera urged citizens to actively detect and report incidents of public resource misuse during the election. She encouraged citizens to report such incidents with evidence to www.apesalli.lk, or to the hotline at 0763223442 (WhatsApp available), or via fax at 011 2865777. She emphasized that TISL will forward verified complaints to the Election Commission for preventive action and, if necessary, pursue legal action against serious incidents where formidable evidence is available.

She highlighted that the misuse of public resources is a significant form of corruption that affects the country not only during elections but year-round, depriving citizens of access to resources they are entitled to. She stressed that using public officials, their time, and expertise for any candidate's campaign is unlawful and violates election rules and ethics.

"We appeal to public officials not to succumb to political pressure because, at the end of the day, you will be held responsible for any unlawful action. You could face a fine of up to Rs. 100,000 and/or imprisonment for up to three years if found guilty. Uphold your sacred duty as guardians of public resources and resist all types of temptation. At the same time, we call upon presidential candidates to conduct lawful and ethical campaigns without violating election laws," she stated.

The Executive Director pointed out that the misuse of public resources skews election outcomes by depriving all competitors of an equal playing field. "It is crucial that the Attorney General takes swift and strong action when the Election Commission forwards complaints, especially those of a grave nature. This will act as a deterrent to candidates and encourage citizens to report more incidents. Empowering the Election Commission to directly take action on these complaints is also necessary to address the prevailing challenges," she added.

Speaking at the media briefing, Thushanie Kandilpana, National Coordinator of the Programme for the Protection of Public Resources (PPPR) at TISL, stated that TISL has received 45 complaints through election observers regarding the misuse of public resources since the announcement of the Presidential Election.

“These complaints include paying various allowances to public servants, carrying out development activities at religious places, giving scholarships, opening housing projects and buildings, providing computers, using state buildings and sports complexes for election rallies, misusing the President’s Media Division to promote certain candidates, using State Media to influence political perceptions, distributing goods to voluntary organizations, distributing deeds and loans, and creating various beneficiary lists. Many of these complaints have already been forwarded to the Election Commission, which is in the process of taking action. We plan to lodge a new complaint with the Election Commission today (August 12) regarding the proposed pay hike for estate workers,” she explained.

Gowriswaran Kirupairajah, Senior Programme Manager at TISL, urged all citizens to act as watchdogs over candidates’ use of public resources for their campaigns, as a few election-observing organizations alone cannot handle this issue with limited resources.

TISL flags election law violations over Government's pre-poll announcements of subsidies and pay hikes

Transparency International Sri Lanka (TISL), in its role as an election watchdog that scrutinizes the misuse of public resources for election propaganda during the Presidential Election 2024, highlights that the Government's recent pre-poll announcements on providing various subsidies and salary increments are a blatant and intentional violation of election laws.

The Government last week announced that the Cabinet has approved 24-35 per cent salary increase for all public servants, together with Rs. 25,000 Cost of Living allowance, from January 2025. The public service cadre amounts to about 1.5 million in Sri Lanka and almost all of them are voters. In addition, it has promised Rs. 12,000 Cost of Living allowance for pensioners. Cabinet approval was also granted to provide a fuel subsidy for fisher-folk and a fertiliser subsidy for tea growers with effect from August 22. The minimum wage for plantation workers was also raised to Rs. 1,700 recently.

The Government has nowhere explained by what means it is going to raise the money for the recently announced subsidies and pay hikes. However, TISL notes that it is by no means against the provision of subsidies for the people or benefits for the public officers, but is against the timing of them. The law clearly states that any use of public resources in a manner that would directly or indirectly promote or harm a candidate is prohibited during the election period.

TISL has filed a significant number of complaints with the Election Commission regarding these pressing issues. As of Friday, August 23, TISL has submitted over 80 complaints concerning allegations of misuse of public resources. It is reported that a considerable number of such violative activities have been addressed by the Commission's intervention. TISL commends the Commission for taking swift actions.

However, TISL is deeply concerned by the rising number of complaints on misuse of public resources and the abuse of power to promote certain candidates as the country approach a crucial Presidential Election. Such actions constitute clear violations of election laws and the guidelines set forth in CIRCULARS/GAZETTES 2394/56 of the Election Commission.

TISL strongly urges the Election Commission of Sri Lanka to take swift and stringent measures to curb practices that undermine the integrity of a free and fair election.

The continuation of such activities by the current government under the incumbent President, who is also a presidential candidate, represents a blatant misuse of executive powers for personal political gain. TISL unequivocally condemns all actions, which disrupts the equal playing field among the candidates.

Any actions that violate the election laws during a crucial election period compromise the citizen's right to vote freely and independently and thereby distorting the democratic process. TISL calls for immediate and concrete action to restore electoral fairness and uphold democratic principles.

TISL Applauds Peaceful 'Presidential Election 2024' and High Voter Turnout

Transparency International Sri Lanka (TISL), as an election observation group that observed the freshly concluded 'Presidential Election 2024' with a special focus on the misuse of public resources, commends the hard work of the Election Commission of Sri Lanka (ECSL), Sri Lanka Police and all other affiliated service providers for conducting a very peaceful election.

This year's Presidential Election was significant on several counts. It was the first election after the people's uprising (Aragalaya), which stemmed from the unprecedented economic crisis in 2022. It is the first election where the campaign finances of candidates are scrutinized under the Regulation of Election Expenditure Act of 2023. It was also the first time, that the counting of second and third preferences was required in a Presidential Election.

TISL deployed 202 Election Observers to observe the misuse of public resources across all 25 districts, along with 47 observers to monitor campaign expenses. In the lead-up to the election, TISL received a total of 1,126 complaints, and actions were taken on approximately 650 of them. The highest number of complaints (451) were related to the misuse of public premises, such as public grounds, government offices, buildings, and schools.

On the election-day, 244 observers, including TISL staff, participated in election observation. While no major election-related violent incidents or election law violations were reported, 112 incidents of election law violations were reported by TISL's Election Observers; most of these incidents were related to minor illegal campaign activities. These unlawful activities such as displaying of posters and cutouts and misuse of public property were reported to the Police and Officials in charge of the polling stations and swift actions were taken by the authorities to rectify them.

The high voter turnout (estimated between 75% and 80% by the Election Commission) is commendable and demonstrates voters' enthusiasm and confidence in Sri Lanka's democratic process.

TISL would like to express gratitude to every citizen who fulfilled their utmost democratic duty of voting and remained peaceful during the election period. As an Election Observation Organization, TISL states that the election was conducted in a calm and non-violent manner on the election day.

Election Day Observation Statement

Presidential Election 2024 was held on September 21st, 2024, in 13,421 voting places across the island. According to Election Commission Sri Lanka statistics, 75%-80% of eligible voters out of a total of 17,140,354 registered voters exercised their franchise to select the President from among 38 candidates.

This year's Presidential election is significant because it marks the first time in Sri Lanka that the second and third preferences were considered in the counting process. Furthermore, this election occurred during a period when the Inspector General of Police had not been appointed. Therefore, as an election observation organization, a special appreciation is conveyed to the Election Commission of Sri Lanka (ECSL) and the SL Police for their contribution in holding a very peaceful election.

Transparency International Sri Lanka deployed 202 Election Observers to monitor the misuse of public resources across all 25 districts, along with 47 Observers to monitor campaign expenses. 244 Observers participated in election observation on election day, including TISL staff and designated Election Observers from each district. On election day, 112 incidents of election violations were reported by TISL's Election Observers; most of these incidents were related to minor illegal campaign activities. These unlawful activities such as displaying of posters and cutouts and misuse of public property were reported to the Police and Officials in charge of the polling stations and swift actions were taken by the authorities to rectify them.

TISL would like to express gratitude to every citizen who fulfilled their utmost democratic duty of voting and remained peaceful during the election period. As an Election Observation Organization, TISL states that the election was conducted in a calm and non-violent manner on the election day.

“Chanda Salli Meetare”: First-Ever Campaign Finance Observation Tool Unveiled

For the first time in Sri Lanka, six prominent Election Observation Organizations, namely, Transparency International Sri Lanka (TISL), People’s Action for Free and Fair Elections (PAFFREL), Campaign for Free and Fair Elections (CaFFE), Centre for Monitoring Election Violence (CMEV), Hashtag Generation, and the Institute for Democratic Reforms and Electoral Studies (IRES) have established a Campaign Finance Observation Online Tool to observe the campaign expenditures of election candidates at the Presidential Election 2024.

The tool named “Chanda Salli Meetare” aims to advocate for the effective implementation of the Regulation of Election Expenditure Act of 2023, empower citizens with vital information to make informed voting decisions, ensure a level-playing field among presidential candidates, and foster a free, fair and inclusive electoral environment that upholds democratic values.

The collaborative tool was launched today (August 16) at BMICH in Colombo with the presence of the Commissioner General of the Election Commission of Sri Lanka, political party representatives, diplomatic missions, civil society organizations and the media.

Nadishani Perera, Executive Director of TISL, Manjula Gajanayake, Executive Director of IRES, Saman Sri Ratnayake, Commissioner General of ECSL, Rohana Hettiarachchie, Executive Director of PAFFREL, Dr. Paikiasothy Saravanamuttu, Executive Director of Center for Policy Alternatives (CPA), Manas Makeen, Executive Director of CaFFE, and Darshatha Gamage, Specialist – Elections and Information Integrity at Hashtag Generation, addressed the gathering.

The tool is designed to contribute to the long-term goals of promoting transparency and accountability in Sri Lanka’s electoral processes. By increasing public awareness of the role of money in election campaigns and its influence on voter decisions, it encourages citizen engagement in campaign finance observing through the dedicated website ‘chandasallimeetare.lk’.

The website displays presidential candidates’ profiles with valuable insights on their campaign expenditure broken down into selected cost categories namely;

mainstream media, social media, billboards and cutouts, public events, press conferences, launch ceremonies, and campaign offices. The profiles may include the candidates’ asset declarations, election manifesto, and links to external resources to view their parliament performance etc., if available publicly.

The campaign expenditure is calculated based on pre-determined minimum average costings and formulas for each category. In addition to dedicated monitoring of social media and mainstream media-based campaigning, election observers will be deployed across the country by the election watchdogs to gather information on ground-level election expenditures in their respective electorates. The website provides the facility for citizens to also provide information about campaign activities of candidates.

A Secretariat, which consists of a dedicated team of campaign finance experts and an IT specialist, has been set up to handle the back-end system of the tool. All data submitted by election observers and citizens will be verified before they are made publicly available through the “Chanda Salli Meetare”.

The law requires all election candidates and parties to submit their returns (financial reports) after the election to the Election Commission. By implementing this tool, the financial data contained in the returns could be compared with the findings of the campaign finance observations collectively done by the Election Monitoring Organizations and reported through the website.

The scope of observations of expenditure will be limited to a selected number of key cost categories that are feasible to be monitored within the capacity of these organizations and therefore, will not reflect the entirety of each candidate’s expenditure. The tool, which will be first executed at the Presidential election, is expected to be adapted and extended to the upcoming other elections as well.

The election observation organizations appeal to the citizens to get involved and support this process to track the election expenditures of candidates, by submitting information on campaign activities in their respective areas, through the user-friendly website which can be accessed through mobile phones or computers. At the same time, we call upon all presidential candidates to adhere to campaign expenditure laws and show that you are prepared to lead by example.

8. அரசு சட்டங்கள் நிறைவேற்றியவுடன் அதன் மீறல் கண்டிப்பாக சீர்திருத்தம் செய்யப்படும் வகையில் அரசாங்கம் என்ன நடவடிக்கை எடுக்க முன்வருகிறது? இவற்றில் எந்தவற்றை நீங்களும் உங்களது மேற்பார்வையின் கீழ் பணியாற்றும் கண்காணிப்பாளர்களுக்கும் இதற்கெதிராகக் காலப்போக்கியினால் எதிர்பார்ப்பதற்கான சவால்கள் மற்றும் பிரச்சனைகளைக் குறிப்பிடுக? *

Enter your answer

9. தனது கடமை நிறைவேற்றம் செய்யும் முன்பாக அரசாங்கம் சட்டம் செயல்படுத்தும் வகையில் அரசாங்கம் என்ன நடவடிக்கை எடுக்க முன்வருகிறது? இவற்றில் எந்தவற்றை நீங்களும் உங்களது மேற்பார்வையின் கீழ் பணியாற்றும் கண்காணிப்பாளர்களுக்கும் இதற்கெதிராகக் காலப்போக்கியினால் எதிர்பார்ப்பதற்கான சவால்கள் மற்றும் பிரச்சனைகளைக் குறிப்பிடுக? *

Enter your answer

10. தனது கடமை நிறைவேற்றம் செய்யும் முன்பாக அரசாங்கம் சட்டம் செயல்படுத்தும் வகையில் அரசாங்கம் என்ன நடவடிக்கை எடுக்க முன்வருகிறது? இவற்றில் எந்தவற்றை நீங்களும் உங்களது மேற்பார்வையின் கீழ் பணியாற்றும் கண்காணிப்பாளர்களுக்கும் இதற்கெதிராகக் காலப்போக்கியினால் எதிர்பார்ப்பதற்கான சவால்கள் மற்றும் பிரச்சனைகளைக் குறிப்பிடுக? *

வே உள்ள தகவல்கள் அனைத்தும் உண்மையான உறுதியளிக்கிறேன்.

ஆம் / ஆம்

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ELECTION DAY – DISTRICT LEVEL FINAL REPORT

Election Day Observation Report – District Level Transparency International Sri Lanka Presidential Election (September 21, 2024)

1. Basic Information

District:

Names of Observers:

Observed Areas / Electorates:

Observation Start Time:

Observation End Time:

2. General District Overview of the Election Day

2.1 General Environment:

- a) Overall atmosphere in the district: (Calm, Tense, Violent, etc.)
- b) Any widespread issues or concerns observed? (Yes/No)
- c) If yes, describe briefly:

2.2 Security Presence:

- a) Was there a sufficient security presence across the district? (Yes/No)
- b) Were there any notable security concerns or incidents? (Yes/No)
- c) If yes, describe briefly:

2.3 Voter Turnout:

- a) General assessment of voter turnout across the district: (High, Medium, Low)
- b) Any notable variations in turnout across different polling stations? (Yes/No)
- c) If yes, describe briefly:

3. Polling Stations Visited

[For each polling station visited, provide the following information:]

Polling Station 1

- 1) Name of the Polling Station / Location:
- 2) Time of Visit:
- 3) General Observations:
 - Was the polling station functioning smoothly? (Yes/No)
 - Was the station accessible to all voters, including those with disabilities? (Yes/No)
 - Any Issues or Irregularities Observed? If yes, describe briefly:
 - Other observations: [*Provide additional details if needed*]

4. Incident Reporting (Misuse of Public Property and Resources / General Election Related Incidents)

4.1 Total Number of Incidents reported

4.2 Detailed Incident Reports [For each significant incident, provide the following details:]

Incident 1:

- a) Type of Incident:
- b) Location (Polling Station Name/Electorate):
- c) Time of Incident occurred/reported:
- d) Description: [Detailed description of the incident]
- e) Actions Taken: [Any actions taken by officials or observers]
- f) Status: (Resolved/Unresolved/Under Investigation)

5. Summary of Observations

5.1. Overall Conduct of the Election:

- a) Was the election conducted according to the established rules and procedures? (Yes/No)
- b) Were there any widespread issues affecting the integrity of the process? (Yes/No)
- c) If yes, describe: [Brief summary]

5.2 Strengths Observed: [Highlight key strengths or positive aspects observed during the day.]

5.3. Areas for Improvement: [Highlight key weaknesses or areas for improvement based on the day's observations.]

5.4 Recommendations: [Provide any recommendations for improving future elections based on observations.]

5.5 Additional Comments: [Include any additional information or comments that may be relevant to the observation.]

Name:

Date of Submission:

PPPR NATIONAL SECRETARIAT AND DISTRICT OBSERVERS



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