

SRI LANKA Presidential Election

16 November 2019



The Commonwealth



INDIA

Palk Strait

Kankasanturai

Point Pedro

Karaitivu Is.

Jaffna Peninsula

Kayts

Jaffna

Punkudutivu Is.

Elephant Pass

Kilinochchi

Puthukkudiyiruppu

Mullaattivu

Nayaru Lagoon

Vellankulam

Manjulam

Nedunkeni

Puliyankulam

Palk Bay

Iranaitivu Is.

Talaimannar

Mannar

Mannar Is.

Vavuniya

Kebittigollewa

Pankulam

Nilaveli

Trincomalee

Madhu Road

Horuwupotana

Hamillewa

Muttur

Silavatturai

Medawachchiya

Anuradhapura

Kantalai

Kathiraveli

Maragahewa

Kekirawa

Habarane

Polonnaruwa

Valachchenai

Kalpitiya

Puttalam

Galgamuwa

Dambula

Chenkaladi

Batticaloa

Anamaduwa

Maho

Ganewatta

Naula

Maha Oya

Maha Oya Reservoir

Chilaw

Kuliyapitiya

Kurunegala

Matale

Mahiyangana

Kehelela

Paddiruppu

Negombo

Gampaha

Ja-Ela

Kegalla

Nuwara Eliya

Bibile

Amparai

Uhana

Colombo

Sri Jayawardenepura Kotte

Mount Lavinia

Moratuwa

Panadura

Horana

Badulla

Haputale

Monaragala

Pottuvil

Kalutara

Matugama

Ratnapura

Balangoda

Buttala

Okanda

Beruwala

Rakwana

Deniyaya

Telulla

Kataragama

Ambalangoda

Udugama

Akuressa

Tangalla

Matara

Galle

Hambontota

Kirinda

Tissamaharama

Embilipitiya

Tirrukkovil

Bay of Bengal

Gulf of Mannar

Mandala Lake

Declaru Oya

Maha Oya

Mahaweli Ganga

Victoria Falls Reservoir

Randemgala Reservoir

Senanayake Sanjivani

Laccadive Sea

INDIAN OCEAN

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Letter of Transmittal

Commonwealth Observer Group Sri Lanka Presidential Election 16 November 2019

22 November 2019

Dear Secretary-General,

I am pleased to forward to you the final report of the Commonwealth Observer Group you constituted to observe the 2019 Presidential Election in Sri Lanka, for onward transmittal to the government, Election Commission, political parties and other stakeholders.

It was my privilege to chair this eminent group of experts from different regions of the Commonwealth. We were profoundly appreciative of the warm welcome extended to us by all Sri Lankans we interacted with across the country.

In accordance with our mandate, we assessed these elections against the national, regional and international laws and values which Sri Lanka has committed itself to. The impressive large turnout in these elections of 83.72 per cent underscored the abiding commitment all Sri Lankans have to the democratic process, and we were honoured to accompany them on yet another landmark in their democratic journey.

We commend the Election Commission, voters, political parties, civil society and all other stakeholders for the constructive role they played in ensuring a peaceful, credible and transparent election on 16 November 2019. We also wish to acknowledge the Election Commission for its efficient conduct of the polls across the country. Sri Lanka's long tradition of conducting elections was evident in this well-managed process.

We were encouraged to hear that, although there were some incidents of violence, the campaign environment was largely peaceful. The fundamental freedoms of association, expression, assembly and movement were broadly respected, and political parties were generally able to freely convey their messages to their supporters.

It was of concern to us during the campaign, however, that there were significantly more incidents of disinformation and intimidation than in previous elections. Of particular note was the presence of hate speech targeted at minority groups, especially in the private media, which had increased following the Easter terrorist attacks in April 2019. We urge the people of Sri Lanka and their leaders to prioritise social cohesion and inclusion in future elections.

We noted also that just one of the 35 presidential candidates was female, and would urge that greater efforts be made to improve women's political representation in future elections in Sri Lanka.

The people of Sri Lanka have once again demonstrated their commitment to the Commonwealth's fundamental values of democracy. We hope that our conclusions and recommendations will, above all, be useful as Sri Lankans collectively contribute to the consolidation of their democracy.



Mr Prosper Bani

Former Minister of Interior, Ghana
Chair of the Commonwealth Observer Group

Mr Paul Dacey

Hon Darrell Bradley

Ms Sabrina Grover

Ms Sarah Fradgley

Senator Sana Ullah Baloch

Ms Madeleine Nirere

Mr Vijay Krishnarayan

Ambassador Bernadette Olowo-Freers

Ms Meena Shivdas, PhD

Mr Boniface Cheembe

EXECUTIVE SUMMARY AND CONCLUSIONS

The Commonwealth Observer Group for the 16 November 2019 Presidential Election was present in Sri Lanka from 10 to 22 November 2019. The Group was established by the Commonwealth Secretary-General, The Rt Hon. Patricia Scotland QC, following an invitation from the Chairperson of the Election Commission (EC) of Sri Lanka.

In carrying out its Terms of Reference, the Group met, among others, with the Election Commission of Sri Lanka, political parties, civil society, the media, the police, Commonwealth High Commissioners, as well as other citizen and international observer missions.

On 14 November 2019, members of the Group were deployed in six provinces of Sri Lanka to observe the election environment and preparation of the polls, and met key stakeholders at the provincial and district levels.

The legal framework provides a firm basis for the conduct of democratic elections in Sri Lanka, with guarantees for fundamental freedoms of the right to vote, to be elected, freedom of assembly, association, expression and movement. The adoption of the 19th Amendment to the 1978 Constitution in April 2015 led to the adoption of key reforms, including the establishment of an independent election management body, which represented a significant positive development for Sri Lanka's democracy. However, the Group noted that, before Election Day and as a result of the evolving structure of the institution, including its limited composition, stakeholders' confidence in the Election Commission was mixed.

The Group noted the low participation of women as presidential candidates. While women were present in significant numbers as polling officials and party agents on Election Day, only one out of the 35 presidential candidates was a woman. The Group would urge that greater efforts be made to improve women's political representation in future elections in Sri Lanka, including the consideration of affirmative legal measures to ensure increased participation and representation of women in politics at the national level. The Group was also concerned about the incidents of violence against women during the campaign period and was encouraged that both leading presidential candidates condemned violence against women and committed to fostering a safe environment for women, if elected.

Although noting some incidents of violence during the campaign, the campaign environment was highly competitive and largely peaceful. The fundamental freedoms of association, expression, assembly and movement were broadly respected, and political parties were generally able to freely convey their messages to their supporters. The media, on the whole, played a prominent role in the campaign, with the freedoms of speech and expression largely respected. Our Group also noted the growing influence of social media on the electorate and the campaign. It was of particular concern to the Group during the campaign, however, that there were significantly more incidents of disinformation and intimidation than in previous elections. Of particular note was the presence of hate speech targeted

at minority groups, especially in the private media, which had increased following the Easter terrorist attacks in April 2019. The Group noted the constructive role played by civil society organisations (CSOs) in documenting the spread of disinformation, misinformation and hate speech on social media, and urges the people of Sri Lanka and their leaders to prioritise social cohesion and inclusion in future elections.

The use/misuse of government resources throughout the duration of the campaign was another issue of concern noted. The Group observed that a lack of campaign finance legislation and regulations contributed to an ‘uneven playing field’ and urges that this issue be urgently addressed in future elections.

On Election Day, polling stations largely opened on time, polling procedures were adhered to, and polling staff, security and party agents were present. The Group was impressed by the confidence and professionalism of polling officials, a significant number of whom were young women. Pregnant women, the elderly and persons with disabilities (PWDs) were generally given priority. In some cases, the polling station layout, including space constraints, did not always guarantee the secrecy of the ballot; however, the Group did not encounter any incidents where there was a deliberate attempt to take advantage of this situation.

Though the elections were well managed, in the context of our Terms of Reference, our Report offers, in a positive spirit, a number of recommendations for consideration to further improve the electoral process in Sri Lanka. Our overall conclusion is that the 2019 Presidential Election as a whole was conducted in a peaceful, credible and transparent manner. The Group commends the Election Commission, voters, political parties, civil society and all other stakeholders for the constructive role they played in this process. The Election Commission, in particular, is lauded for its efficient conduct of the polls across the country. Sri Lanka’s long tradition of conducting elections was evident in this well-managed process.

We are confident that these elections will provide an opportunity for the people of Sri Lanka and their leaders to continue consolidating democracy in future elections, by prioritising social cohesion and inclusion. We hope that our recommendations, as set out hereunder, will contribute constructively to this effort.

Recommendations

Electoral framework and election administration

We urge the Election Commission to consider the following:

- Review the statutory and regulatory framework establishing the Election Commission, with a view to strengthening its independence and enhancing its capacity to fully exercise its mandate.

- Strengthen its strategic communication policy with key stakeholders, and streamline the management of information before, during and after the elections.
- Sri Lanka's presidential electoral system uses a single-round preferential voting system, in which voters can express a single or a maximum of three preferences on a ballot. In a significant number of cases observed, voters did not indicate second and third preferences, pointing to the need for greater voter education.
- Continue the good practice of conducting post-election reviews, including with national and international stakeholders.

We urge the Parliament of Sri Lanka to consider the following:

- Review and amend the legal framework to allow for a continuous review and update of the voters' register, in order to prevent the possible disenfranchisement of all eligible citizens of Sri Lanka and to maintain the accuracy and integrity of the register.

Participation and inclusion

Women's political participation

- Sri Lanka has already made significant progress by introducing a 25 per cent quota at the local government level. We echo the recommendation of the 2015 Commonwealth Observer Group by encouraging Parliament, in consultation with political parties, women's groups and all relevant stakeholders, to consider the use of affirmative legal measures to ensure increased participation and representation of women in politics at the national level.
- We urge political parties to consider appropriate mechanisms to strengthen women's participation within the decision-making levels of party structures, and as candidates.
- We urge women's groups, community leaders, civil society, political parties, the judiciary and the entire criminal justice system, to work together to promote and protect the rights of women.

Civil society participation

- The Election Commission, and political, community and religious leaders must continue to champion and safeguard the right of CSOs to operate freely during the election period, including granting them access as citizen observers.
- The Group encourages greater collaboration between CSOs and the Election Commission on voter education, to ensure an even wider reach across the country.

- The Group encourages CSOs to continue to occupy the space for advocacy on issues that enhance inclusive, peaceful and credible elections in Sri Lanka.
- The Group urges greater co-ordination among CSOs at the district level.

Social inclusion

- We urge all citizens and political and community leaders to prioritise social cohesion and unity, and to demonstrate the values of respect and tolerance in political life.

The campaign and the media

The campaign

Some recommendations made after the 2015 Presidential Election by Commonwealth observers remain relevant for this election, including introducing campaign finance legislation, addressing the abuse of incumbency, and ensuring a level playing field and balanced and equitable media coverage. Specifically:

- Legislation should be introduced to regulate campaign finance, including the adoption of regulatory mechanisms to ensure transparency and accountability.
- That relevant prohibitions on the ‘use of state resources’ in the Code of Conduct for Contesting Political Parties/Independent Groups and Candidates of the Elections should be enforced. A more robust legal framework regulating use of state of resources should be established.
- Candidates and parties should be encouraged to disseminate campaign messages in a manner that not only reaches, but also respects, all communities.

The media

- The Group urges the establishment of a professional oversight body for electronic media regulation, as well as an independent broadcasting regulator, which would remove the onerous task of media regulation during elections from the Election Commission.
- We encourage development partners engaged in Sri Lanka to support CSOs to undertake fact-checking initiatives, in order to counter the impact of misinformation and disinformation online.

Voting, counting and results tabulation

We urge the Election Commission to consider the following:

- Review the layout of the placement of the voting screens to ensure that the secrecy of the vote is not compromised, as recommended by the 2015 Commonwealth Observer Group.
- Review the location and selection of polling stations to better facilitate the physical access of persons with disabilities, the elderly and the infirm.
- Review the appropriateness of the location of polling stations in buildings designated for religious purposes.

Chapter 1

INTRODUCTION

Following an invitation from the Election Commission of Sri Lanka, the Commonwealth Secretary-General, The Rt Hon. Patricia Scotland QC, constituted an Observer Group for the Presidential Election held on 16 November 2019.

A pre-election assessment mission was deployed to Sri Lanka from 14 to 20 October 2019. This is in line with the usual practice of the Commonwealth pertaining to election observation. The mission evaluated the pre-election environment and further ascertained that a Commonwealth Observer Group would be broadly welcomed. On the basis of the recommendations of this pre-election assessment mission, the Commonwealth Secretary-General constituted a Commonwealth Observer Group.

The Commonwealth Observer Group was led by Mr Prosper Bani, former Minister of Interior of Ghana, and comprised 11 eminent persons. A team of six staff members from the Commonwealth Secretariat supported the Observer Group. A full list of members is provided in **Annex I**.

The Group's Terms of Reference were as follows:

The Group is established by the Commonwealth Secretary-General at the invitation of the Election Commission of Sri Lanka. The Group is to consider the various factors impinging on the credibility of the electoral process as a whole.

It will determine in its own judgement whether the election has been conducted according to the standards for democratic elections to which the country has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such actions on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Sri Lanka, the Election Commission of Sri Lanka, leaders of political parties and thereafter to all Commonwealth governments, before its release to the public.

Activities

The Observer Group was present in Sri Lanka from 10 to 22 November 2019. On 11 November 2019, the Group issued an Arrival Statement in Colombo, which outlined its Terms of Reference (see **Annex II**).

During three days of briefings in Sri Lanka, the Group met with the Election Commission, political party representatives, the Human Rights Commission of Sri Lanka, the Sri Lanka police and civil society groups. The Group also met with the media, Commonwealth High Commissioners and other members of the diplomatic community, as well as citizen and international observer missions.

The Observer Group was deployed across six provinces of Sri Lanka from 14 to 18 November 2019; that is the Central, Eastern, North, North Central, Southern and Western Provinces (see **Annex III**).

On deployment, teams met with election officials, the Sri Lanka Police, international and citizen observers, as well as members of the public and other stakeholders to obtain a comprehensive overview of the electoral process at the provincial and district levels.

On the basis of the Group's initial findings and observations, the Chairperson issued a Preliminary Statement on 19 November 2019 at a press conference in Colombo (see **Annex IV**).

The Group completed its Final Report prior to its departure on 22 November 2019.

Chapter 2

POLITICAL BACKGROUND

On 16 November 2019, Sri Lanka held a Presidential Election to elect its seventh Executive President. The 1978 Constitution of Sri Lanka allows for Presidential elections to be called after the completion of four years of a Presidential term.

Since the adoption of the 1978 Constitution, a number of constitutional amendments have had an impact on Sri Lanka's elections. In 2010, then President Mahinda Rajapaksa's government enacted the 18th Amendment to the Constitution, which removed the two-term limit on the Office of the Presidency. This amendment also gave the President discretion in appointing the heads of key institutions such as the Human Rights Commission, the Election Commission, the Police Services Commission, the Judicial Services Commission and the Civil Service Commission, all of which have an influential role on the context within which elections in Sri Lanka take place.

Subsequently, in late 2014, President Rajapaksa, leader of the United People's Freedom Alliance (UPFA) and the Sri Lanka Freedom Party (SLFP), announced that he would seek a third term in office by means of an early election. The main opposition party in the country, the United National Party (UNP), and other smaller opposition parties, came together to field a 'Common Opposition Candidate' to contest against Mr Rajapaksa.

2015 Presidential Election

The 2015 Presidential Election was closely contested, with two of the defining issues being corruption and executive power. The 2015 Presidential Election resulted in a change of President, the formation of a minority-led national government and a change in the leadership of the political party and political alliance, with the largest number of seats in Parliament.

A new coalition government, headed by President Maithripala Sirisena of the Sri Lanka Freedom Party (SLFP) and Prime Minister Ranil Wickremesinghe of the United National Party (UNP), came to power with pledges to advance economic, governance, anti-corruption, reconciliation, justice and accountability reforms. The 2015 Presidential Election also gave rise to the political will and momentum for substantive constitutional and electoral reform, resulting in the 19th Amendment to the Constitution, which was passed in April 2015 (*see also Chapter 3*).

19th Amendment to the Constitution

The 19th Amendment was aimed at reducing the executive powers of the President of Sri Lanka and reversed some of the provisions of the 18th Amendment. It also resulted in a hybrid governance system in the country, in which the President remains the Head of State, Head of Government, Head of the Armed Forces and Head of the Cabinet.

2015 Parliamentary Election

The 2015 Sri Lankan Parliamentary Election was held on 17 August 2015, ten months ahead of schedule, to elect 225 members to Sri Lanka's 15th Parliament. The incumbent United National Party (UNP)-led United National Front for Good Governance (UNFGG) won 106 seats, an increase of 46 since the 2010 election, but it failed to secure a majority in Parliament. The main opposition United People's Freedom Alliance (UPFA) won 95 seats, a decline of 49. The Tamil National Alliance (TNA), the largest party representing Sri Lankan Tamils, won 16 seats, an increase of two from 2010. The remaining eight seats were won by Janatha Vimukthi Peramuna (6), the Sri Lanka Muslim Congress (1) and Eelam People's Democratic Party (1). Prime Minister Ranil Wickremesinghe, leader of the UNFGG and UNP, was able to form a national government with the support of UPFA MPs loyal to President Maithripala Sirisena.

Key developments in the lead up to the 2019 Presidential Election

1. Removal of Prime Minister Wickremesinghe

On 26 October 2018, President Sirisena announced the dismissal of Prime Minister Ranil Wickremesinghe and the entire Cabinet, alleging an assassination plot against him by an unnamed cabinet minister. The President also announced that he was inviting former President Mahinda Rajapaksa to take up the post of Prime Minister. Mr Rajapaksa was sworn in on 28 October. President Sirisena also issued an order to dissolve the Parliament and hold elections.

This sparked a seven-week constitutional crisis, during which Mr Wickremesinghe refused to step down as Prime Minister, claiming that his removal was unconstitutional and that he commanded the majority in the 225-member Parliament. The President's decision to remove Mr Wickremesinghe as Prime Minister was determined to have no legal basis by the Supreme Court, which subsequently ruled President Sirisena's actions unconstitutional. Mr Rajapaksa resigned and Mr Wickremesinghe was reinstated.

2. Easter 2019 terrorist attacks and security situation

On 21 April 2019 (Easter Sunday), suicide bombers killed 259 people and injured at least 500 at churches and luxury hotels across Sri Lanka. Most victims were Sri Lankans, with at least 38 foreigners among the dead. The government subsequently declared a state of emergency from midnight on 22 April and on 24 April, the Sri Lankan Parliament passed emergency regulations, giving the police and armed forces powers to search, arrest and detain persons up to 24 hours without a warrant. On 25 August 2019, the government ended the state of emergency. This period gave rise to a climate of insecurity and anti-Muslim sentiment in the country, stoking communal tensions. Disinformation and 'hate speech' began to feature prominently, including in the election campaign (*see Chapter 5*). The President subsequently requested that both the Secretary of Defence and the Inspector General of Police resign. In July 2019, both were arrested for their failure to stop the attacks.

3. The role of ethnicity and religion

The political environment prior to the 2019 Presidential Election was also shaped by the ethnic and religious context of the country. Both leading candidates were Sinhala-Buddhists. Sinhala-speaking people accounted for 70 per cent of the population and the electorate. The 30 per cent of the population that were not Sinhala speaking were primarily Tamil speaking, who in turn were mostly divided in terms of religion, caste and region. In the wake of the Easter 2019 terrorist attack, concerns about increased security restrictions and intimidation were heightened, especially within some minority communities. It was perceived that the two leading presidential candidates could have been more proactive in allaying the concerns of minority communities, notwithstanding the fact that in the past the 'minority vote' had helped successful candidates secure a win.

2019 Presidential Election

For the first time in Sri Lanka's electoral history, in the 2019 Presidential Election the incumbent President, the Prime Minister and the Leader of the Opposition (former two-term President Mahinda Rajapaksa) were not contestants.

Thirty-five (35) candidates were nominated for this election. The two leading candidates were the New Democratic Front's (NDF) Sajith Premadasa, the incumbent Minister for Housing and Deputy Leader of the United National Party (UNP); and the Sri Lanka *Podujana Peramuna's* (SLPP), Gotabaya Rajapaksa, who was a former Defence Secretary. They both represented two separate political alliances:

- **A SLPP-led alliance:** following its sweeping victory in the February 2018 Local Elections, this was widely regarded as a powerful alliance, with many MPs belonging to President Sirisena's Sri Lanka Freedom Party (SLFP) also becoming loyal to Mr Mahinda Rajapaksa. Following the end of the constitutional crisis, Mr Rajapaksa was also recognised as the Leader of the Opposition. The April 2019 Easter attacks fuelled support for this alliance, as a result of the national security challenge. Mr Gotabaya Rajapaksa, (Mahinda Rajapaksa's brother and Defence Secretary), was selected as the SLPP candidate to run for President. Mr Gotabaya Rajapaksa's eligibility to contest the Presidential Election became a point of contention when a formal complaint questioning his dual citizenship was made to the police in August 2019. The matter was later referred to the Sri Lanka Court of Appeal, which dismissed the matter in October 2019.
- **A United National Party (UNP) alliance,** led by Prime Minister Wickremesinghe, which was in effect a 'minority' government given that it depended on the support of the Tamil National Alliance (TNA) to stay in power. While it was initially assumed that Mr Wickremesinghe would run for President again, the leadership of the UNP preferred that he refrained from doing so, as the UNP was in effect split between two wings. One wing was more loyal to Mr Wickremesinghe and the other more loyal

to Sajith Premadasa, the UNP Deputy Leader and Minister for Housing, Construction and Cultural Affairs. Mr Sajith Premadasa was ultimately selected as the candidate, representing the New Democratic Front.

Chapter 3

ELECTORAL FRAMEWORK AND ELECTION ADMINISTRATION

Background

The President of Sri Lanka is directly elected using a single-round system of preferential voting (also known as 'supplementary voting'). Each voter can either express a single or a maximum of three preferences on the ballot.

In order to be declared President, a candidate must secure more than half of all valid votes cast (50% +1). If no candidate secures the requisite 50 per cent +1 in the first count, then all but the top two candidates are excluded from the count and the remaining preferences on the ballot for the rejected candidates are taken into account. The preferences for the top two candidates are then added and the candidate with the most votes is declared the winner.

The President is elected in a single national constituency for a five-year term. However, the President can call for an election at any time after serving four years of the first term.

The Legal Framework, Regional and International Commitments

The Constitution of Sri Lanka guarantees fundamental rights and freedoms, including freedom of expression, assembly, association and participation in elections.

The key documents providing the legal and regulatory framework for the conduct of the election are:

- The Constitution of the Democratic Socialist Republic of Sri Lanka (as amended)
- The Presidential Elections Act No. 15 of 1981 (as amended)
- The Registration of Electors Act No. 44 of 1980

In addition, Sri Lanka has committed to some significant regional and international instruments, as well as standards and values relevant to the conduct of elections. These include:

- The International Convention on Civil and Political Rights
- The Convention on the Elimination of all forms of Discrimination Against Women
- The International Convention on the Elimination of all forms of Racial Discrimination
- The Convention on Rights of Persons with Disabilities
- The South Asian Association for Regional Cooperation - Charter on Democracy
- The Commonwealth Charter

Constitutional and Electoral Reforms

Following the 8 January 2015 Presidential Election and the 17 August 2015 Parliamentary Elections, constitutional and electoral reforms became crucial issues for Sri Lanka. Consequently, the political will and momentum for reform emerged, resulting in the 19th Amendment to the Constitution.

On 28 April 2015, the 19th Amendment was passed with a two-thirds majority in Parliament. Some key elements of the 19th Amendment include:

- A reduction in the presidential term from six to five years and the restoration of a two-term limit. However, an incumbent can seek re-election after four years in the first term. Parliament's term was also reduced to five years. The President can no longer dissolve Parliament until the expiration of four and a half years of its term, unless he or she is requested by Parliament by a resolution of a two-thirds majority.
- The Amendment restricts the number of Cabinet ministers to 30 and limits the number of other ministers, although if the first and second largest parties represented in Parliament come together to form a government, the size of the Cabinet could be enlarged through an Act of Parliament.
- The right of access to information was included in the Fundamental Rights chapter.
- The Constitutional Council was established with two functions: 1) to recommend presidential appointments to the independent commissions; and 2) to approve presidential appointments to high posts such as Superior Court Judges. The amendment also prohibits the President from rejecting appointments recommended by the Constitutional Council.
- Independent commissions to oversee the public service, judiciary, the police, elections and human rights were also restored. Additionally, the Bribery and Corruption Commission was given constitutional standing. New commissions on auditing and procurement were also introduced.

Election Commission

Chapter 14, Section 103 of the Constitution establishes a three-person Election Commission. The Commission replaced the Commissioner of Elections and the Department of Elections, which had been in existence since 1955. The powers and mandate of the Election Commission are to conduct and supervise the registration of voters, elections and referenda.

The Election Commission consists of a President and two members. Individuals are recommended by the Constitutional Council and appointed by the President. In order to be a member of the Commission, an individual should have excelled in the fields of administration and education, or be a retired officer of the Department of Elections who has held an office of the rank of Deputy Commissioner of Elections or

above. The term of office for members of the Commission is five years. In order to remove a member, the procedures for removing a Judge of the Supreme Court or the Court of Appeal are followed. For the 2019 Presidential Election, the Chairman of the Election Commission was Mr Mahinda Deshapriya.

Eligibility and Voter Registration

The eligibility requirements for voting are that a person must be a citizen of Sri Lanka, be of sound mind, and ordinarily resident at their noted address and at least 18 years of age.

The voter registration process is conducted annually based on a house-to-house enumeration exercise. According to the Registration of Electors Act No. 44 of 1980, the exercise commences on the first day of June of any year and concludes on the 31 May of the following year. Registration is conducted at the district level by registration officers, who are appointed by the Election Commission. Following the enumeration exercise, the new register is displayed for four weeks to allow electors to submit claims and objections. The Registration Officer must certify the register and then give notice in the Gazette and at least one newspaper in each of the three official languages (Sinhala, Tamil and English).

For the 16 November 2019 election, the register used was the compiled and certified list of electors from 2018. According to the Election Commission, the final register contained a total of 15,992,096 eligible voters. The gender disaggregation was estimated at 48.5 percent men and 51.5 percent women. In addition, the Election Commission noted that there were approximately one million first-time voters.

Candidate Eligibility and Nomination

To qualify as a presidential candidate, a person must be a citizen of Sri Lanka and be at least 30 years of age. A person is disqualified if that person is of unsound mind or is an undischarged bankrupt or insolvent. Candidates can be sponsored by a political party or stand as an independent.

For the nomination process, the Presidential Elections Act stipulates that prospective candidates nominated by recognised political parties must submit an application and deposit a sum of 50,000 Sri Lanka rupees (LKR). Independent candidates must deposit a sum of LKR 75,000 with their application. If the prospective candidate does not secure at least one-eighth of the total votes cast, the deposit is forfeited.

For the 2019 election, there were 35 candidates, 20 of whom were nominated by political parties, with 15 independent candidates. There was one female candidate.

Postal Votes

To facilitate the franchise of specific public officials and individuals with responsibilities on Election Day, such as polling officials, police officers, and other security personnel, Article 23 of the Presidential Elections Act provides for Postal Voting.

In order to vote, those eligible must apply and be approved by the Election Commission. A Register of Postal Voters is established. On the prescribed date, which is different from the announced Election Day, postal voters cast their vote in person by placing the ballot and a signed declaration of identity into an envelope, sealing it and then placing that into a ballot box at their designated postal voting stations. This box is then sent to the Returning Officer, who keeps it until Election Day for counting. Postal ballots look exactly the same as Election Day ballots.

For the Presidential Election, postal voting occurred on 31 October 2019 and 4 November 2019. Postal votes are only counted after the close of polls on Election Day.

Complaints, Appeals and Election Petitions

Part V of the Presidential Elections Act outlines a series of election offences, corrupt and illegal practices. These include bribery, treating, undue influence, impersonation, illegal voting, false statements and intimidation. Each offence is punishable by a fine and/or imprisonment.

Additionally, the Act outlines procedures for filing an election petition to complain of an undue return or undue election. According to the Act, any voter or candidate with cause may present a petition. Petitions are submitted to the Supreme Court, within 21 days after the publication of the official results of the election in the Gazette. The Court will endeavour to conclude the trial within six months after the presentation of the petition.

Key Electoral Issues

1. Election Commission

One of the key recommendations from the 2015 Commonwealth Observer Group was the establishment of an independent election management body. The 19th Amendment establishing the Election Commission is commendably noted.

The establishment of the Election Commission represents a significant positive development for Sri Lanka's democracy. However, we noted that before Election Day, as a result of the evolving structure of the institution, including its limited composition, stakeholders' confidence in the Election Commission was mixed.

2. Voter registration

Generally, there were few concerns with regards to the accuracy and integrity of the register. The final register contained a total of 15,992,096 eligible voters. As the register was compiled and certified in May 2018, concerns were expressed about the disenfranchisement of an otherwise eligible electorate. Specifically, it was noted that the legal framework, process and timeline for compiling and certifying a new register, results in the disenfranchisement of young people - particularly those who turned 18 years of age after the close of the registration process, but also well in advance of Election Day. This is notable, as the Election Commission states that for the 2019 election, there were approximately one million first-time voters.

3. Candidate eligibility and nomination

According to Part II of the Presidential Elections Act, prospective candidates nominated by recognised political parties must submit an application and deposit a sum of LKR 50,000. Independent candidates must deposit a sum of LKR 75,000 with their application. Moreover, if the prospective candidate does not secure at least one-eighth of total votes cast, the deposit is forfeited.

We noted the potentially prohibitive impact of this on those who are economically disadvantaged, specifically women and young people. The fee for independent candidates is LKR 25,000 more than that for party candidates. As previously mentioned, for this election there were 35 candidates, 20 of whom were nominated by political parties, with 15 who were independent. Moreover, of the 35 candidates, there was only one woman.

Recommendations

We urge the Election Commission to consider the following:

- Review the statutory and regulatory framework establishing the Election Commission with a view to strengthening its independence and enhancing its capacity to fully exercise its mandate.
- Strengthen its strategic communications policy with key stakeholders, and streamline the management of information before, during and after the elections.
- Sri Lanka's presidential electoral system uses a single-round preferential voting system, in which voters can express a single or a maximum of three preferences on a ballot. In a significant number of cases observed, voters did not indicate second and third preferences, pointing to the need for greater voter education.
- Continue the good practice of conducting post-election reviews, including with national and international stakeholders.

We urge the Parliament of Sri Lanka to consider the following:

- Review and amend the legal framework to allow for a continuous review and update of the voters' register, in order to prevent the possible disenfranchisement of all eligible citizens of Sri Lanka and to maintain the accuracy and integrity of the register.

Chapter 4

PARTICIPATION AND INCLUSION

Women's Political Participation

Legal framework

Article 12 of the Constitution of Sri Lanka, as amended, guarantees that all persons are equal before the law and are entitled to equal protection. This is reinforced in Article 27(6), which stipulates that the state shall ensure equality of opportunity to citizens, so that no citizen shall suffer any disability on the ground of race, religion, language, caste, sex, political opinion or occupation. Further, at the international level, Sri Lanka has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Context

Women in Sri Lanka have equal protection under the law and enjoy equal civil and political rights, including voting rights and the right to participate in the democratic process. However, actual participation in political life remains low. While women make up 51.5 per cent of registered voters in the country, in 2015, only five per cent of women were represented as parliamentarians. In 2018, the national government instituted legislation which mandated that 25 per cent of candidates standing in local elections should be women. Of the 56,000 candidates who ran, 17,000 were women and, of those, 2,000 were elected to local office, representing a significant jump from the 82 women who had been previously elected in 2011.

In spite of the gains at the local government level, politics in Sri Lanka remains dominated by patriarchy. Sri Lanka's 2014 *National Human Development Report on Youth and Development* indicated that stereotypical notions of a 'woman's place in society' shaped women's reluctance to enter political life.

The National Action Plan (NAP) for Human Rights (2017-2021) notes the need to 'enhance the substantive equality of women in the political sphere', including to 'increase participation of women in political and public life through temporary special measures such as reserving a minimum number of nominations to women candidates in local, provincial and national elections'.

2019 Presidential Elections

For the 2019 Presidential Election, only one of the 35 candidates was a woman. CSOs noted that gender issues were addressed in party manifestos to a greater extent than in previous elections, although there was a notable absence of women on political platforms.

In October 2019, the Women and Media Collective (WMC) announced the Women's Manifesto, which was delivered to all 35 presidential candidates, drawing attention

to the significant issues facing women, including the rights of women migrant workers and violence against women in political life.

The Group was concerned about the incidents of violence against women during the campaign period and was encouraged that both leading candidates condemned violence against women and committed to fostering a safe environment for women, if elected. Other reported incidents of gender-based violence during the election included harassment and abuse of women politicians, including on social media platforms.¹

On Election Day, the Group noted that women were present at all polling stations, making up a significant number of polling staff. However, there were fewer women represented in the leadership positions of Senior Presiding Officer, Additional Presiding Officer and Junior Presiding Officer. Women were also present in significant numbers as party agents.

The Group heard concerns from stakeholders in advance of the election, that Muslim women might abstain from casting their ballot because of the requirement for visual facial identification for those wearing the niqab or burka. However, this was not observed on Election Day.

Recommendations

- Sri Lanka has already made significant progress on women's political participation by introducing a 25 per cent quota at the local government level. We echo the recommendation of the 2015 Commonwealth Observer Group, by encouraging Parliament in consultation with political parties, women's groups and all relevant stakeholders to consider the use of affirmative legal measures to ensure increased participation and representation of women in politics at the national level.
- We urge political parties to consider appropriate mechanisms to strengthen women's participation within the decision-making levels of party structures, and as candidates.
- We urge women's groups, community leaders, civil society, political parties, the judiciary and the entire criminal justice system, to work together to promote and protect the rights of women.

¹ *Colombo Telegraph* (2019), 'Women with "Shameless Bodies" & Sri Lankan Presidential Election Saga', available at: <https://www.colombotelegraph.com/index.php/women-with-shameless-bodies-sri-lankan-presidential-election-saga/> (accessed December 2019).

Civil Society Participation

Legal framework and context

Non-governmental organisations (NGOs) operating in Sri Lanka are required to register with the National Secretariat of NGOs, in accordance with the Voluntary Social Services Organisation Act. The role of CSOs has predominantly been the protection and promotion of human rights, especially as the country transitioned from the civil war in 2009, with a focus on political and civil rights. NGOs have also been important agents of development and played an essential role in relief efforts following the 2004 tsunami.

2019 Presidential Election

During the 2019 Presidential Election, civil society groups engaged in election monitoring and election observation throughout the duration of the campaign, with a significant focus on media monitoring (including of social media), monitoring of violence and monitoring of hate speech. The Group noted that CSOs enjoyed a constructive relationship with the Election Commission, which had been responsive to their concerns.

On Election Day, the Group engaged with citizen observers, comprising CSOs, across polling stations in the six provinces of deployment.

While the 2019 Presidential Election was free from wide-spread violence, the consistent use of hate speech during the election gave cause for concern. The Centre for Monitoring Election Violence (CMEV) played an important role in this regard. The main concern presented by CSOs was in relation to the use of social media, specifically focusing on the spread of disinformation, misinformation and hate speech. CSOs noted that there were no existing legal frameworks for the regulation of hate speech on social media. The People's Action for Free and Fair Elections (PAFFREL) identified at least 500 Facebook pages promoting or engaging in hate speech.

A secondary concern raised by CSOs was the use/misuse of government resources throughout the duration of the campaign. The Group noted that Transparency International Sri Lanka had filed 109 complaints with the EC about the misuse of government resources in the campaign, of which 89 incidences were verified.

The role of civil society in contributing to a peaceful and successful election process, including through voter education, was noted, including the work of the 'March 12 Movement'. This is a network of organisations including PAFFREL, CMEV and Transparency International Sri Lanka, as well as other organisations representing women, young people and people with disabilities, whose mission is to promote the election of 'honest' candidates.

Recommendations

- The Election Commission, political, community and religious leaders must continue to champion and safeguard the right of CSOs to operate freely during the election period, including granting them access as citizen observers.
- The Group encourages greater collaboration between CSOs and the Election Commission on voter education, to ensure an even wider reach across the country.
- The Group encourages CSOs to continue to occupy the space for advocacy on issues that enhance inclusive, peaceful and credible elections in Sri Lanka.
- The Group urges greater co-ordination among CSOs at the district level.

Social Inclusion

Sri Lanka's political history has been dominated by tensions and violence between ethnic and religious groups, predominantly between the Sinhalese and Tamil communities. Since the 2019 Easter Sunday bombings, Sri Lanka has seen a rise in antagonism towards Muslims. Violence and inter-communal tensions had historically characterised elections in Sri Lanka, as noted by previous Commonwealth Observer Groups.

While the environment before and during the poll was markedly peaceful, the Group was concerned to hear about incidents of violence on polling day - in particular, an attack on a convoy of buses transporting Muslims to vote in the northern part of the country. Additionally, the Group noted that certain groups experienced fear and intimidation. However, the Group was encouraged that concerns expressed by various stakeholders on the potential for widespread violence during and in the immediate aftermath of the 2019 Presidential Election did not materialise.

Recommendations

- We urge all citizens and political and community leaders to prioritise social cohesion and unity, and to demonstrate the values of respect and tolerance in political life.

Chapter 5

THE CAMPAIGN AND MEDIA

The Campaign

Legal framework

The Constitution of Sri Lanka provides the necessary guarantees for citizens to participate in political activities, including freedom of speech and expression, freedom of peaceful assembly and freedom of association.²

The Presidential Elections Act³ regulates campaign activities by prohibiting corrupt practices such as bribery, treating, exerting undue influence (e.g. through hate speech), impersonation, false statements and intimidation. The Act also restricts the display of handbills and posters of candidates.⁴

Presidential candidates, political parties and independent groups are required to adhere to an Electoral Code of Conduct. This Code of Conduct stipulates that all persons engaged in elections are to uphold the citizens' rights and freedoms guaranteed by the Constitution and other laws of Sri Lanka and to assist and encourage the voter to exercise the franchise freely without any obstruction. The Code of Conduct also stipulates that all presidential candidates, political parties and independent groups are to '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'.⁵

All campaigns are legally required to end 48 hours before Election Day as a 'cooling-off' period (in the case of the 2019 Presidential Election, by midnight on 13 November 2019).

Notably, Sri Lanka does not have any laws that regulate campaign finance.

Nature of the campaign

The leading presidential candidates who had been endorsed by their political parties or alliances had already begun informal campaigns, even prior to the official announcement of the election date on 18 September 2019.⁶ They focused on various issues in their manifestos, most notably national security, the state of the economy and a sustainable environment. The presidential candidate for the New Democratic Front (NDF), Sajith Premadasa, based his campaign on the theme 'A Strong Nation,

² The Constitution of the Democratic Socialist Republic of Sri Lanka, Chapter III (Fundamental Rights), Article 14.

³ Part V of the Presidential Elections Act.

⁴ Section 74 of the Presidential Elections Act No. 15 of 1981.

⁵ Code of Conduct for Contesting Political Parties/Independent Groups and Candidates of the Elections, gazetted on 5 January 2018.

⁶ Extraordinary Gazette of the Democratic Socialist Republic of Sri Lanka, 18 September 2019.

A Fair society',⁷ while the candidate for the Sri Lanka Podujana Peramuna (SLPP), Gotabaya Rajapaksa, launched his election manifesto on the platform of 'The Ten Principles of Inclusive Governance'.⁸

The election campaign was robust and competitive. Campaign rallies were well attended. Door-to-door campaigning was also prominent, and there was considerable election-related public interest and discussion among citizens.

The campaign environment was largely peaceful, with fewer reported incidents of violence compared to the Presidential Election in 2015. Political parties were able to freely convey their messages to supporters.

The restrictions on displaying handbills and posters of candidates were widely respected. We observed that the display of campaign materials was minimal. However, political parties used alternative forms of campaigning, including social media, to compensate for the ban on campaign handbills and posters.

While the use of social media was an effective tool to disseminate information, observers noted significantly more incidents of disinformation and intimidation than in previous elections (this is covered in more detail under The Media, below). We also noted the presence of hate speech targeted at minority groups, which increased following the Easter terrorist attacks. There were also reports that campaigns were conducted through social media well after the 48-hour 'cooling off' period prior to Election Day.

The Election Commission played an active role in regulating the campaigns. Two examples included:

- the Chairman of the Election Commission announced that parades and demonstrations were to be banned for a week after the nominations, and that more than 11 persons were banned from travelling together for awareness campaigns; and
- the Chairman of the Election Commission granted permission for campaigns to display their banners and posters around the country only for their inaugural campaign rallies, with posters for subsequent rallies allowed only in the areas where rallies were being held.

⁷ Mr Sajith Premadasa's campaign centred on three pillars, namely, i) establishing a strong country, ii) creating a competitive economy, and iii) a just society.

⁸ Mr Gotabaya Rajapaksa's policies for the country were based on ten cardinal principles, i.e. i) priority to national security; ii) a cordial, but non-aligned, foreign policy; iii) good governance; iv) a new constitution accountable for peoples; v) a productive individual - a competent human capital; vi) a people-centric economy; vii) a society close to the technology; viii) development of physical resources; iv) sustainable environmental management; and x) a law-abiding, value-driven, disciplined society.

Campaign finance and misuse of state resources

Research conducted by a citizen observer group showed campaign expenditure of a total of seven (7) billion Sri Lanka rupees (LKR) for the 2019 Presidential Election.⁹ In this election, the lack of campaign finance legislation resulted in varying levels of campaign expenditure among the political parties or alliances backing presidential candidates. This fostered an uneven playing field during the election process. It also created the potential for attendant risks, including corruption and bribery, the misuse of state resources, money laundering and voters possibly making an influenced, rather than an informed, choice.

There were also allegations of the misuse of state resources. This was not limited to the governing party, but included allegations against some provincial governors using provincial council resources and employees to campaign for opposition presidential candidates. These findings on the use of state resources were similar to the observations made during the Commonwealth Observer Groups in 2015, 2013 and 2010.

Recommendations

Some recommendations made after the 2015 Presidential Election by Commonwealth observers remain relevant for this election, including that campaign finance legislation should be introduced to address the abuse of incumbency and ensure a level playing field, as well as balanced and equitable media coverage. More specifically:

- Legislation should be introduced to regulate campaign finance, including the adoption of regulatory mechanisms to ensure transparency and accountability.
- The relevant prohibitions on the ‘use of state resources’ in the Code of Conduct for Contesting Political Parties/Independent Groups and Candidates of the Elections should be enforced. A more robust legal framework regulating the use of state of resources should be established.
- Candidates and parties should be encouraged to disseminate campaign messages in a manner that not only reaches, but also respects, all communities.

⁹ Research conducted by the Campaign for Monitoring Election Violence (CMEV) on campaign financing.

The Media

Background

The Constitution guarantees freedom of expression and the right of access to information. Respect for freedom of expression has improved since 2015. Further, a law on the right to information was introduced in 2016.¹⁰

Sri Lanka has a diverse media environment, with more than 250 media outlets. These include 22 TV channels, 57 radio stations and 100 newspapers, as well as many online media outlets. The state-run TV channels, radio networks and newspapers are available in Sinhala, Tamil and English. Television is the most important source of information, particularly in rural areas. Media ownership is generally divided along political lines, and Sri Lanka ranks 126 out of 180 in the World Press Freedom Index produced by Reporters Without Borders.¹¹

There is no independent regulatory authority for media. The state plays a key role as a media owner, reaching a large share of the audience in the country, and also as the main regulator.

The state operates four TV channels via two companies. One, the Sri Lanka Rupavahini Corporation (SLRC), regulates private broadcasting services on behalf of the Ministry of Mass Media by issuing licences to its commercial competitors. Similarly, the ministry issues licences to commercial radio stations via the state-owned Sri Lanka Broadcasting Corporation (SLBC). The Sri Lanka Press Council (SLPC) registers and regulates print media, while the Telecommunications Regulatory Commission (TRC) is the national regulatory agency for telecommunications.

As of December 2018,¹² internet usage stood at more than 34 per cent of the population. Facebook is by far the most popular social media platform with more than 5 million subscribers. WhatsApp is also widely used.

Legal framework

The legal framework for the media during elections consisted of the Constitution, the Presidential Elections Act and media guidelines produced by the Election Commission, which were binding only for state media. The guidelines, issued on 21 September 2019, compelled *every media institution to provide accurate, balanced and impartial information in [...] news bulletins and any other programme relating to political matters.*¹³

¹⁰ The Right to Information Act was introduced in Sri Lanka by Act No. 12 of 2016 and was certified by the Speaker of Parliament on 4 August 2016.

¹¹ Reporters Without Borders, Sri Lanka, available at: <https://rsf.org/en/sri-lanka>

¹² Internet World Statistics, available at: <https://www.internetworldstats.com/stats.htm>

¹³ Verité Research (2019), *Powers of the Election Commission to Regulate Privately-Owned Media during Elections in Sri Lanka*, Briefing note, available at: https://srilankabrief.org/wp-content/uploads/2019/11/Powers_of_the_Election_Commission_to_Regulate_Privately_Owned_Media.pdf (accessed December 2019).

The media environment during the election

Coverage of the candidates during the campaign mirrored the political ownership of the media, with the two leading candidates receiving by far the largest share of coverage.

Media monitoring data from other observer organisations showed that state TV portrayed the NDF candidate, Mr Premadasa, in a positive manner, with the SLPP candidate, Mr Rajapaksa, receiving coverage more negative in tone. In contrast, the news coverage of the private TV channels, Dirana and Hiru, was in favour of Mr Rajapaksa, with more negative coverage of Mr Premadasa.¹⁴

The guidelines for the media issued by the Election Commission are binding only for state media. On occasions, the EC Chairman reminded the media to adhere to impartiality requirements.

On 2 November 2019, the Chairman of the Election Commission wrote a letter to ITN state television, stopping live political programmes until after the announcement of results. The decision was reversed the next day due to complaints. During the campaign, there was also criticism from parties and civil society organisations of the Election Commission for not taking action against biased political coverage from the private media.

The state media adhered to its legal requirement to allocate free airtime to candidates.

The two leading candidates' campaigns used paid advertisements on television and in the print media. Social media was also used to a large extent, with sponsored posts on Twitter and Facebook.

Role of social media

Social media played a key role in the 2019 election, with Facebook being the most influential social media platform for political communication. In contrast to the largely peaceful campaign environment around the country, antagonistic rhetoric, disinformation and hate speech were prevalent online. Civil society organisations noted that the rise in inflammatory language, particularly towards Sri Lanka's Muslims, began after the Easter attacks.

The Election Commission reported that it held discussions with Facebook, but that the company was slow to respond. It did not remove inflammatory content or false stories about the election in a timely manner. For example, on 31 October 2019, a post that quoted the Election Commission stated the SLPP had won 95 per cent of the postal votes. The story was widely shared. Facebook finally removed the page on 6 November.

¹⁴ This was highlighted by the European Union Election Observation Mission in its Preliminary Statement on the 2019 Presidential Election, issued on 18 November 2019.

Civil society reported that Facebook did not take steps to ensure that the campaign silence rules were adhered to, and also complained about Facebook allowing candidates to advertise misinformation and for failing to introduce in Sri Lanka the transparency tools for monitoring election advertisements that it had built for other countries.¹⁵

Recommendations

- The Group urges the establishment of a professional oversight body for electronic media regulation, as well as an independent broadcasting regulator, which would remove the onerous task of media regulation during elections from the Election Commission.
- We encourage development partners engaged in Sri Lanka to support CSOs to undertake fact-checking initiatives, in order to counter the impact of misinformation and disinformation online.

¹⁵ This complaint was raised in a letter from the Centre for Policy Alternatives to Facebook on 30 September 2019, on the subject '*Urgent need for rollout of platform affordances for greater oversight of campaign spending*'.

Chapter 6

VOTING, COUNTING AND RESULTS TABULATION

Background

On 16 November 2019, polling occurred from 07:00 hours to 17:00 hours at 12,845 polling stations across the country. Polling stations were primarily located within or outside public facilities such as schools and community centres.

A Senior Presiding Officer, supported by up to 18 officials, staffed each polling station. Armed police officers were also present to guarantee security and maintain law and order. In addition, candidate and party agents, and accredited domestic and international observers had authorised access to the polling station.

The Presidential Elections Act provides for voters with disabilities to be assisted by a person of their choice, who must be of voting age.

To facilitate the franchise of a specific category of individuals unable to vote at their designated polling station, the Presidential Elections Act also provides for postal voting. Those eligible for postal voting include members of the security forces and election officials on duty on Election Day. In order to vote, such individuals had to apply to the Election Commission so that a postal vote register could be established. Once these individuals were approved, they were provided with a postal ballot. The completed ballots were returned to the Election Commission to be included in the final vote count on Election Day.

The Presidential Elections Act requires that political campaigning ends 48 hours before the polls open on Election Day.

Key Procedures for Opening and Voting

Opening of the polls

- Prior to the opening of the polls, the Senior Presiding Officer invites any party agent and observers present to inspect the empty ballot box.
- Party agents are then able to affix their own seal inside the ballot box.
- The box is sealed with ribbons on each side and then secured with tape.
- Voting is officially scheduled to start at 07:00 hours.

Voting

- Voters line up in single gender or mixed queues outside the polling stations.

- Voters approach the first polling official one at a time. This official confirms the voter's poll card and identity document against the register. Notably, an identity document is compulsory, but not the poll card. The name of the voter is then announced.
- The voter moves to another official, who inspects the smallest finger on the elector's left hand for indelible ink; the finger is then marked with indelible ink.
- The next polling officer places the official mark on the back of the ballot paper before issuing it to the voter.
- The voter proceeds to a voting screen, marks and folds their ballot paper, and places it in the ballot box.

Assessment of the Opening of the Polls and Voting

On Election Day, observers reported a largely peaceful process that was well managed and transparent, with voters free to exercise their franchise. Party and candidate agents, as well as national and international observers were present at the polling stations observed. The turnout of voters was high, particularly at the outset of voting.

Some key observations of the Group included the following:

- In most of the polling stations observed, voting commenced on time and these stations were well administered.
- The Group was impressed with the conduct and professionalism of polling officials, who were competent and diligent in carrying out their duties.
- The Group also noted the efficient manner in which polling officials processed the high numbers of voters; there were very few long queues, given the significant numbers of registered voters per station (up to over 2,000 in some cases), and the length of the ballot paper (26 inches), which featured 35 presidential candidates.
- The Group observed good co-operation between the assigned police officers and polling officials throughout the voting process.
- As noted by Commonwealth observers in 2015, in many cases, the polling station layout, including space constraints, did not always guarantee the secrecy of the ballot. However, the Group did not encounter any incidents where there was a deliberate attempt to take advantage of this situation.
- The police presence provided adequate security and maintained law and order at all the polling stations observed.

- As with previous elections, there were many female polling officials, but few at the senior level.
- At most polling stations observed, priority was given to persons with disabilities, the elderly, the infirm and mothers with children.
- In some polling stations, the Group observed polling staff assisting voters with disabilities to cast their vote, as provided for in Section 38 (1) and (2a) of the Presidential Elections Act.
- The Group noted that where persons with disabilities were assisted by the person of their choice or polling staff, the secrecy of the ballot was vulnerable to compromise.
- The Group noted with concern that access to the polling stations observed, as well as the layout within some polling stations, posed a challenge for persons with disabilities.
- The Group observed only a small number of voters arriving between 16:00 hours and 17:00 hours and no queues were evident at the close of polls.

Key Procedures for Closing of Polls

- Voting officially concludes at 17:00 hours and no vote may be cast after that time.
- At the close of the polls, in the presence of party agents and observers, the ballot slot is sealed and the box is again secured with official tape. Party and candidate officials were again allowed to attach their own seals on the ballot box, which was then placed in a large transparent plastic bag and secured with a tamper-proof cable-tie.
- The Senior Presiding Officer completes the ballot papers account form, and packages all materials ready for transportation to the Counting Centre.
- The ballot box and other materials are transported to the Counting Centre in accordance with instructions from the Returning Officer.

Key Procedures for Counting and Results Tabulation

- Once all the ballot boxes for the particular Counting Centre have been received, counting commences. Each Counting Officer is allocated to receive ballot boxes from 12 to 15 polling stations in a Polling Division.
- The counting of postal votes commences before the count of votes from polling stations.

- There are three stages of the counting process: **counting, sorting and counting, and counting and recording**. Each stage is applied separately to each ballot box.
- The ballot box is unsealed. All ballot papers within the ballot box are removed; and the empty box is presented for inspection by the other counting officials and observers.
- **Counting:** The counting of ballot papers takes place to confirm that the number of ballot papers in the box tallies with the recorded number of ballots issued at the polling station, in accordance with the Ballot Paper Account.
- **Sorting and counting:** The ballot papers are separated by candidates into bundles of 50, with the validity of the ballot paper also determined during this process. Rejected ballot papers are identified and sorted according to the reason for which they are rejected.
- **Rejected ballots:** As outlined under Section 51 of the Presidential Elections Act, these are:
 - those without the official mark of the Election Commission on the back;
 - those with writing (a name or signature) on the ballot paper by which the voter could be identified; and/or
 - those without a mark of any description indicating the voter's preference.
- **Counting and recording:** The preferences marked and the total votes for each candidate, as well as the number of rejected ballots, are recorded.

Assessment of Counting and Results Tabulation

The counting and results tabulation process was generally regarded as transparent and well managed. Counting procedures were followed meticulously, with candidates, party agents, and citizen and international observers afforded a clear view of the entire process. It was noted that most of the count occurred late into the night and the early hours of the following morning.

Some key observations of the Group included the following:

- Counting officials were methodical and diligent in the conduct of their duties.
- The conditions and environment for the count were conducive to the process. The change of personnel minimised the risk of human error from tired officials who would have been engaged in the preceding voting process.

- Candidate and party agents, and national, regional and international observer groups were welcomed to the Counting Centres to observe the process.
- The Group observed collegial collaboration between counting officers and party agents, especially in determining and agreeing on rejected ballots.

Presidential Election Results

The final result of the two leading presidential candidates were as follows:

Candidates	Affiliations	Votes	Percentage
Gotabaya Rajapaksa	SLPP	6,924,255	52.25
Sajith Premadasa	NDF	5,564,239	41.99

In sum, the key voting statistics were as follows:

Registered voters:	15,992,096
Total polled:	13,387,951
Total valid votes cast:	13,252,499
Total votes rejected:	135,452
Turnout:	83.72%

The full list of Presidential Election results is attached at Annex V.

Recommendations

We urge the Election Commission to consider the following:

- Review the layout of the placement of the voting screens to ensure that the secrecy of the vote is not compromised, as recommended by the 2015 Commonwealth Observer Group.
- Review the location and selection of polling stations to better facilitate the physical access of persons with disabilities, the elderly and the infirm.
- Review the appropriateness of the location of polling stations in buildings designated for religious purposes.

Annex I: BIOGRAPHIES OF CHAIRPERSON AND OBSERVERS

Mr Prosper Bani - Chairperson

Mr Bani was a former Chief of Staff to President John Mahama of Ghana, and subsequently Minister of Interior. He served as a member of the National Police Council and the Armed Forces Council, and also provided oversight to the National Election Security Committee for the 2016 elections in Ghana. Mr Bani started his United Nations career as the Chief Technical Advisor for the UN Development Programme's (UNDP) Peacebuilding Project in Tajikistan in 1995. He is an expert in peacebuilding and crisis management, with over 15 years working for the United Nations in several countries across the world. He served in Geneva with the Humanitarian Relief Unit of UN Volunteers as Peacebuilding Programme Officer and led in the design of the policy framework for UN Volunteers' peacebuilding programmes. Mr Bani later joined the Bureau for Crisis Prevention and Recovery of UNDP as a Small Arms Control and Management Specialist, and in 2006 was appointed Advisor for Africa based in Dakar. During that period, he designed the Economic Community of West African States (ECOWAS) Small Arms Control Programme, which supported ECOWAS to establish Small Arms Commissions in all 15 member countries to reduce the circulation of illicit weapons in the region.

In 2009, he was appointed as the Team Leader for the Bureau for Crisis Prevention and Recovery in Africa and assigned to the UNDP Regional Service Center in Johannesburg. Mr Bani provided technical support to the establishment of National Peace Councils in Ghana and Kenya, which provided the foundation for similar councils to be set up in other countries. In 2012, Mr. Bani led the process to develop a strategic recovery programme to support the Intergovernmental Authority on Development (IGAD) to respond to the perennial drought confronting the member states and the Horn of Africa, as well as national recovery programmes in member states. Mr Bani was a lecturer, and later became Director of Studies, at the Ghana Institute of Journalism from 1984 to 1992. Mr Bani has a BA Hons degree in political science and sociology from the University of Ghana and master's degrees in politics and development strategies from the Institute of Social Studies in The Hague, the Netherlands, and another master's degree in politics and government from the University of Texas, USA.

Mr Paul Dacey (Australia)

Mr Dacey was a career public servant in Australia for over 40 years. He spent the last 28 years of his public sector career in senior positions in the Australian Electoral Commission (AEC) and held the post of Deputy Electoral Commissioner from 2000 until his retirement in December 2011. Mr Dacey has served on many overseas electoral missions, including South Africa, Indonesia, East Timor, Papua New Guinea, Solomon Islands, Fiji and Thailand. He has presented papers and facilitated discussions for the Commonwealth and the United Nations on numerous occasions, including at workshops and conferences focusing on electoral management. In 2006/7, Mr Dacey held the office of Vice Chair for the International Mission for Iraqi Elections. In 2012, he was a member of the Commonwealth Observer Group for the Sierra Leone general and local elections.

Mr Darrell Bradley (Belize)

Mr Bradley is President of the Senate for Belize and Chairperson of the Social Security Appeals Tribunal. He is also a practising attorney and adjunct faculty at the University of the West Indies, Galen University and Wesley Junior College. Mr Bradley served two terms as Mayor of Belize City and three terms as President of the Belize Mayor's Association. He was also Vice-Chairman of the London-based Commonwealth Local Government Forum, Vice-President of the Belize Bar Association, and a member of the Board of Directors of the Central Bank of Belize. Mr Bradley earned bachelor's degrees in sociology, international studies and law, a master's degree in public administration and a Graduate Certificate in Education.

Ms Sabrina Grover (Canada)

Ms Grover currently works with Nutrition International (NI) as a Policy and Advocacy Officer to advance nutrition and food security. NI works to transform the lives of vulnerable people, especially women, adolescent girls and children, by improving their nutritional status. Previously Ms Grover has worked in government relations. She also serves as part of the executive team of the Young Diplomats of Canada, focused on business development and strategic partnerships for the organisation. Additionally, Ms Grover is currently serving as the Co-Chair of the Youth 7 (Y7) summit which served as the formal side engagement to the G7 as part of Canada's 2018 G7 presidency.

Sarah Fradgley (New Zealand)

Ms Fradgley is a Communications Consultant with extensive experience of media relations and public information campaigns on a wide range of political, electoral, security and development issues. She has worked as an Election Observer in 20 countries, including Bangladesh, Indonesia, Lebanon, Nigeria, Nepal, Pakistan, Papua New Guinea, Tanzania and Zambia, as well as in the Balkans and in the former Soviet Union. She has also worked as a Communications Adviser to the Election Commissions in Maldives and Georgia. Previously, Ms Fradgley worked in Kosovo as spokesperson for the European Agency for Reconstruction and as press officer for the United Nations. She began her career as a journalist at the BBC.

Senator Sana Ullah Baloch (Pakistan)

Senator Sana Ullah Baloch is a Member of the Balochistan Assembly, Pakistan, served as a Member of the Senate of Pakistan (2003-08) and Member of the National Assembly of Pakistan (1997-2000). From 2013 to 2017, Mr Baloch served as the UNDP's Chief Technical Adviser in Sierra Leone and as a Senior Constitutional Adviser in Somalia in 2011. Mr Baloch is a senior governance and constitutional expert, political strategist, researcher and a writer with hands-on expertise on Asia, Africa and the Middle East. He has provided top notch advice and leadership on constitution making, political and institutional reforms and restructuring, parliamentary reforms and democratic participation. He has also delivered talks, lectures and trainings in world-renowned institutes and think-tank organisations for senior government officials, youth, parliamentarians and members of constitutional bodies.

Ms Madeleine Nirere (Rwanda)

Ms Nirere has been the Chairperson of the National Commission for Human Rights of Rwanda since 2012. She is a lawyer by profession and has extensive knowledge and experience on human rights at the regional and international levels. She is a member of the Bureau of the Global Alliance of the National Human Rights Institutions. She was also the Chairperson of the Network of African National Human Rights Institutions (NANHRI) from 2017 to 2019. Prior to working on human right issues, she worked for 13 years in the Rwandan Parliament at different senior positions, including serving as the Secretary-General in charge of Legislative and Parliamentary Affairs in the Senate of Rwanda.

Ms Nirere is highly dedicated and committed to human rights promotion and protection and has been instrumental in different panels discussing human rights, such as the Commonwealth Forum of NHRIs (UK 2018) and the High Political Forum on SDGs, held in New York in 2018. She earned a master's degree in international human rights law and criminal justice (LLM) in 2017, a master's degree in public administration (LLM) from ENAP, Quebec (2007), a diploma in legal practice, a bachelor's degree in law (LLB) in 2018, and bachelor's degree of law in 1998.

Mr Vijay Krishnarayan (Trinidad and Tobago)

Mr Krishnarayan served two terms at the head of the Commonwealth's agency for civil society - the Commonwealth Foundation. During a seven-year tenure from 2012 to 2019, he transformed the organisation into one of the Commonwealth's most respected inter-governmental bodies. He developed a diverse team and focused on strengthening people's participation in policy-making processes. He secured support for this mission from Commonwealth member states through their ministers and senior officials. Under his leadership, the organisation established a clear programme, framed within the Sustainable Development Goals (SDGs), and focused on SDG16, with an emphasis on inclusion. This placed gender equality at the heart of the organisation's mission, with participatory governance and gender as a central theme. Mr Krishnarayan also established the Commonwealth Foundation as having a recognised role in bringing civic voices to Commonwealth political processes. During his time at the Foundation, civil society made effective representations to Commonwealth Heads of Government Meetings in 2013 (Colombo), 2015 (Valletta) and 2018 (London). Before being appointed as the Foundation's Director-General, he served as the Deputy Director from 2006 to 2012. In this capacity, he had direct responsibility for all aspects of the organisation's programmes and grant management.

Ambassador Bernadette Olowo-Freers (Uganda)

Ambassador Bernadette Olowo-Freers is a graduate of Makerere University, with a degree in economics and rural economy. She served her country as a Senior Foreign Service Officer and Ambassador in various countries and capacities between 1975 and 1992. She joined the United Nations in 1996 and became a Country Programme Advisor/Co-ordinator with the Joint United Nations Programme on HIV/AIDS (UNAIDS). She served in that capacity in different countries, including Zambia, Swaziland/Lesotho and Tanzania, as well as with the African Union (AU), supporting the AU and its organs to keep HIV/AIDS on the development agenda of its members. Ambassador Olowo-Freers retired from the UN service in 2009. She continues to be

engaged in community service projects and this has been reinforced by becoming an active member of the family of Rotary International.

Ms Meena Shivdas (United Kingdom)

Meena Shivdas is a gender and development specialist with a DPhil in development studies from the Institute of Development Studies at the University of Sussex. She has worked across Asia-Pacific, Africa and the Caribbean and has expertise in results-based programme management, gender mainstreaming, gender analyses, human rights, socio-economic issues, policy development and advocacy, research, training, communications and partnership building. Her academic training, combined with involvement in women's movements, has resulted in her engagement with policy and programme work with governments, multilaterals, community organisations and non-governmental organisations. She has worked on such issues as trafficking in women, migration, violence against women, women's reproductive health and post-Beijing implementation and monitoring. Other areas of interest and work include gender and the law, women's human rights, HIV and AIDS, poverty and sustainable livelihoods.

Mr Boniface Cheembe (Zambia)

Boniface Cheembe holds a Bachelor of Arts (BA) from the University of Zambia (UNZA), with major in political science and minor in development studies. He also holds a Master of Arts (MA) degree, attained as a Fulbright Scholar, from Eastern Mennonite University (EMU) in Harrisonburg, Virginia in the United States of America (USA), specialising in conflict transformation. He is a civil activist currently working as the Executive Director for a Zambian-based non-governmental organisation (NGO) dealing with issues pertaining to peace and democracy in Zambia and the sub-region, called the Southern African Centre for the Constructive Resolution of Disputes (SACCORD). He is also a part-time lecturer in political science at the University of Zambia (UNZA) in the Department of Political and Administrative Studies (PAS), the school of Humanities and Social Sciences (HSS). Mr Cheembe is also a researcher and a consultant and has vast experience in election observation in different parts of the world.

Annex II: ARRIVAL STATEMENT



COMMONWEALTH OBSERVER GROUP 2019 SRI LANKA PRESIDENTIAL ELECTION

Statement by Chair

**Prosper Bani, Former Minister of Interior, Ghana
11 November 2019, Colombo, Sri Lanka**

We are honoured to have been requested by the Commonwealth Secretary-General, The Rt Hon. Patricia Scotland QC, to observe the Presidential Election in Sri Lanka scheduled for 16 November 2019 at the invitation of the Election Commission of Sri Lanka.

We arrived on 10 November and will be in Colombo until 22 November. Members of our Group are drawn from various Commonwealth regions, with backgrounds ranging from the political, electoral, civil society and human rights, as well as legal fields. Over the next few days, we will receive briefings from relevant stakeholders including election management officials, representatives of political parties, civil society groups, the police, members of the international community, and citizen and international observers.

Our mandate is to observe and evaluate the pre-election environment, polling day as well as the post-election period. We will consider the various factors impinging on the credibility of the electoral process as a whole, and report on whether it has been conducted according to the national, regional, Commonwealth and international standards to which Sri Lanka has committed itself.

As independent observers, we will remain objective and impartial in discharging these duties. The Group's assessment will be its own and not that of any Commonwealth member country.

We hope that our Group's presence will support the strengthening of democracy in Sri Lanka. We call on all stakeholders to demonstrate commitment to a peaceful, transparent, credible and inclusive election.

The responsibility to act with integrity rests with all stakeholders: the Election Commission, political parties, the media, security agencies, civil society and voters. On Thursday, our observers will deploy to various provinces across the country to observe preparations ahead of polling day. Subsequently, we will observe the opening of polls, voting, counting and the management of results from Election Day until our departure from Sri Lanka. We will issue an *Interim Statement* of our preliminary findings shortly after 16 November. Our final report will be submitted to the Secretary-General and will be made available to the public afterwards.

On behalf of my fellow Group members, I wish the people of Sri Lanka well as they exercise their right to vote on Saturday, 16 November.

The Commonwealth Observer Group is composed of:

- Mr Prosper Bani, Former Minister of Interior, Ghana (Chair)
- Mr Paul Dacey, Former Deputy Electoral Commissioner, Australia
- Mr Darrell Bradley, President of the Senate and member of the CLGF Board, Belize
- Ms Sabrina Grover, Strategic Partnerships Advisor, Young Diplomats of Canada
- Ms Sarah Fradgley, Media and Communications Expert, New Zealand
- Hon. Sana Ullah Baloch, Member of the Balochistan Provincial Assembly, Pakistan
- Ms Madeleine Nirere, Chairperson, National Commission for Human Rights, Rwanda
- Mr Vijay Krishnarayan, Former Director-General, Commonwealth Foundation, Trinidad and Tobago

- Amb Bernadette Olowo-Freers, Former Ambassador, Uganda
- Dr Meena Shivdas, International Gender and Development Specialist, United Kingdom
- Mr Boniface Cheembe, Executive Director, Southern African Centre for the Constructive Resolution of Disputes, Zambia

Annex III: DEPLOYMENT PLAN

Sri Lanka Presidential Election - 16 November 2019

NO.	PROVINCES	DISTRICTS	TEAMS
1	Western	Western Area Urban <i>City: Colombo</i>	Prosper Bani (Chair) Yvonne Apea Mensah Temi Kalejaiye
2	Western	Western Area Rural <i>District: Gampaha</i>	Linford Andrews Clara Cole Tiffany Chan Olu Ibinayo
3	North	Jaffna <i>District:</i> <ul style="list-style-type: none"> • Killinochchi • Mullaittivu • Jaffna 	Meena Shivdas Darrell Bradley
4	North Central	Polonnaruwa <i>District:</i> <ul style="list-style-type: none"> • Anuradhapura • Polonnaruwa 	Sarah Fradgley Boniface Cheembe
5	Eastern	Batticaloa <i>District:</i> <ul style="list-style-type: none"> • Ampara • Kalmunai • Batticaloa 	Madeleine Nirere Sana Ullah Baloch
6	Southern	Matara <i>District:</i> <ul style="list-style-type: none"> • Galle • Hambantota • Matara 	Paul Dacey Sabrina Grover
7	Central	Kandy <i>District: Kandy</i>	Vijay Krishnarayan Bernadette Olowo-Freers

Annex IV: PRELIMINARY STATEMENT



**Sri Lanka Presidential Election
16 November 2019**

**Preliminary Statement by Prosper Bani
Former Minister of Interior, Ghana
Chair of the Commonwealth Observer Group**

Members of the media, ladies and gentlemen.

Thank you for coming to this Commonwealth Observer Group Press Conference.

The Commonwealth is honoured to have been invited by the Election Commission of Sri Lanka to stand in solidarity with the people of Sri Lanka through this significant election.

Our Group, which was constituted by the Commonwealth Secretary-General, Patricia Scotland, comprises experts drawn from the political, legal, civil society and electoral fields across various Commonwealth regions. We arrived in Colombo on 10 November and will depart on 22 November 2019.

Our preliminary findings will be shared in the following manner: We will first provide our key findings on the pre-election environment, after which we will focus on our observations on Election Day. Finally, we will share our reflections on the post-election environment.

This approach is in line with our mandate as underscored in the arrival statement we issued on 11 November 2019.

Let me state that in accordance with this mandate, we are assessing this election according to the national, regional, Commonwealth and international values and standards to which Sri Lanka has committed itself.

Our final report will be submitted to the Commonwealth Secretary-General and will afterwards be made available to the Government of Sri Lanka, political parties, the Election Commission and the public.

I commend the people of Sri Lanka for the largely peaceful and orderly manner in which they cast their vote on 16 November 2019. I also wish to acknowledge the Election Commission for its efficient conduct of the polls across the country.

Sri Lanka's long tradition of conducting elections was evident in this well-managed process.

Once again, by voting in significant numbers, with an impressive turnout of 84 per cent, citizens of Sri Lanka have taken a clear stand on democracy, a fundamental Commonwealth value.

However, these elections have raised some issues which highlight areas for improvement:

A credible democratic process is an inclusive one where every citizen's right to participate freely and safely is guaranteed. I urge the people of Sri Lanka and their leaders to improve on the inclusivity of future elections.

This country's rich cultural and religious diversity is to be celebrated and valued. We urge all political leaders to prioritise social cohesion and inclusion.

The Pre-Election Environment

Since our arrival in Colombo, we have had the opportunity of meeting a range of stakeholders including political parties, civil society and media representatives, the police, the Election Commission and members of the diplomatic community.

On 14 November, members of our Group were deployed to six provinces, where they engaged with local stakeholders: the Central, Eastern, North, North Central, Southern and Western Provinces.

We were encouraged to hear that although there were some incidents of violence, the campaign environment was largely peaceful: the fundamental freedoms of association, expression, assembly and movement were broadly respected, and political parties were generally able to freely convey their messages to their supporters.

The restrictions on displaying handbills and posters of candidates, outlined in Section 74 of the Presidential Elections Act No. 15 of 1981, were widely respected. We observed that the display of campaign materials was minimal. While noting the positive impact of this regulation on the environment, we encourage the continued use of alternative forms of disseminating campaign messages to supporters in a manner that reaches and respects all communities.

We note, however, that some of the recommendations offered by previous Commonwealth observers, which would improve the campaigns, remain relevant. One is the need for mechanisms to regulate campaign finance in order to ensure transparency, accountability and an even playing field.

We further noted ethnic and religious tensions that characterised aspects of the pre-election environment. We observed that some groups experienced fear and intimidation.

We urge all citizens and political and community leaders to prioritise unity, and to demonstrate the values of respect and tolerance in political life.

In this regard, another issue of concern was the use and promotion of hate speech through private media, as well as on social media platforms, to conduct campaigns, including well after the 48 hours deadline.

We note that for this election, the Election Commission was empowered to regulate public media through a set of media guidelines. However, it appeared that private media was largely unregulated. We recommend that ahead of the next election, both private and public media are independently regulated through a legal framework. We will elaborate on this issue in our final report.

Another issue, which we will expand on in our final report, is the low participation of women in politics, including as candidates in Sri Lanka. For this election, only one out of the 35 presidential candidates was female. Sri Lanka has already made significant progress by introducing a 25 per cent quota at the local government level. We echo the recommendation of the 2015 Commonwealth Observer Group encouraging the consideration of affirmative legal measures to ensure increased participation and representation of women in politics at the national level.

We were also concerned about the incidents of violence against women during the campaign period. We urge women's groups, civil society, political parties and leaders in parliament, the judiciary and the entire criminal justice system, to work together to promote and protect the rights of women.

Election Day

Eve of elections and the poll

On the eve of elections, we witnessed preparations for the polls, including the setting up of polling stations, the collection and distribution of polling materials, and allocation of duties by presiding officers. Polling officials assured our teams of their readiness to conduct the elections on 16 November 2019. Police officers assigned to various polling stations were already at post.

While the environment before and during the poll was generally peaceful, we were concerned to hear about incidents of violence, in particular, an attack on a convoy of buses transporting Muslims to vote in the northern part of the country. We strongly condemn this, and all other such incidents of intimidation and violence targeted at particular groups.

Turning to the polls, polling stations opened on time, opening procedures were adhered to, and signage providing relevant instructions to voters were visibly displayed.

In some cases, the polling station layout, including space constraints, did not always guarantee the secrecy of the ballot. However, we did not encounter any incidents where there was a deliberate attempt to take advantage of this situation. We encourage the Election Commission to review the layout of polling stations for future elections, to ensure the secrecy of the ballot is guaranteed.

We were impressed by the confidence and professionalism of polling officials, a significant number of whom were women. We commend the inclusion of women throughout the administration of elections in Sri Lanka.

Polling officials granted priority voting to vulnerable groups and provided assistance as required. We noted that in a few cases, in rendering such assistance, particularly to unaccompanied persons with disabilities and the elderly, the secrecy of the ballot was vulnerable to compromise.

Additionally, while the law provides some access for persons with disabilities and the elderly, we recommend the improvement of physical access to polling stations.

Voters' identification was properly checked when voters entered the polling station. Party agents present had access to hard copies of the register, which they checked as the voter's identification was announced.

Voters were inked and provided with a ballot paper before proceeding to vote.

We observed good co-operation between the assigned police officers and polling officials throughout the voting process. Generally, the polling stations were organised.

We noted the efficient manner in which polling officials processed high numbers of voters: we found very few long queues, given the significant numbers of registered voters per station (up to over 2,000 in some cases), and the 26-inch-length of the ballot paper, which featured 35 presidential candidates.

In the polling stations where we were present, there were no voters in queues at the close of polls at 17:00 hours.

Throughout the day, we interacted with citizen observers. We commend the role of civil society in contributing to inclusive democratic processes in Sri Lanka.

Closing and counting procedures

Polling officials generally adhered to the closing procedures. In full view of the police, polling staff, party agents, and observers, polling officials finalised reports. Ballot boxes were sealed and secured, placed in a transparent bag which was further secured with a tamper-proof cable tie, and subsequently transported to the counting centres. The senior presiding officers' reports were attached to the boxes.

The reception of the ballot boxes at the counting centres was largely smooth. Party agents, citizen and international observers were present. Counting officials generally followed the procedures outlined in Sections 47 to 65 of the Presidential Elections Act, and further elaborated in the instructions issued by the Election Commission.

Counting was conducted according to the three-stage process involving: verification of ballot papers; sorting and counting ballot papers received by each candidate; and counting the second and third preferences.

We observed collegial collaboration between counting officers and party agents, especially in determining and agreeing on rejected ballots.

We further observed that in a significant number of cases, voters did not indicate the second and third preferences, pointing to a need for greater voter education on this aspect in the future.

Overall, the voting and counting process was transparent, peaceful and well organised. We commend the Election Commission for the smooth conduct of the polls and the competence demonstrated by the polling officials.

Post-Election and the Results Process

In a number of cases, counting continued throughout the night and into the morning of 17 November 2019.

The change of personnel for counting is good practice as it eliminates the risk of human errors from tired officials who would have been involved in the preceding voting process.

I had the privilege of personally visiting the Election Commission's headquarters in Colombo, where I was shown the impressive teams, structures and mechanisms in place for receiving and addressing complaints, receiving the results from counting centres by fax (and by WhatsApp), and for results tabulation and dissemination to the media.

Notably, accredited political party agents and civil society representatives were allowed to observe the results process.

We commend the efficiency and transparency of the results process. This includes including the timely release of results within 24 hours of the close of polls, complemented by the dissemination of verified and official results in real time to the media.

We wish to commend the Election Commission, voters, political parties, civil society, religious leaders, [you] the media and all stakeholders for the constructive role they have played in ensuring a peaceful, credible and transparent election.

As I said at the outset, we urge all stakeholders to work together to improve the component of inclusivity in political life: every citizen's right to participate freely and safely in the electoral process should be guaranteed in future elections.

Sri Lanka's rich cultural and religious diversity is to be celebrated and valued. We urge all political leaders to prioritise social cohesion and inclusion.

Through this election, the people of Sri Lanka have once again demonstrated their commitment to the Commonwealth's fundamental values of democracy. We urge the country's new leadership to promote and protect these values for all citizens.

For more information, or to organise media interviews, please contact:

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Note to Editors

The Commonwealth is a voluntary association of 53 independent and equal sovereign states. It is home to 2.4 billion citizens, of whom 60 per cent are under the age of 30. The Commonwealth includes some of the world's largest, smallest, richest and poorest countries, spanning five regions. Thirty one (31) of its members are small states, many of them island nations. Commonwealth countries are supported by an active network of more than 80 intergovernmental, civil society, cultural and professional organisations.

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Annex V: PRESIDENTIAL ELECTION RESULTS 2019

OFFICIAL RESULTS

DEPARTMENT OF ELECTIONS



Presidential Election 2019

ALL ISLAND RESULT

VOTES RECEIVED BY EACH CANDIDATE

#	Name of the Candidate	Party Abbreviation	Votes Received	Percentage
1	Aparakke Pungnananda Thero	IND01	7,611	0.06%
2	S. Amarasinghe	IND02	15,285	0.12%
3	Idroos Mohamadhu Illiyas	IND03	3,987	0.03%
4	A. H. M. Alavi	IND04	2,903	0.02%
5	Ariyawansa Dissanayake	DUNF	34,537	0.26%
6	P. M. Edirisinghe	OWORS	2,139	0.02%
7	Sarath Keerthirathne	IND05	3,599	0.03%
8	Chandrasekara Herath Hitthami Korallalage Samansiri	IND06	976	0.01%
9	Sirithunga Jayasuriya	USP	3,944	0.03%
10	Ajantha De Zoysa	RJA	11,705	0.09%
11	Aruna De Zoysa	DNM	4,218	0.03%
12	Anura Kumara Dissanayaka	NMPP	418,553	3.16%
13	Duminda Nagamuwa	FSP	8,219	0.06%
14	Rohan Pallewatta	JSWP	25,173	0.19%
15	Ketagoda Jayantha	IND07	9,467	0.07%
16	Saman Perera	OPPP	2,368	0.02%
17	Anuruddha Polgampala	IND08	10,219	0.08%
18	Warnakulasooriya Milroy Surgeus Fernando	IND09	13,641	0.10%
19	Sajith Premadasa	NDF	5,564,239	41.99%
20	Battaramulle Seelarathana Thero	JSP	11,879	0.09%
21	Badde Gamage Nandimithra	NSSP	1,841	0.01%
22	Sarath Manamendra	NSU	3,380	0.03%
23	M. K. Shivajilingam	IND10	12,256	0.09%
24	M. L. A. M. Hizbullah	IND11	38,814	0.29%
25	Gotabaya Rajapaksa	SLPP	6,924,255	52.25%
26	Namal Rajapaksha	NUA	9,497	0.07%
27	A. S. P. Liyanage	SLLP	6,447	0.05%
28	Ashoka Wadigamangawa	IND12	2,924	0.02%
29	Piyasiri Wijenayake	IND13	4,636	0.04%
30	Ajantha Perera	SPSL	27,572	0.21%
31	Rajiva Wijesinha	IND14	4,146	0.03%
32	Pani Wijesiriwardane	SEP	3,014	0.02%
33	Samaraweera Weerawanni	IND15	2,067	0.02%
34	Subbramanyam Gunarathnam	ONF	7,333	0.06%
35	Mahesh Senanayake	NPP	49,655	0.37%

Total Valid Votes 13,252,499 82.87%

Rejected Votes 135,452 0.85%

Total Polled 13,387,951 83.72%

Registered No. of Electors 15,992,096

Time 14:34:22 PM

Date 17/11/2019

MAHINDA DESHAPRIYA
 Chairman
 Election Commission

N. J. ABEYESEKERE
 Member
 Election Commission

S. RATNAJEEVAN H. HOOLE
 Member
 Election Commission

Election Secretariat, Sarana Mawatha, Rajagiriya.

Declaration of Principles for International Election Observation

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

Commonwealth Observer Groups are organised and conducted in accordance with the Declaration and Commonwealth Observers undertake their duties in accordance with the Code of Conduct.

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