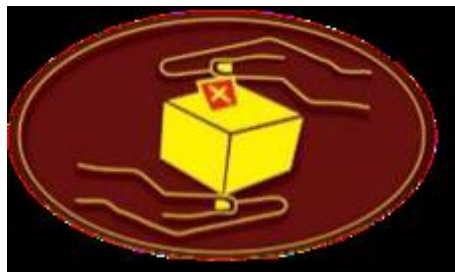


An Analysis of the Postal Voting Process in Sri Lanka:

**A Review of the Factors that Lead to Rejection of Postal Voting Applications
and Making Recommendations on this Matter -2022**



People's Action for Free and Fair Elections (PAFFREL)

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Compiled by Manjula Gajanayakage

Inception

The desire for a comprehensive electoral system is a concept that runs back to the days even before the beginning of the 18th century. But the ultimate reality is that creating an electoral system that can serve the citizens' aspirations as they are is an extremely difficult task. Although Sri Lanka is a country with a very good electoral record, there are mixed opinions about the existing electoral system. This electoral system is so controversial that reforming this very system has been a prominent election promise in many major election campaigns.

Apart from that, efforts that have been made to effect a change in the entire system through constitutional interventions are not lacking in this country – the most obvious example for that is the 14th amendment to the Constitution. Although it has proposed some positive framework in the area of amendments to the electoral system, the said amendments have not been directed towards a practical use beyond the documented form even to date. Further, there are a number of electoral systems in the world that operate differently from one another, and the tools that support those electoral processes are the administrative and legal practices found in each system. The most vital and decisive factor is casting the vote. In any electoral system in the world, an area that requires most careful attention and precise planning is the smart finishing of the process put in place for casting the vote.

It can be observed that the voting system of this country is entirely based on a conventional system that has been introduced traditionally, and it appears that some of the elements of this system are gradually being digitalized. As far as the act of casting the vote is concerned, obviously it is totally implemented under the usual system. The law related to that has been gradually developed in this country. There is one thing that becomes clear when examining the contents of the Ceylon (Parliamentary Elections) Order in Council, 1946, which gives a clearer explanation. It is the fact that the relevant law has not undergone a significant change ever since. In addition to that, the new global trends, too, have heavily influenced the election processes; the latest incident is the disaster known as COVID-19, which afflicted the world. It put the world under pressure for at least more than two years, and besides human lives, the biggest impact was on the general existence of the processes of states of which elections are the most prominent. For example, nearly 60 states in the world where elections should have been held constitutionally either postponed their elections or started adopting a new approach to traditional methods.

There are several examples that can be examined related to the said situation. One example is the parliamentary elections held in Sri Lanka in 2020. Generally, the election should be held within a period of a maximum of 75 days after the announcement of the election, but the election campaign period of that election was 156 days. An opposing trend was seen in the national election that was held on **22 March 2010** for the election of members for the legislature of South Korea. Even though it was postponed the first time, it was held the second time after properly adopting all the necessary health and safety measures. Not only that, there was a special feature that could be seen in that election – all the qualified voters who showed an interest in casting their vote were encouraged to use the early voting facility in order to create a simpler and safer opportunity for voting.

This effort was very effective, and by the end of the election, the percentage of the voters who had cast their vote before the date of the poll was 26.8%. There is one key point that attention should be paid to – the voters of that country could be motivated to do so because the required laws had already been put in place properly. However, the most important point here is that the election management institutions in the world are becoming more and more interested in investigating the possibility of conducting an election with proper procedures even in such unexpected disaster situations. In such a backdrop, it is both timely and futuristic to inquire about the postal voting process in Sri Lanka.

Methods of Voting:

An election is a massive conversion operation. It is with the aim of popularizing the voting process that a series of special measures are taken for such a huge and decisive day. One of the main factors taken into consideration in this respect is whether all voters have equal opportunities so that no one is prejudiced. Further, any method used in this way should not violate human rights and should protect democratic values. Another important point is that the system that exists should win the citizen's trust. However, there is a very strong factor that may render all of these methods ineffective – that is the complexity of the method of voting. Therefore, it is indisputable that whatever method it is, it should be very simple

As far as the voting methods existing in the world are concerned, it is clear that these methods are basically two-fold – they are absentee voting or voting by mail and early voting. There doesn't seem to be any significant difference between these two methods.

Absentee Voting (Voters who are unable to cast their vote on the date of the poll):

Under this method, voters who are unable to cast their vote on the date of the poll due to some urgent matter are provided with the opportunity to cast their vote. Most often, there is the opportunity to put the marked official ballot paper into a container/box specially designed or designated for the postal voting or voting purpose. People who can get this facility are mostly those who suffer from some sudden illnesses and those who are students. The rules and procedures applied in this method are often not uniform. Methods of this nature are widely used in several countries including the United States of America. It is also important to note that the procedures adopted in these methods vary from state to state.

Use of the early voting system:

This is also known as advance voting. The special feature of this method is that the voters should cast their vote within the time period specially allocated for early voting. Under this method, particular attention is paid to people with disabilities and to those who are unable to go to the polling station due to some religious beliefs or other special reason.

In order to have a simpler understanding of these two methods, some of the key features of these two methods are given below:

Casting the vote by those who are unable to go to the polling station on the date of the poll due to temporary reasons	Using the early or advance voting method
Those who are unable to go to the polling station as they are not present in the respective city during the regular voting period or due to some physical disability/religious belief.	All registered voters of Massachusetts shall cast their vote in the city where they are registered. No application is required when casting vote in person
On behalf of a registered voter, a member living in the same household can apply for the voting right that is granted to persons who are unable to go to the polling station on the date of the poll. The voting right that is granted to persons who are unable to go to the polling station on the date of the poll is always allowed on the request of the relevant person. A request for this facility can be made by submitting an application or a letter. Ballot papers will be mailed soon after the request has been received.	Only the voter can make a written request to get a ballot paper by mail for early voting. Application for early voting should be submitted before the commencement of the early voting period. The voter himself/herself should apply for the early voting facility. Ballot papers will be mailed after the early voting period has commenced.
Vote can be cast in the office before leaving the city.	Vote can be cast within the relevant period.

Postal voting - the Sri Lankan context

The long-established postal voting process in Sri Lanka

The initiation of the postal voting process in Sri Lanka is not for the purpose of necessarily providing the voting facility to the least represented people in the election process as it is done in many other countries. The purpose of using this method is to give the opportunity for a certain group of persons who will be engaged in election duty to cast their vote early. An election is a massive human activity involving a special combination of many parties. The officers engaged in election duty, who play a key role, and the security personnel get this entitlement. This has been the practice for elections of all levels in this country. Generally, three groups of persons are entitled to this – government officers who are likely to be assigned with election duties, officers and other employees who are employed in essential services, and members of the three armed forces, the police and the Civil Security Department, who are engaged in duty throughout the country.

Accordingly, there are five types of elections in the country in which the postal voting system is used, and the election law relating to postal voting is contained in the following laws:

- Parliamentary Elections Act No. 01 of 1981
- Referendum Act No. 07 of 1981
- Presidential Elections Act No. 15 of 1981
- Provincial Council Elections Act No. 02 of 1987

- Local Authorities Elections Ordinance (Chapter 262)

The Presidential Elections Act No. 15 of 1981 specifies the persons who are eligible for postal voting:

- i. A member of Sri Lanka Army
- ii. A member of Sri Lanka Navy
- iii. A member of Sri Lanka Air Force
- iv. An officer or employee of Sri Lanka Police
- v. An officer or employee of the Department of Prisons
- vi. An officer or employee of Sri Lanka Railways
- vii. An officer or employee of the Department of Posts
- viii. An officer or employee of the Department of Telecommunications
- ix. An officer or employee of Sri Lanka Central Transport Board
- x. An officer or employee of a Regional Transport Board
- xi. An employee who is unable or likely to be unable to vote in person at the polling station allotted to him due to particular circumstances of his employment.
- xii. Any other officer or employee in the public service or of the Central Bank of Sri Lanka or of the Local Government Service of Sri Lanka who are likely to be employed for election purposes on the date of the poll.
- xiii. by a candidate at an election on the ground that he is unable or likely to be unable to vote in person at the polling station allotted to him by reason of his candidature (Section 23(2)).

Any public sector employee engaged in any of the above services is automatically entitled to apply for postal voting. In case they do not report for duty in the relevant election, they can go to the polling station in person and cast their vote. However, the procedure that is provided in the law is that the requirement of the relevant officer should be notified to the relevant returning officer through the certifying officer within six days after the announcement of any election. Another point that should be taken into consideration is that, if a person who has applied for postal voting or has used the postal vote casts his/her vote in another polling station, it is an offense that is punishable by imprisonment.

When considering the entitlement to postal voting, what becomes clear is that it is a very small proportion as against the total number of voters as shown below:

➤ Total number of registered voters in the last Parliamentary Election 2020	- 16,436,056
➤ Total number of applications received for postal voting	- 756,594
➤ Number of approved applications	- 705,505
➤ Number of rejected applications	- 51,089

Thus, what should be taken into consideration is the number of approved applications, which is 7.42% of the total number of voters.

The Kurunegala District is the administrative district where the largest number of applicants for postal voting reside in the country - it is about 74,565 in number. Anuradhapura (56,458), Gampaha (54,098), and Kandy (54,052) are the other districts which have the highest numbers of postal voters. On the other

hand, the Mullaitivu District is the area from which the least number of postal voting applications, i.e. 3,301, have been received. (Source: The report of the Election Commission on the Parliamentary Election held on 05 August 2020)

The existing legal framework on the qualifications that a person should have fulfilled in order to be a postal voter is very clear. The objective of the postal voting system is to provide an alternative opportunity for those who are employed in election duty on the date of the poll to cast their vote. Therefore, there is some doubt as to whether it is directly an early voting system or some other method of voting. Accordingly, this is a system of remote voting in which the person concerned has to participate in person. Hence, it is important to understand this system certainly as a hybrid system. The advantage of this system is that the voter gets the opportunity to cast his vote without any influence. Casting the vote at a designated postal voting centre before a certifying officer nominated by the relevant returning officer is an opportunity which is comparatively least disruptive. The established set of measures adopted in the postal voting process of this country is a very secured processes.

The entire process of postal voting is under strict control. The relevant application form is a certified one, and will be received by the relevant government institute through registered post. It is usually mailed so that all the applicants will receive it at the same time. Apart from that, postal votes are given a high priority in the process of counting votes as well. When counting the votes, the counting of postal votes is done at the very beginning, and opportunity is given for political parties/candidates to observe it. Announcing of the results of postal votes is also an important step in the issuing of election results. A perception that is rooted in the mind of the Sri Lankan voters generally is that the group/party that tops the postal vote results usually wins. However, it is not an idea that has been subjected to any statistical survey, but it certainly gives some clue about the existing value of the postal voting.

Further, it is also important to note that the postal voting process that is in place in Sri Lanka is not similar to the absentee voting process that is in place in other countries for giving opportunities to persons who are certainly unable to go to the polling station in person on the polling date. When studying the postal voting methods in effect in other countries, it is observed that eligible persons can get an application form mailed to their private address, and then get the opportunity to cast the vote in person by mail.

Moreover, the time frame is also very important. It is the usual practice to give only a short period of time for the application process, but it is a challenging task to complete the process with a specific notification following the relevant security measures within that short time period. For example, the period of time given to apply for postal voting in the parliamentary and the presidential elections in Sri Lanka is from 07 to 10 days. Generally, most countries in the world give a period of up to 15 days for using early voting.

Voting by mail in a time of crisis

The last parliamentary election of this country, which was conducted under a high risk situation, was certainly a challenging one. The election campaign season, which was affected by the COVID-19 pandemic, attracted serious attention of many people. At the same time, it is normal that the postal voting process, too, drew a lot of attention. In the last parliamentary election, the period allocated for applying for postal voting was from the 6th of March to 12.00 midnight on the 16th of March 2020. However, this time period

was extended as the sudden spread of COVID-19 interfered with this process, too. The time period was repeatedly extended on two occasions taking into consideration the travel restrictions as well as the holidays that were declared in the country. There was a most optimistic and favourable thing to be done at the time: it was to provide postal voting facility to health workers in terms of Section 26(2)(b) of the Parliamentary Elections Act. It was a rare occurrence in the election history of this country that certain persons outside the list of those who are specified in the Elections Act were identified and were given the postal voting right.



¹ <https://runews.lk/news/item/8248-official-postal-votes-to-post-offices>

Occasions where applications for postal voting will not be accepted:

In the election process of this country, rejection of votes is not something inconceivable. As far as the global context is concerned, what is often seen is its opposite: the practice of casting the vote is minimum and the percentage of rejected votes is minimum. But, in this country, the percentage of those who cast the vote has been very high since the first parliamentary election held in 1947. The table given below can be studied to get it verified.

What has been given more attention in this research paper relating to this area is rejection of applications. Applications have been rejected in this manner in almost every election that has been held in Sri Lanka ever since, and the percentage of the number of rejected votes in the last decade is shown below.

History of Sri Lankan Parliamentary Elections 1947 - 2020					
Election	Number of Registered Electors	Total Number of Votes Polled	Percentage of Votes Polled	Number of Votes Rejected	Percentage of the Rejected Votes
Under the First-Past-the-Post System					
1947	3,048,145	1,710,150	56.10%	44,570	2.61%
1952	2,990,912	2,114,615	70.70%	37,552	1.78%
1956	3,464,159	2,391,538	69.04%	30,683	1.28%
1960 (March)	3,724,507	3,041,420	81.66%	32,040	1.05%
1960 (July)	3,724,507	3,076,869	82.61%	22,225	0.72%
1965	4,710,887	3,821,918	81.13%	33,234	0.87%
1970	5,505,028	4,991,798	90.68%	25,828	0.52%
1977	6,667,589	6,243,573	93.64%	32,989	0.53%
Under the Proportional Representation System					
1989	9,374,164	5,962,031	63.60%	365,563	6.13%
1994	10,945,065	8,344,095	76.24%	400,389	4.80%
2000	12,071,062	9,128,823	75.63%	481,155	5.27%
2001	12,428,762	9,449,813	76.03%	493,944	5.23%
2004	12,899,139	9,797,680	75.96%	534,948	5.46%
2010	14,088,500	8,630,689	61.26%	596,972	6.92%
2015	15,044,490	11,684,098	77.66%	517,123	4.43%
2020	16,263,885	12,343,392	75.89%	744,373	6.03%

Source: Election Commission of Sri Lanka

Rejection of applications for postal voting

Applications for postal voting may be rejected due to a number of different reasons. It basically happens within the limits of law and under the procedural matters, and there are several reasons as to why more attention is paid to this matter rather than to rejection of a vote. They can be noted as follows:

As applications for postal voting are submitted entirely by government officials/employees, a high level of performance is expected in that regard. The chances of making mistakes while applying are minimal because there is the opportunity to do it personally. Further, it receives the attention of an immediate senior officer.

The cost that has to be incurred on a postal vote is relatively higher. The approximate amount that has to be spent on that can be stated as follows: in this process, an organization outside the Election Commission should also be called for assistance. There is the possibility that the amount of money that will have to be spent on the next election can relatively be doubled. The reason for this is the prevailing inflation in the country and the extraordinarily higher maintenance costs in all other institutions.

Applications are generally rejected in the following cases:

- Where the administrative district is wrongly mentioned in the application,
- Where the applicant is not entitled to apply for postal voting,
- Where the information given in the application form does not tally with the information in the electoral register,
- Where the serial number against which the name appears is not correctly stated in the application,
- Where the applicant has not signed the application,
- Where the Certifying Officer has not certified the application,
- Where the application is received late by the Returning Officer,
- Where there is no requirement to deploy the applicant on election duty.

A brief explanation of an aspect that applicants should be well aware of when applying for postal voting

When discussing the postal voting process, there are several important themes to focus on. Although they may be terms/introductions that are familiar to someone who is engaged in election management, it may be difficult for others to understand them. Therefore, introductions to some of those terms are given below:

Electorate:

The twenty-two (22) Electorates from No. 01 - Colombo Electorate to No. 22 - Kegalle Electorate, are referred to by this term. Each electorate is called by the name of the relevant administrative district, and the electorate for all three administrative districts of Vavuniya, Mullaitivu and Mannar is called No. 11 - Vanni Electorate, the electorate for the two administrative districts of Jaffna and Killinochchi is called No. 10 - Jaffna Electorate, and the Ampara administrative district is called No. 13 - Digamadulla Electorate.

Administrative Districts:

There are 25 administrative districts in Sri Lanka. This is the basic structure into which this small island is administratively divided into in line with the 09 provinces. The list of names of these 25 administrative districts is contained in the Second Republic Constitution, which is currently in force in the country. It is set out in its first schedule. If it is necessary to change the boundaries of the currently effective administrative districts or to introduce new administrative districts, Parliament of Sri Lanka should take necessary steps for that. A chief officer who is called the District Secretary is appointed for each administrative district. In the past, the term Government Agent (GA) was used to refer to this chief officer, who is the head of the administrative authority of the district.

Polling Areas:

There are 160 constituencies in the country. It was a division that was made under the decisions of the Delimitation Commission. The term 'polling area' is used to refer to the old electorates; Colombo Central, Devinuwara and Kalmunai are some examples.

Constituency:

The area where the voters who are eligible to vote at a particular polling station reside is called a constituency. A constituency has a number of constituencies, which are numbered sequentially from number 01 onwards. The electoral register can be divided according to each constituency. There are 12,021 constituencies in the country.

Serial number

The serial number is the number in the revised electoral register, which is the accepted register for the relevant year, which includes the voter's name. It is the number against which the respective voter's name appears. It varies from person to person, and the number does not change only if the same electoral register is used for two or more elections.

Rejection of applications for postal voting: technical and procedural challenges

As mentioned in a previous chapter, it is not because the basic voting rights of the applicant concerned is challenged that the rejection of postal voting has become so controversial. As the process of application for postal voting takes place within a period of not less than two weeks, the applicants concerned are informed in advance whether they have received the right or not. Further, they get the opportunity to become aware of the mistake they have made or about the technical inconsistency. That is because the Election Commission informs the relevant applicants of the reasons for rejection through their district Election Offices.

Usually a letter is sent by the Election Office to the rejected applicants under the heading Rejection of Applications for Postal Voting stating the relevant election and the relevant year. It contains a list of nearly 15 errors that may cause the rejection of an application and it specifies the error relevant to the applicant. There is another line which reads as 'other'. This means that there can be causes that does not apply to any of the 14 causes given above. In such cases, the Election Office is obliged to specify the relevant cause.

Further, there is another important matter that attention should be paid to - even if the application is rejected, if the Election Commission has some discretion, the applicant can be employed in election duties. One of the loopholes in this process is that the applicants whose application is rejected in this manner do not get a chance to resubmit the corrected application form. This happens because of the nature of the quick election campaign that takes place within a very limited period of time.

If such an opportunity is given to the applicants, more than 90% of the rejected applications will be treated as duly completed applications. For example, most of the rejected applications have been rejected because the serial number or the constituency number has not been stated correctly. Lack of the signature

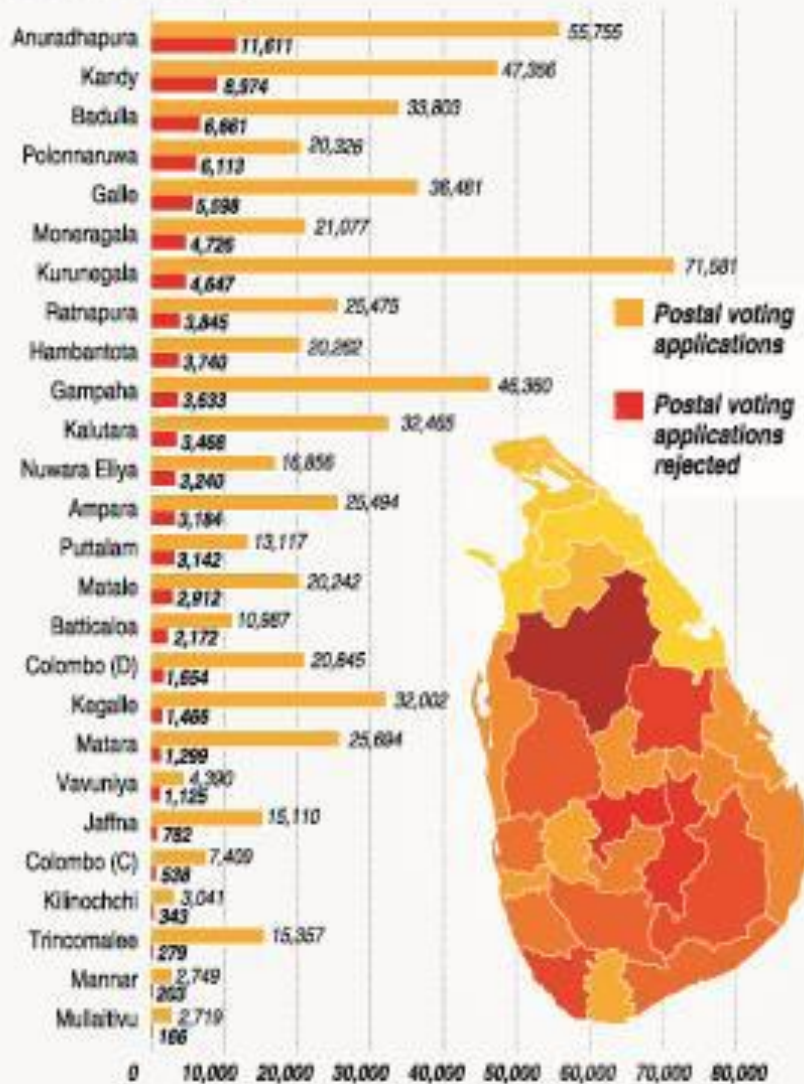
of the applicant or the certifying officer is another error. It is difficult to believe that all these omissions are deliberate. Further, there are many applications that can be corrected and resubmitted within a short period of time.

But the reason that such an alternative opportunity is not given may be the fact that has been mentioned earlier - limited time. Such issues can be addressed through technical dimensions, which is explained in another chapter.

It is quite usual that a large number of applications are rejected in this manner in every election because those application do not contain the correct numbers. This can happen due to several reasons. On the one hand, being unaware of the relevant number is the main reason. It is very easy to check the number over the internet. One can access it within a very short time by entering your national identity card number through the online application of the Election Commission using your mobile phone. Alternatively, one can contact the relevant election office or the head office of the Commission in Rajagiriya, Colombo, and get the number.

Another common mistake is that the same number given in the electoral register for the previous election has been used. It is correct only if the same electoral register of the previous election is used for the subsequent election as well. Therefore, the mistake many applicants for postal voting make is that they complete the application form by writing the serial number they already know from the previous election.

Postal voting



Postal voting applications 626,953
 Postal voting applications accepted 541,432
 Postal voting applications rejected 85,521

Colombo (D): District
 Colombo (C): City

ST Graphic: Nalin Balasuriya
 Source: Department of Elections

<https://www.sundaytimes.lk/141221/news/almost-14-of-postal-vote-applications-rejected-128321.html>

An analysis of the findings of surveys on rejection of applications for postal voting

Following are the administrative districts selected for the online survey on rejection of applications for postal voting:

- Kandy
- Hambantota
- Jaffna
- Gampaha
- Badulla
- Nuwara Eliya
- Kurunegala
- Kegalle

For this survey, 20 applications for postal voting that had been rejected in the last parliamentary election (held on 05 August, 2020) were selected from each of these districts, and a total of 160 rejected applications were selected. In the Jaffna district, all the applications were in Tamil language, and in the two districts of Nuwara Eliya and Badulla there were 04 applications in Tamil language, two from each district. Thus, there were 24 applications that had been completed in Tamil language.

It was clear that the applications for postal voting were rejected basically by paying attention to the following factors:

1. Not employing on election duty
2. Not being entitled to postal voting
3. Absence of the applicant's signature
4. Not stating the designation of the applicant
5. Not duly certified by the Certifying Officer (including the absence of signature/official stamp)
6. Delay in submitting the application
7. Being not registered in the valid electoral register of the relevant year
8. Applications not duly filled with the constituency number and serial number, and other key essential information.
9. Other

Out of the 8 basic factors given above, there are certain matters that have been taken into consideration under the last category given as 'other'. It was observed that, although some applicants had applied for postal voting, they were to retired before the date of polling; or else, it was also observed that some of them were at least on pre-retirement leave.

In many other cases it was observed that the applicants had not selected the application form used for the relevant election. The application form that had been given to the applicants to apply for postal voting was not one that was difficult to fill in. In addition to the applicant, even the certifying officer has been assigned with some responsibility in the application. Therefore, it is necessarily supervised by at least two persons. Further, the amount of information required is not so much, either. Therefore, the failure to

select the correct application form is a matter that should be analysed separately. This factor, too, comes under the category 'other'.

In some other cases, what had been considered under 'other' category was that some applicants had submitted two applications. A special feature related to such cases was that, when two applications were sent separately, two certifying officers had signed them. In such cases, there arises the doubt as to which application should be accepted even if the facts contained therein are true.

Accordingly, the following table shows how those factors have been taken into consideration as a whole:

District and number of applications	Not employing on election duty	Not being entitled to postal voting	Absence of the applicant's signature	Not stating the designation of the applicant	Not duly certified by the Certifying Officer (including the absence of signature/official stamp) Delay in submitting the application	Being not registered in the valid	Applications not duly filled with the constituency number and serial number, and other key essential information.	Other
Gampaha - 20	01	01	02	01	04	01	10	
Jaffna - 20	01	01	02	01	02	05	08	
Kandy - 20	01	01	02	02	02	02	09	01
Hambanthota - 20	03	02	01	02	01	11		
Nuwara Eliya - 20	03	01	03	03	04	06		
Kegalle - 20	01	03	03	02	09	02		
Kurunegala - 20	02	02	02	02	04	02	02	04
Badulla - 20	01	01	02	01			15	
Total - 160	12	07	16	14	21	13	70	07

Source: Election Commission of Sri Lanka

District-wise numbers of unmarked postal ballot papers

In almost every election held in the country, there are a number of postal ballot papers that are left unmarked. Although it is not a high percentage, since the target group is certain to some extent, it is timely that the reasons for not marking the ballot papers are analysed. The data and statistics of last parliamentary election can be studied for this.

Number of unmarked postal ballot papers by district

District	Number of postal ballot papers issued	Number of postal ballot papers remaining unmarked	Percentage of the postal ballot papers remaining unmarked (%)
Colombo	36,530	1,156	3.16
Gampaha	54,098	1,572	4.3
Kalutara	37,777	1,078	1.99
Kandy	54,052	1,402	3.71
Matale	21,977	528	0.98
Nuwara Eliya	19,741	476	2.17
Galle	40,770	873	4.42
Matara	29,149	832	2.04
Hambanthota	20,474	681	2.34
Jaffna	21,239	357	1.74
Killinochchi	3,590	53	0.25
Mannar	4,196	86	2.4
Vavuniya	5,132	103	2.45
Mullaitivu	3,381	33	0.64
Batticaloa	12,815	173	5.12
Ampara	28,668	681	5.31
Trincomalee	15,200	292	1.02
Kurunegala	74,565	1,665	10.95
Puttalam	14,267	493	0.66
Anuradhapura	56,458	1,353	9.48
Polonnaruwa	19,550	722	1.28
Badulla	42,872	1,006	5.15
Moneragala	23,411	691	1.61
Ratnapura	31,638	1,024	4.37
Kegalle	33,955	971	3.07
Total	705,505	18,301	2.59

Source: Election Commission of Sri Lanka

Accordingly, the total number of postal ballot papers issued by the Election Commission for the election was 705,505, and the number of postal ballot papers that remained unmarked was 18,301. It is 2.59 as a percentage. The above-mentioned number of postal ballot papers have been issued from about 1,288 postal voting centres. The primary reason for not marking the postal ballot papers may be that voters were more concerned about their health because of the COVID-19 pandemic. Even though arrangements had been made for health and safety during the election, maybe the citizens had been more careful and had changed their mind later on. This time, the time given for marking postal ballot papers was unique as compared to other elections. This time, the time period that usually lasts for about one week, was

extended to ten days. However, it is the common practice that all the security envelopes that contain the unmarked ballots are collected on the advice of the returning officers through the district election offices and are deposited safely, and the same practice was followed this time as well.

Examining the technical and procedural factors that lead to rejection of applications for postal voting

As far as the experiences from other countries in the world relating to rejection of applications for postal voting are concerned, one basic fact becomes clear. In countries where the entire election system is digitalized with smart technological inputs, such technical and procedural weaknesses are very minimal. But at the same time, it is not untrue to say that, in the face of the rise of modern technology, a number of other specific challenges have arisen. Indeed, an election process is a conversion operation that is conducted carefully through new experiments and trends.

District	No. of applications received	No. of applications accepted	No. of applications rejected	Categorization of reasons for rejection					
				Not engaging in duty	Not entitled to postal voting	Not carrying the signature of the applicant	Not properly certified	Incorrect/incomplete information	Late receipt
Colombo	38,207	36,530	1,677	305	132	100	172	516	452
Gampaha	55,802	54,098	1,704	3	31	197	205	793	475
Kalutara	39,807	37,777	2,030	673	97	111	367	522	260
Kandy	64,488	54,052	10,436	2,811	442	311	338	6,464	70
Matale	23,076	21,977	1,099	301	15	35	93	633	22
Nuwara Eliya	20,979	19,741	1,238	123	67	30	83	929	6
Galle	43,610	40,770	2,840	410	149	124	247	1,745	165
Matara	30,682	29,149	1,533	435	110	122	193	570	103
Hambanthota	23,607	20,474	3,133	259	18	92	161	1,960	643
Jaffna	21,623	21,239	384	6	165	24	32	144	13
Mannar	4,259	4,196	63	-	-	-	2	61	-

Vavuniya	5,371	5,132	239	37	40	18	6	71	67
Mullaitivu	3,508	3,381	127	11	2	2	22	90	-
Killinochchi	3,650	3,590	60	-	-	2	7	50	1
Batticaloa	13,201	12,815	386	-	131	14	55	131	55
Ampara	30,618	28,668	1,950	370	136	139	201	967	137
Trincomalee	15,630	15,200	430	60	94	6	32	206	32
Kurunegala	77,192	74,565	2,627	332	255	197	194	1,405	244
Puttalam	15,332	14,267	1,065	358	18	44	42	557	46
Anuradhapura	59,676	56,458	3,218	224	76	73	198	2,589	58
Polonnaruwa	21,965	19,550	2,415	230	-	94	124	1,846	121
Badulla	46,671	42,872	3,799	297	170	190	367	2,701	74
Moneragala	26,019	23,411	2,608	562	-	111	81	1,749	105
Ratnapura	33,275	31,638	1,637	813	15	68	84	553	104
Kegalle	38,346	33,955	4,391	536	2	222	140	3,312	179
Total	756,594	705,505	51,089	9,156	2,165	2,326	3,446	30,564	3,432

Source: Election Commission of Sri Lanka

When studying the table given above, there are a few things that become obvious. Those observations are as follows:

01. The majority of the rejected applications for postal voting have been rejected on the ground of not carrying the correct serial number. Apart from that, there have been several cases where the number of the polling station or the street name had not been written incorrectly. This is a mistake that can be corrected very easily by examining the information given in the application. On the other hand, it is important to be aware of how to access the relevant information quickly in case the applicant is not sure about the accuracy of some information. The sources that are easiest to access to get such information are the nearest District Election Office and the Grama Niladhari. But, it is quite apparent that a large number of applicants for postal voting had not accessed such sources to find the correct information.

As far as the statistics relating to the entire country are studied, it is clear that 30,564 of the 51,089 rejected applications had gone waste due to this error. This includes the use of incorrect serial number/constituency number/street or Grama Niladhari division number etc. It can be noted that these are generally considered as applications with inaccurate information / incomplete applications.

02. Not correctly certified by the Certifying Officer: It has been reported that there are about 21 applications with this error. That is out of the 160 applications taken as the primary sample. The most serious error related to lack of proper certification was that the Certifying Officer had not placed his/her signature properly. In many other cases, it was observed that the Certifying Officer had not placed his/her official seal; or else, both these errors appeared in the same application. If it is calculated as a percentage relating to the entire country, it is 4,446 out of the 51,089 rejected applications.

03. Another error that was observed was that, the application did not carry the signature of the applicant. Out of the total of 160 rejected applications, this common error was observed in 16 applications, and as whole, out of the total of 51,089 rejected applications in the country, 2,326 applications had to be rejected due to this error.

04. In addition to that, the number of applications that had been rejected as the applicant would not be engaged in election duty or as the applicant is not entitled to postal voting were 9,158 and 2,165 respectively. These conclusions are reached by the Election Commission based on the information available to them, and what is most surprising is that there were many applicants who had failed to correctly state their official designation even when they have stated all the other information correctly in the application. In this sample, this error was observed in 14 out of the 160 applications. Accordingly, it is clear that applications with such errors are not lacking in the largest portion of the applications that are rejected as incomplete.

Absentee government employees to mark postal ballots

Even if the applications for postal voting are rejected, there is the possibility for such applicants to get it corrected by the relevant District Election Office if they keep alert on it. But what should be concerned most is the rejection of postal votes rather than the rejection of applications. The Election Commission is

currently taking a strong positive stance with regard to rejection of votes. That is because of the concept that candidates should be rejected by the voters.

However, in view of the constitutional and legal provisions, in order for such a stance to take effect, the relevant law should be passed by the Parliament. Generally, the common practice is to end the postal voting application process with the handing over of nominations. The reason to do so may be that, there is no official knowledge of any candidate at the time of applying for postal voting. However, it is quite evident that the opportunity the applicants get for any correction within the ten-day period of this process is very limited.

But the other issue that rises above the said issue is that, when a postal vote has been rejected, the postal voter has no other option. In the last presidential election, the number of postal votes that were rejected as the ballot had not been marked was 18,000, and if the non-marking was intentional, it would not have caused any prejudicial effect. But if it is not the case, such a large number of votes going waste is a situation that should be considered seriously.

Postal Votes: Proposals and Ideas for the Strategy of Minimizing Rejection of Votes

There is serious doubt as to whether the general population of this country have accurately understood the postal voting system. It is provided for the convenience of those who are involved in election duty and is not a privilege. It is considered a burden even by the government workers, a number a little in excess of 07 lakhs, who provide their services for election duty.

The Ceylon (Parliamentary Elections) Order in Council 1946, under which the Sri Lankan election process was conducted for a long period of time, identifies who a postal voter is. Further to that, as of date, new categories of persons have been added as postal voters. Furthermore, the application to be completed by a postal voter that was in effect for over 07 decades, and the application to be completed today, do not have a significant difference. However, the amount of rejected votes have not reduced by a considerable percentage, proportionate to the increasing number of government servants granted postal votes.

The last parliamentary election provided a favorable step. This election provided the opportunity for 14, 562 frontline medical care workers who were engaged in election duty to use postal votes. However it is unclear whether this will be implemented during a disaster free period as well.

The other important factor is that it is futile to target the education programs and reforms proposals with regard to the election process targeting individual fields in isolation. This is definitely a process that requires a holistic approach.

Recommendations – Proposals and Strategies

Short-term:

1. Education with regard to the entire electoral system is required.
 - i. This cannot be the sole responsibility of the Election Commission. It also cannot be borne by a few organizations or institutions as well. Instead, the coordination process needs to happen from one central place. This necessary coordination can be provided by an election observation organization. The Election Commission should be the technological partner in this regard.
 - ii. It must be emphasized that registering through the electoral register and voters being aware as to their electorate and voter number is important (the citizens have no knowledge of electoral quotas, constituencies etc.).
 - iii. It is necessary to create video productions and leaflets etc. with regard to the cost, importance and process of a valid postal vote containing each step of the procedure. Further, it should clearly explain the responsibility of the certifying officer as well.
 - iv. The electoral roll is displayed at multiple locations including at all District Secretariat Offices (Kachcheri) as well as Divisional Secretariat Offices (limited to the electoral roll that falls under the respective division of the given Divisional Secretariats). Thus, postal voters should be encouraged to inspect the said electoral rolls and verify that their names are contained in such electoral rolls.
 - v. Steps should be taken to add a note to the personal files of officers, as they can be accurately identified, who in neglect of their duties and irresponsibly certify postal ballots, as well as those who provide false information whether deliberately or negligently (as such intent cannot be identified). It is timely that the Election Commission notify that an institutional inquiry be conducted and a report be submitted containing reasons by Selection/ Assistant Selection Officers, as to the reasons an application had to be set aside.
 - vi. It should be inquired into whether the procedure of looking into the decisions pertaining to whether an individual is to be engaged in election duty or not, and the response of the proportionate prospective postal voters, can be made more efficient.

- vii. If a desire to use postal votes is expressed and subsequently not participated in, the reasons for such abstinence could be institutionally inquired into and a report submitted to the Election Commission. Thereafter the response of the Commission should be added to the personal file of the relevant employee. In situations where the responsibility and role of the public service is inquired into, the use of ballots and if postal votes are requested, its function and importance should be emphasized at every given opportunity.

Long-term:

Steps should be taken to computerize and automate the entire reform process of the electoral roll and related updates and functions. In such a situation it is possible to come to a definite and immediate understanding of issues such as failing to execute signatures/ use of official seals and whether such persons are not summoned for electoral duty. If the primary goal or requirement is to digitize the entire system, it could be then converted into a district-based project.

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