The procedure for election of the President when the office of President shall become vacant (In terms of Presidential Elections (Special Provisions) Act No. 2 of 1981.)

Date : 15-07-2022

Where the office of President becomes vacant in terms of paragraph (1) of Article 38 of the Constitution, as provided by Article 40 of the Constitution, Parliament shall elect as President one of its members who is qualified to be elected to the office of President, to hold office for the unexpired period of the term of office of the President vacating office.

This election is held in accordance with the provisions of the Presidential Elections (Special Provisions) Act No. 2 of 1981.

In particular, this process is led by the Secretary General of Parliament and the Speaker also has a vote in this election. Also for this process the Parliament will meet for 3 days.

Accordingly, the following steps will be taken to hold this election under the provisions of the Act.

- In this case, the election shall be held as soon as possible after, and in no case later than one month from, the date of occurrence of the vacancy
- Accordingly, the Parliament should be convened within three days after the vacancy occurs, and the date and time for the Parliament sitting will be informed by the Secretary General of the Parliament to the Members of Parliament.
- When Parliament meets, the Secretary-General shall inform Parliament that a vacancy in the office of President has occurred. He shall fix a date and time at which nominations shall be received by him being a date not earlier than forty-eight hours and not later than seven days from the date of such meeting.
- On the date fixed for the receipt of nominations Parliament shall meet and the Secretary-General shall act as the returning officer. A member who wishes to propose any other member for election to the office of President shall obtain prior written consent of the member whom he wishes to propose indicating that such member is willing to serve if elected. Also, the MP proposed for candidacy must be present in Parliament that day.
- If only one member be so proposed and seconded the office of President he shall be declared by the Secretary General to have been elected to such office. If more than one member be so proposed and seconded, Parliament shall fix a date and time for the holding of the election. That date should not be later than forty-eight hours from the time of receiving nominations.
- On the date fixed for the holding of the election, the Secretary-General shall act as the returning officer. Before voting commences the returning officer shall show the empty ballot box or boxes to the members and thereafter seal it or them, as the case may be, in their presence. When voting commences, the returning officer shall call out the name of each member including the Speaker. Accordingly, each member should go to the returning officer's desk, get a ballot paper and mark the vote. Then it should be put in the ballot box.
- If a member inadvertently spoils a ballot paper, he may return it to the returning officer who shall, if

satisfied of such inadvertence, give him another ballot paper and the spoilt ballot paper shall be immediately cancelled by such returning officer. The returning officer shall, before the voting is due to end, call out a second time the name of any member who has not voted when his name was called out. If such member does not vote after his name is called out a second time, he shall be deemed to have abstained from voting.

- Each member shall have only one vote and shall place on his ballot paper the figure '1' in the square opposite the name of the candidate for whom he votes. There is also an opportunity to mark preferences when several candidates have been nominated. Accordingly, according to the number of candidates presented, preferences can be applied in the order of 2, 3 etc. in the square opposite the name of the candidates.
- If any candidate desires to be present at the counting of votes he may do so or if he wishes to appoint another member to represent him at the counting.
- Where any candidate has received more than one half of the valid votes cast, the returning officer shall forthwith declare such candidate elected to the office of President.
- Where no candidate has received more than one-half of the valid votes cast, the returning officer shall eliminate from the contest the candidate who has received the lowest number of votes, and the second preference of each member whose vote had been for the candidate eliminated from the contest shall be counted.
- Where at the end of the count no candidate has obtained more than one-half of the valid votes, the returning officer shall declare the candidate who has obtained the majority of the votes at that count, elected to the office of President.
- Also, when two or more candidates have the same number of votes, the determination shall be made by lot by the returning officer.