



# Sri Lanka: Debate on Holding Elections During a Health Crisis

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## **Summary**

The impact of COVID-19 outbreak on economic and social life is visible globally. In some countries, it has disrupted the democratic and political processes as well. In Sri Lanka, the parliamentary elections, which were first scheduled to be held on 25 April 2020, were postponed for the second time due to the rising number of COVID-19 positive cases. The Election Commission announced in June 2020 that the eagerly-awaited general elections will finally be held on 5 August 2020. Moreover, the indefinite end to the health crisis and constant delay sparked a new political debate in the country that is reminiscent of the 2018 political crisis when then-President Maithripala Sirisena unconstitutionally dismissed then-Prime Minister Ranil Wickremesinghe. This time, the government and opposition disagreed over the status of the parliament and whether it was wise for the cabinet to make key decisions without a parliamentary vote. Many sections of the public and civil society also weighed in on the matter. This paper explores the divergent viewpoints that have dominated the country's political landscape for months and the issues associated with it.

## **Background**

After months of uncertainty and rescheduling, the Election Commission finally announced in June 2020 that the parliamentary polls will be held on 5 August 2020. The parliament was dissolved on 2 March 2020 (six months prior to ending its term) by President Gotabaya Rajapaksa through an extraordinary gazette exercising his constitutional powers. He dissolved the parliament on the very first instance he gained the right to exercise his power according to the 19th Amendment to the Constitution of Sri Lanka. Even though there were speculations that Gotabaya was under pressure from the party's inner sanctum to dissolve the parliament early, the dissolution was not entirely unexpected, given how the politics were played down in the subsequent months following the 2019 presidential elections. Although Gotabaya received an overwhelming majority at the presidential election, his party could only form a minority government in which his brother and former President Mahinda Rajapaksa was appointed as the prime minister. The opposition United National Party (UNP) still held a parliamentary majority before its dissolution. As a result, the government could do little policy change as it failed to get majority support at the parliament.

The government was running without a budget for the year 2020. The previous UNP government passed an interim budget of US\$ 1.01 billion (S\$1.4 billion) for the first four months of the year

<sup>&#</sup>x27;Gazette of the Democratic Socialist Republic of Sri Lanka', Parliament of Sri Lanka, 2 March 2020. https://www.parliament.lk/uploads/documents/gazettes/20200302-2165-8-en.pdf. Accessed on 13 July 2020.

The 19<sup>th</sup> Amendment to the Constitution of Sri Lanka amended the Article 70 as "(1) The President may by Proclamation, summon, prorogue and dissolve Parliament: Provided that the President shall not dissolve Parliament until the expiration of a period of not less than four years and six months from the date appointed for its first meeting, unless Parliament requests the President to do so by a resolution passed by not less than two-thirds of the whole number of Members (including those not present), voting in its favour." As a result, the president's previous unilateral power to dissolve the parliament was removed.

2020,<sup>3</sup> expecting the new government to decide a full-year budget. This was a well-planned strategy by the UNP where it knew that if the Sri Lanka Podujana Peramuna (SLPP) gained the legislative majority, it would become a minority in the parliament until the next election, which could effectively prevent it from exercising policy changes and would, in turn, help the opposition label this as the government's failure.

In February 2020, the government requested the opposition to render its support to pass a Vote of Account (VoA), citing that additional provisions were needed to settle arrears carried forward from 2019.<sup>4</sup> The government further requested the approval to increase the borrowing limit of the supplementary estimate to settle the dues of contractors, medical and fertiliser suppliers, mostly representing the private sector, which was brought forward from the previous regime. However, the government had to withdraw the VoA when it did not receive the opposition's support.

Another issue confronting the main opposition was the power struggle between Sajith Premadasa and former Prime Minister Ranil Wickremesinghe following its defeat at the presidential election. Premadasa's supporters demanded that he owned the right to hold the position of leader of the opposition since he had contested against Gotabaya. After weeks of contestation, Wickremesinghe and his supporters conceded and Premadasa was appointed the Leader of Opposition in the parliament. The conflict continued when Premadasa's supporters were pushing for him to become the leader of the UNP as well. The failure to reach an agreement forced Premadasa's supporters to leave the UNP and form a new party called Samagi Jana Balawegaya (SJB) which will contest the upcoming elections separately under the telephone symbol. Wickremesinghe and his party loyalists are contesting under the UNP banner of the traditional elephant symbol. The internal rivalry and friction have strengthened the government's position. Amidst this background, it was practical for Gotabaya to dissolve the parliament. It was a strategic move as the political landscape provided both a necessity and an opportunity for his party. However, the electoral process was disrupted, first due to the escalation of the global pandemic and, later, with Sri Lanka getting hit by a second wave. This has led to debates on whether the dissolution was a premature and hasty decision. There were also questions about the state of affairs at a time when the election could not be scheduled within the stipulated period following the dissolution of the parliament and forming of the new one.

Closer to the dates of accepting nominations, there was a visible increase in the number of cases of COVID-19 that forced the government to declare an island-wide curfew. As the Election Commission has no power to postpone nominations, the nominations were accepted within the proscribed time period, and a gazette notification was issued with the names of the candidates and polling booths as required in Section 24(1) of the Parliamentary Elections Act of 1981. The election date was initially set for 25 April 2020, keeping in mind that the Election Commission has the power to postpone the polls<sup>5</sup> "in any district, but which can be used to postpone polling in all districts under the Section 24(3) of the Election Act. Against this backdrop, this article explores the politics of holding the parliamentary elections in the wake of COVID-19 and the debate that dominated the country's political environment for months.

<sup>3</sup> 'Sri Lanka parliament passes ambitious interim budget ahead of presidential elections', *Reuters*, 24 October 2019. <a href="https://www.reuters.com/article/us-sri-lanka-budget/sri-lanka-parliament-passes-ambitious-interim-budget-ahead-of-presidential-election-idUSKBN1X22FD">https://www.reuters.com/article/us-sri-lanka-budget/sri-lanka-parliament-passes-ambitious-interim-budget-ahead-of-presidential-election-idUSKBN1X22FD</a>. Accessed on 10 June 2020.

<sup>&</sup>lt;sup>4</sup> 'Sri Lanka parliament should be recalled to pass vote-on-account supplement: Minister', *EconomyNext*, 22 February 2020. <a href="https://economynext.com/sri-lanka-parliament-should-be-recalled-to-pass-vote-on-account-supplement-minister-52779/">https://economynext.com/sri-lanka-parliament-should-be-recalled-to-pass-vote-on-account-supplement-minister-52779/</a>. Accessed on 11 June 2020.

<sup>&#</sup>x27;Sri Lanka extends polling time for August parliamentary elections', *Outlook India*, 6 July 2020. <a href="https://www.outlookindia.com/newsscroll/sri-lanka-extends-polling-time-for-august-parliamentary-elections/1887628">https://www.outlookindia.com/newsscroll/sri-lanka-extends-polling-time-for-august-parliamentary-elections/1887628</a>. Accessed on 24 July 2020.

#### The Government

Holding or not holding the election became one of the critical dilemmas of the government amidst the pandemic. The more the virus exacerbated, the lower were the chances of holding the parliamentary polls. There was also a risk that the political capital the government was trying to manipulate at the beginning could backfire if the health crisis was not properly managed. The government wanted to leverage on the popularity wave following Gotabaya's victory and hold the polls while it was at a high, given that its popularity remained relatively intact since then. There is also an obvious advantage of having a divided main opposition. The inexperience in managing a global pandemic, the novelty of the virus and lack of information would create uncertainty. As a result, during the early days of postponing the election, some factions of the SLPP were concerned with the ramifications of delaying the elections.

However, the public sentiment at the time was driven by the concerns over the unprecedented virus. Even though holding an election and having a two-third parliamentary majority are fundamental to pass bills, the government realised that risking the people's lives could backfire. Moreover, given that it handling of the pandemic is likely to be a referendum at the upcoming election, the government had a more significant reason to prioritise public health over the holding of elections.

Moreover, the government was of the view that the most effective way to contain the virus was to make swift decisions and act upon them. Hence, Gotabaya gathered the support of healthcare professionals and other relevant stakeholders and took timely decisions to curb the spread of the virus. Despite the strong calls by the opposition parties, the government was reluctant to recall the previous parliament under any circumstances. The executive contended that it was well placed to initiate and enforce swift measures whereas parliamentary discussions would have taken excessive time. It would have also given the opposition the time to regroup. While reconvening the old parliament may have decreased the risk of a constitutional impasse, a new nomination list had to be created.

### **Main Opposition**

Despite being politically divided, the UNP and SJB agreed on the issues regarding holding elections. Both demanded to reconvene the old parliament when they realised that the election could not be held as it was originally planned. This could be attributed to two reasons.

First, reconvening the old parliament could have been of advantage to the opposition. It is very much clear to both Wickremesinghe and Premadasa that the divided UNP would only strengthen its common opponent, the SLPP. According to the Election Act, if an old parliament is reconvened after dissolution before holding fresh elections, the nomination list given becomes void. In order to hold fresh elections, the Election Commission has to call for new nominations. Had the parliament been reconvened, both the UNP and SJB would have gotten a window of opportunity to reconcile that would, in turn, upset the moves of the SLPP to take advantage of the divided UNP.<sup>6</sup>

Second, they were cognisant that the government's successful handling of the crisis could disadvantage them. Incidentally, Rajapaksa-led governments have a successful record of handling crisis situations at optimal levels. When Sri Lanka was hit with the 2004 tsunami, Mahinda

D B S Jeyaraj, 'How will the TNA fare in parliamentary election', *Daily Mirror*, 24 March 2020. <a href="http://www.daily mirror.lk/opinion/How-Will-the-TNAfare-at-Parliamentary-Election/172-185559">http://www.daily mirror.lk/opinion/How-Will-the-TNAfare-at-Parliamentary-Election/172-185559</a>. Accessed on 16 June 2020.

Rajapaksa, during his prime ministership, managed to successfully handle the crisis that paved his way to becoming the president. Gotabaya and Mahinda were also the key players in ending the protracted war against the Liberation Tigers of Tamil Eelam in 2009. On the contrary, Wickremesinghe and his party members do not have a good record in handling crises. Their failure in preventing the Easter Sunday attack in 2019 was among the main reasons for their defeat during the 2019 presidential elections.

Many senior officials from the UNP used constitutional provisions to justify their demands for reconvening the parliament. For instance, Wickremesinghe argued that the government is not allowed to approve state funds towards COVID-19 after 30 April 2020. Prior to that, the executive was able to allocate funds through the VoA. Constitutional experts have said that only the president has the legal authority to bring the old parliament back. Former Finance Minister Mangala Samaraweera suggested the president invoke Section 70 (7) of the constitution and "summon the parliament which has been dissolved to meet on a date not less than three days from the date of such Proclamation and such Parliament shall stand dissolved upon the termination of the emergency or the conclusion of the General Election." However, when Gotabaya affirmed his position of not convening the parliament, the opposition emphasised the need to hold elections as soon as possible. The absence of the legislature prevented the opposition to voice their concerns through legitimate means. They felt that their political rights, including raising fundamental questions and holding the executive accountable for its actions, were taken away.

## **Position of the Minority Parties**

Smaller opposition parties, including the Tamil National Alliance (TNA), Sri Lanka Muslim Congress (SLMC) and Janatha Vimukthi Peramuna, initially agreed with the government on postponing the election. The TNA released a media statement on 16 March 2020 stating, "The safety of the public is our paramount concern. We call on the government to take all steps to prevent the spread of this virus. We will extend our fullest cooperation in this regard. For this reason, and for the reason that all democratic aspects cannot be properly be adhered to in this abnormal situation, we request the postponement of the General Elections due to be held on 25 April 2020." <sup>9</sup>

Despite varying ideological orientations, the smaller parties felt that the government was more concerned about the repercussions of delaying the elections and the outcome it would have on its electoral fortunes. Hence, their demands had similar overtones. First, they demanded that the old parliament should re-summon to pass new laws to tackle the public health crisis. They may have wanted to hold parliamentary debates on the government's response to COVID-19. TNA leader M A Sumanthiran suggested that the parliamentary proceedings could resume online. The Maldives moved its parliamentary proceedings to a digital platform in order to ensure continuous functioning of one of its key organs of state. The legislators debated and voted on a motion on the government's proposed financial support programme towards COVID-19 from their respective homes.<sup>10</sup>

Meera Srinivasan, 'Opposition urges Sri Lankan govt. to reconvene Parliament', *The Hindu*, 30 March 2020. <a href="https://www.thehindu.com/news/international/opposition-urges-sri-lankan-govt-to-reconvene-parliament/">https://www.thehindu.com/news/international/opposition-urges-sri-lankan-govt-to-reconvene-parliament/</a> article31212330.ece. Accessed on 16 June 2020.

The Constitution of the Democratic Socialist Republic of Sri Lanka', Parliament of Sri Lanka, 15 May 2015, p. 56. https://www.parliament.lk/files/pdf/constitution.pdf. Accessed on 18 June 2020.

D B S Jeyaraj, 'How will the TNA fare in parliamentary election', *Daily Mirror*, 24 March 2020. <a href="http://www.daily mirror.lk/opinion/How-Will-the-TNAfare-at-Parliamentary-Election/172-185559">http://www.daily mirror.lk/opinion/How-Will-the-TNAfare-at-Parliamentary-Election/172-185559</a>. Accessed on 16 June 2020.

<sup>&</sup>lt;sup>10</sup> 'Due to virus threat, Maldivian parliament holds debates on-line', *NewsIn Asia*, 31 March 2020. https://newsin.asia/due-to-virus-threat-maldivian-parliament-holds-debates-on-line/. Accessed on 16 June 2020.

Second, the smaller parties were concerned that they would not have been able to hold campaign rallies and public meetings despite signing the nomination papers. Campaigns rallies and meetings with different sections of the society are inclusive parts of a democratic process that enables political parties to connect with their supporters, share their ideas and manifestos and convince non-supporters to give them a chance. Holding the parliamentary polls without public rallies was seen as an abrogation of their political rights. Nonetheless, some parties have dispersed dry nation packets to the public as a part of their electoral campaigns.<sup>11</sup>

Third, the opposition criticised the government for taking major decisions for the country without any checks on the executive branch. They argued that the lack of a functioning parliament undermined the rule of law and separation of powers. The absence of a functioning legislative is intended to be a temporary and short-term arrangement that cannot continue for too long. A proper parliament is fundamental to a democratic government held by the country's constitution. All three branches of state ideally should have equal power to check and balance each other. Too much political power in the hands of the executive creates disequilibrium in the political system. As a result, some smaller opposition parties, including the TNA, Jathika Hela Urumaya, SJB and Nawa Lanka Freedom Party, had submitted several fundamental rights petitions to the Supreme Court challenging the government's issuing of the gazette notification that was eventually dismissed. They requested the top court to issue an injunction to prevent the Election Commission from holding the elections on 20 June 2020 to prevent a constitutional violation.<sup>12</sup>

#### The Election Commission and Health Sector

The Election Commission, the main constitutional authority in charge of monitoring and administering all elections in the country, <sup>13</sup> was also divided on the appropriate time to hold the elections. It held individual consultations with several stakeholders before it finally decided to hold the elections on 5 August 2020. First, it consulted the Attorney General on when it would be advisable to hold the next general elections. The Attorney General, President's Counsel Dappula de Livera, advised the Election Commission's Chairman, Mahinda Deshapriya, to hold the elections in line with the country's election law. <sup>14</sup> Second, it held talks with health officials, including the Health Services Director General Anil Jasinghe and Sri Lanka Medical Association President Professor Indika Karunathilaka, on public health risks and logistical issues, where it was informed that it is possible to hold the elections safely. The Election Commission also consulted the World Health Organisation's

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<sup>&#</sup>x27;Put democracy first, say Sri Lankan activists', UCA News, 9 May 2020. https://www.ucanews.com/news/put-democracy-first-say-sri-lankan-activists/87969. Accessed on 12 June 2020.

<sup>&#</sup>x27;Sri Lanka: Fundamental rights petition filed with SC against holding general elections on June 20', News Services Division, 2 May 2020. <a href="http://www.newsonair.com/News?title=Sri-Lanka%3A-Fundamental-rights-petition-filed-with-SC-against-holding-general-elections-on-June-20&id=387397">http://www.newsonair.com/News?title=Sri-Lanka%3A-Fundamental-rights-petition-filed-with-SC-against-holding-general-elections-on-June-20&id=387397</a>. Accessed on 18 June 2020.

D B S Jeyaraj, 'Politics of postponing parliamentary elections amid a pandemic', *Daily Mirror*, 20 July 2020. <a href="http://www.dailymirror.lk/opinion/Politics-of-Postponing-Parliamentary-Elections-Amid-a-Pandemic/172-187187">http://www.dailymirror.lk/opinion/Politics-of-Postponing-Parliamentary-Elections-Amid-a-Pandemic/172-187187</a>. Accessed on 16 June 2020.

<sup>&#</sup>x27;Holding elections is the responsibility of the Election Commission', *ColomboPage*, 4 May 2020, http://www.colombopage.com/archive 20A/May04 1588614449CH.php. Accessed on 14 June 2020.

Country Representative Razia Narayan Pendse. <sup>15</sup> Third, it convened an all-party meeting to receive the members' feedback. However, the meeting ended without a mutual agreement. <sup>16</sup> There was also some disquiet and friction between Election Commission Chairman and other members. S Ratnajeevan S Hoole, a member of the Election Commission, openly shared his disagreement on dissolving the parliament and calling for elections. He felt that the government had prioritised holding of the polls over the handling of the crisis. Moreover, there was a lack of manpower since many government staff had taken leave during the local New Year and Vesak. <sup>17</sup> Hoole's interview with *The Daily Mirror* where he urged the public not to vote for the SLPP created a political stir and brought up questions surrounding the independence of the Election Commission. <sup>18</sup> It was likely that Deshapriya was under pressure from the government to hold the elections. The Election Commission was undoubtedly placed in a difficult position, given that it had received conflicting feedback from the various parties and institutions, and it would have been held responsible for any misstep or appearing biased to one side.

Moreover, although the Election Commission has the power to decide on the election date, only the president has the prerogative to postpone nominations through his gazette notification. The healthcare authorities, on the other hand, have given the Election Commission permission to hold parliamentary polls after nine to eleven weeks of preparation to ensure proper safety measures have been undertaken. Nonetheless, they are not void of concern that the virus would spread and new clusters could form when movement restrictions are lifted.

## The Public and Civil Society

Sections of the public and civil society were divided on the issue of holding the polls during the virus. While for some public safety was of paramount concern, for others, the absence of a running parliament was a more significant issue. Some academics stressed the significance of upholding the democratic process. Camena Guneratne, a professor from the Open University of Sri Lanka, said that, "On the one hand, we need an election because parliament has been dissolved. On the other, political parties have a right to campaign and allow people to make an informed choice. We also need the next parliament to start working as soon as possible." Political scientist Jayadeva Uyangoda echoed a similar argument that "political parties should learn to follow the democratic calendar" and "the democratic process should not give into elements that create mass paranoia." 20

On the other hand, some groups, including the Centre for Policy Alternatives, journalists and other academics filed individual petitions before the Supreme Court challenging the government's decision to hold the elections on 20 June 2020. They shared similar sentiments with the opposition parties

<sup>20</sup> Ibid.

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<sup>&#</sup>x27;Sri Lanka: SC to begin hearing Fundamental Rights petitions against General Elections next week', News Services Divisions, 11 May 2020. <a href="http://www.newsonair.com/News?title=Sri-Lanka%3A-SC-to-begin-hearing-Fundamental-Rights-petitions-against-General-Elections-next-week&id=388328">http://www.newsonair.com/News?title=Sri-Lanka%3A-SC-to-begin-hearing-Fundamental-Rights-petitions-against-General-Elections-next-week&id=388328</a>. Accessed on 18 June 2020. Lahiru Pothmulla, 'General election date Final decision this week', Daily Mirror, 9 June 2020. <a href="http://www.dailymirror.lk/print/front">http://www.dailymirror.lk/print/front</a> page/General-election-date-Final-decision-this-week/238-189679?fbclid=IwAR0IT qx48vhbsS3UaSdMZSP-MHn4ObxdhmDDeHtIM-YshWbmn5JckoOLc9Q. Accessed on 20 June 2020.

<sup>&#</sup>x27;All-party meeting to decide on Lanka polls remain inconclusive', Outlook India, 13 May 2020. <a href="https://www.outlookindia.com/newsscroll/allparty-meeting-to-decide-on-lanka-polls-remains-inconclusive/1832916">https://www.outlookindia.com/newsscroll/allparty-meeting-to-decide-on-lanka-polls-remains-inconclusive/1832916</a>.
Accessed on 20 June 2020.

S Ratnajeevan H Hoole, 'Democracy in crisis: avoiding dictatorship', *Daily Mirror*, 20 July 2020. <a href="http://www.dailymirror.lk/opinion/Democracy-in-crisis-avoiding-dictatorship/172-185916">http://www.dailymirror.lk/opinion/Democracy-in-crisis-avoiding-dictatorship/172-185916</a>. Accessed on 18 June 2020.

<sup>18</sup> Ibid

<sup>&</sup>lt;sup>19</sup> 'Elections amid CoVID-19', *Daily Mirror*, 19 March 2020, <a href="http://www.dailymirror.lk/news-features/Elections-amid-CoVID-19/131-185289">http://www.dailymirror.lk/news-features/Elections-amid-CoVID-19/131-185289</a>. Accessed on 24 July 2020.

that holding the elections on that date was unconstitutional and violated their fundamental rights. For them, democratically free and fair elections are difficult to hold during a pandemic and risk the lives of voters. Ahilan Kadirgamar, a lecturer at the University of Jaffna, urged the government to postpone the elections on the grounds that the current environment was not favourable for such a major event in the country. For him, the elections were not simply about going to the polls; they incorporated healthy debates and dialogues that were not possible at a time when the government was advising people to stay indoors and not congregate in big numbers. "This is a moment of national crisis, and the government nor the parties should be thinking merely of their electoral and party interests," he said.<sup>21</sup>

## **Issues and Challenges**

While contrasting opinions on holding elections are interesting and illuminating, the debates drew attention to several political issues and challenges the new government could face in the absence of a parliament.

There was anxiety that a constitutional crisis could have been triggered if the new parliament did not convene by 2 June 2020, three months from the dissolution of the previous one. Colombo faced major political turmoil in 2018 when then-President Maithripala Sirisena unlawfully dismissed then-Prime Minister Wickremesinghe which adversely affected the economy, investor confidence and political stability. The power struggle persisted for months and saw political polarisation, street protests, instances of bribing, brawls in the parliament and an eventual Supreme Court intervention to upend the former president's controversial decision. <sup>22</sup> Sri Lanka is already in a huge foreign debt. Its major sources of income, including exports, remittances from overseas and decline in tourism, have been adversely affected by COVID-19. As a result, its economic growth is expected to drop from 3.5 per cent in 2019 to 1.4 per cent in 2020. <sup>23</sup> Another similar political crisis would not only be unconstitutional but disastrous for the country. <sup>24</sup>

Similarly, the Gotabaya government faced a barrage of criticism on initially planning to hold the elections on 20 June 2020 due to the political and public health risks. On the political front, as mentioned, there was criticism that it could have been an unconstitutional move, given that the new parliament needed to convene within three months of the dissolution of the previous one. On the public health side, there could have been a second wave of infections, including the formation of new clusters with the movement of people. Many countries such as Iran, Pakistan and Russia decided that the holding their respective elections was too risky and postponed them to an indefinite date.

Political and logistical difficulties may prevail. Stringent measures would have had to be taken, including temperature screening, wearing of surgical masks and plastic gloves, use of disinfectants and contact tracing. There would be the risk of poll workers not turning up on the day of the election. The electorate may have been afraid that the ballot papers or inanimate objects are

<sup>&</sup>lt;sup>21</sup> Ibid.

<sup>&</sup>lt;sup>22</sup> Chulanee Attanayake and Roshni Kapur, 'ISAS Insights No. 529-The End of Sri Lanka's Political Crisis: What Next?', *Institute of South Asian Studies, National University of Singapore*, 19 December 2018. <a href="https://www.isas.nus.edu.sg/wp-content/uploads/2018/12/ISAS-Insights-No.-529.pdf">https://www.isas.nus.edu.sg/wp-content/uploads/2018/12/ISAS-Insights-No.-529.pdf</a>. Accessed on 16 June 2020.

<sup>&</sup>lt;sup>23</sup> 'Sri Lanka's growth to slow further with Covid-19 and hindrance in policymaking', *Fitch Solutions*, 6 April 2020, <a href="https://www.fitchsolutions.com/country-risk-sovereigns/economics/sri-lankas-growth-slow-further-covid-19-and-hindrance-policymaking-06-04-2020">https://www.fitchsolutions.com/country-risk-sovereigns/economics/sri-lankas-growth-slow-further-covid-19-and-hindrance-policymaking-06-04-2020</a>. Accessed on 24 July 2020.

<sup>&#</sup>x27;Sri Lanka parliamentary elections in constitutional impasse over coronavirus pandemic', The New Indian Express, 4 April 2020. <a href="https://www.newindianexpress.com/world/2020/apr/04/sri-lanka-parliamentary-elections-in-constitutional-impasse-over-coronavirus-pandemic-2125640.html">https://www.newindianexpress.com/world/2020/apr/04/sri-lanka-parliamentary-elections-in-constitutional-impasse-over-coronavirus-pandemic-2125640.html</a>. Accessed on 15 June 2020.

contaminated with the virus, resulting in a low voter turnout. Low participation in the political process would not have reflected the mandate of the wider society. There was also the risk of attracting further criticism from the public who may have been averse to the idea of holding elections in the wake of COVID-19. The multiple petitions filed at the Supreme Court by the opposition parties and civil society leaders show the strong disapproval of the government's decision. This, in turn, could have affected voting behaviour at the polls despite the state's efficiency in handling the virus.

There were also concerns pertaining to campaigning and holding elections amidst a health hazard. The Election Commission mitigated this issue by not issuing the gazette with the candidates' names and serial numbers. Without the official serial number, a candidate can only engage in limited activities. Even without 'curfew', the police ordinance and the code of criminal procedure can prevent public campaigning and election meetings that could exacerbate the spread of the virus. Once the new election dates were announced, the Election Commission issued new rules and regulations to follow during campaigning and holding the polls. The Election Commission took the initiative to conduct mock election exercises in four of the 22 electoral districts to assess its preparedness ahead of the polls. Comprehensive steps were taken, including the volunteers wearing face masks and standing one metre apart in queues, and the officials wearing face shields or plastic screens.

#### Conclusion

After months of debate and uncertainties, the parliamentary elections are finally fixed for 5 August 2020. The campaigning is continuing at the time of this writing. The authorities are constantly educating the public on the precautionary measures to be taken. The Election Commission is continuing with its holding mock elections to raise public awareness. Such mock exercises could give the public assurance that precautionary steps have been taken for their health safety. Even so, there are concerns on whether there will be a high voter turnout due to the virus.

Nonetheless, it would be ideal for Sri Lanka to study how South Korea successfully held national assembly elections during the peak of COVID-19. Seoul took extensive measures before holding the polls. While 26 per cent of the electorate had cast their votes in advance, others turned up on polling day. The voters were required to wear a surgical mask and plastic gloves, stand at least a metre apart, disinfect their hands and had their temperatures taken before they were given the voting slip. Polling centres were also set up at government-run isolation centres. Seoul had taken a calculated risk that resulted in a relatively high turnout of 66 per cent, the highest in 16 years. South Korean President Moon Jae-in's landslide victory at the national assembly elections on 15 April 2015 could be attributed to his administration's effective handling of the pandemic crisis. The government managed to employ rigorous testing, rationing system of face masks and credible reporting that brought down the number of cases significantly. It would be interesting to see how the Sri Lanka parliamentary elections pan out during this COVID-19 pandemic.

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<sup>&</sup>lt;sup>25</sup> Julia Hollingsworth and Jake Kwon, 'South Korea sees the largest turnout in almost 30 years in election held during coronavirus outbreak', *CNN*, 16 April 2020, <a href="https://edition.cnn.com/2020/04/15/asia/south-korea-election-intl-hnk/index.html">https://edition.cnn.com/2020/04/15/asia/south-korea-election-intl-hnk/index.html</a>. Accessed on 16 June 2020.

<sup>&</sup>lt;sup>26</sup> Laura Bicker, 'Coronavirus: South Korea holds elections in masks and clinics', *BBC*, 15 April 2020, https://www.bbc.com/news/world-asia-52275993. Accessed 15 June 2020.

Jai Kwan Jung, 'Three reasons for Moon's landslide in South Korea's elections', Nikkei Asian Review, 21 April 2020, <a href="https://asia.nikkei.com/Opinion/Three-reasons-for-Moon-s-landslide-in-South-Korea-s-elections">https://asia.nikkei.com/Opinion/Three-reasons-for-Moon-s-landslide-in-South-Korea-s-elections</a>. Accessed on 14 June 2020.

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