



## **PRELIMINARY STATEMENT**

### **Respect for the democratic process outweighed minor deficiencies in law and practice**

**Colombo, 23 September 2024**

*This is the preliminary statement of the EU Election Observation Mission (EU EOM). The mission will later publish a final report, including full analysis and recommendations for future electoral reform. The EU EOM may also make additional statements on election-related matters as and when it considers it appropriate.*

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#### **Summary**

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The 2024 presidential election was the first pivotal step after the *Aragalaya* to reinvigorate the democratic process through the ballot box. The Election Commission of Sri Lanka (ECSL) conducted the process independently and with resolve, ensuring transparency at all key stages of the election. The contest itself was pluralistic, with fundamental freedoms broadly respected. The campaign was peaceful and energetic, yet the advantage of incumbency tilted the playing field and some manipulative digital campaigns aimed to confuse voters. Vote count and tabulation of results were rated positively by citizen and international observers and all lead candidates accepted the outcome of the polls.

The ECSL operated transparently and efficiently, enjoying broad stakeholder trust at national and district levels. The Commission held stakeholder meetings and closely collaborated with civil society to provide voter information and monitor the campaign. The Commission also took an active public stance against violations of campaign rules and the misuse of state resources, despite limited powers of and capacity for enforcement.

The ECSL made preparations for election day efficiently and on time, ensuring smooth and orderly voting, counting and tabulation of results. On election day, all polling stations observed by the EU EOM opened on time, election workers were knowledgeable and professional, while the presence of party agents and citizen observers enhanced the transparency and integrity of the process. Voting proceeded in a peaceful and festive atmosphere. Procedures were robustly followed during voting, as well as during the count of ballots. No major violations of election law were recorded, yet the political campaign on social media continued in full swing, also on election day.

Clarity and integrity of the process were ensured during the tabulation and the count of preferential votes. Tabulation took place in parallel to the vote count and proceeded without irregularities in all results' centres observed. The ECSL released voting results by polling division as soon as they were verified, maintaining stakeholder confidence. The decision to proceed with the count of preference votes was communicated before all final results were published.

The legal framework is conducive to the conduct of a democratic election. Recent legal reforms addressed several previous EU EOM recommendations, advancing privacy rights, introducing regulations for campaign finance and ensuring that youth turning 18 in the months preceding an election are no longer disenfranchised. Yet, legislation with the potential for arbitrary and repressive application against political dissent, for example the Online Safety Act, is also in force, falling short of international standards.

Eligibility rules for presidential candidates protect the right of political participation, and the nomination process was conducted without legal incident. The ECSL registered a record total of 39 candidates, around half of whom did not campaign. Regrettably, there was no woman among the candidates. Overall, there has been little progress in advancing gender parity in public life due to many factors including limited political will to advance women within party structures.

The presidential election was competitive and offered voters genuine political alternatives. For the first time in recent political history, there was a three-way race for the presidential office. The leading

candidates focused their campaigns on economic issues, attempting to attract voters from all social strata and crossing historical ethno-religious divisions.

The campaign was peaceful and energetic, allowing broadly for the freedom of assembly and expression. However, closer to the election, hostile, aggressive rhetoric, interpersonal mudslinging and manipulative digital campaigns gradually increased. All leading candidates held large-scale rallies, sought alliances with religious leaders and minority groups, mobilised grassroots support down to the village level, and deployed online campaign teams. A few politically motivated assaults occurred.

The advantage of incumbency distorted the playing field. Salary increments for public sector employees, social benefit schemes, an interest-free student loan plan and monetary support programmes for small businesses, all announced by the executive during the campaign and covered in a positive tone on state media, were aligned with the incumbent's re-election bid. The line between governing and campaigning was further blurred by the participation of state and local officials in the incumbent's rallies. This was aggravated by the absence of elected provincial and local councils.

To advance equity between candidates, limits on campaign finance were introduced for the first time. There were no caps on individual donations and no disclosure requirements until after the election. Transparency in candidate spending on traditional and social media was also poor. Reports on campaign funding and expenditure are to be submitted only after the declaration of results.

Broadcast media offered lively coverage of campaigning, yet it was rather uniform in style and content, focused on passing political messages and offering very limited non-partisan scrutiny and analysis, which would have helped voters to make an informed choice. TV stations reported on rallies and meetings, with candidates' speeches filling up to two-thirds of their prime-time newscasts. Furthermore, leading candidates did not participate in the presidential media debate, depriving voters of the possibility to compare them directly. During the last two weeks of the campaign, alarmist and fear-mongering content about prospective violence became more visible.

Campaigning on social media was fierce, marked by increasingly hostile rhetoric closer to the election and manipulated content aiming to confuse voters. Leading candidates made accusatory statements against each other, while their digital teams inserted political messages in non-partisan entertainment and gossip groups on social media and created memes that ridiculed their rivals. False and misleading content spread online, and national fact-checkers swiftly debunked it, yet the reaction from social media platforms was not always consistent in limiting it. Campaign silence was not observed online.

Civil society was active and engaged with the ECSL, enhancing the transparency and inclusiveness of the election. Well-established citizen observer groups monitored election preparations, the campaign environment and election day proceedings. Civil society organisations (CSOs) were also agile in flagging disinformation, tracking violations of election rules and calling public attention to the misuse of state resources. A positive contribution was also made through their voter information efforts for persons with disabilities.

The ECSL received over 5,000 complaints prior to the election and 600 on election day, mostly of minor infringements of the law. Prior to the polls, the vast majority of violations were addressed directly by the ECSL, in collaboration with the police, taking action to halt the activities complained of. Equally, on election day, mitigation and prompt prevention were employed to maintain a peaceful atmosphere.

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*The European Union Election Observation Mission (EU EOM) has been present in Sri Lanka since 14 August 2024 following an invitation from the ECSL. The Mission is led by Chief Observer Nacho Sánchez Amor, Member of the European Parliament. The EU EOM deployed 74 observers from EU Member States and partner countries to all provinces to assess the electoral process against international obligations and commitments for democratic elections as well as the laws of Sri Lanka. On election day, the EU EOM observed in 274 polling stations and counting centres in all electoral districts. This preliminary statement is delivered prior to the*

*completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, in particular the handling of possible post-election complaints and appeals. The EU EOM remains in country to observe post-election developments and will publish a final report, containing detailed recommendations, after the conclusion of the entire electoral process. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation endorsed at the United Nations in October 2005.*

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## Preliminary Findings

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### BACKGROUND

The 2024 presidential election was the first electoral contest after the unprecedented economic and political crises of 2022 and was crucial to reinvigorating democratic processes. The economic crisis caused a sharp increase in poverty and declining living standards, which triggered mass protests known as the *Aragalaya*. The movement called for a change of the political system, demanded wide-ranging governance reforms, more transparency and greater accountability of the President and other public office holders. The *Aragalaya* profoundly shook the political landscape and accelerated the fragmentation of the old party system. The protests led to the downfall of President Gotabaya Rajapaksa (*Sri Lanka Podujana Peramuna* (SLPP)). The persisting economic hardship, alongside public demands made during the *Aragalaya*, largely shaped the presidential election campaign.

For the first time in recent political history, there was a three-way race for the presidential office, in a record field of 39 registered contestants. President Ranil Wickremesinghe, a veteran politician and six-time Prime Minister, sought a popular mandate after having been elected president by parliament in July 2022. Standing as an independent candidate, he was supported by a majority of SLPP members of parliament as well as some from smaller parties. He was opposed by Sajith Premadasa of the *Samagi Jana Balawegaya* (SJB), the runner-up in the 2019 presidential elections, leader of the opposition in parliament and son of the second executive President Ranasinghe Premadasa (1989-1993). Until 2019, both Wickremesinghe and Premadasa had been leaders of the country's first political party, United Nations Party (UNP). Anura Kumara Dissanayake of the National People's Power (NPP), who came a distant third in the 2019 elections, had grown in popularity over his promise of a comprehensive change of the social, economic and political system.

### LEGAL FRAMEWORK AND ELECTORAL SYSTEM

#### **Electoral law provides an adequate basis for democratic elections, but new and proposed laws create powers which could restrict political freedom**

The legal framework for the presidential election is conducive to the conduct of a democratic election, but complete compliance with relevant treaty obligations has yet to be attained. The International Covenant on Civil and Political Rights (ICCPR), the Convention to Eliminate All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities have not yet been fully implemented in domestic law.

Greater compliance with international treaty obligations has been achieved since the last presidential election. The Regulation of Election Expenditure Act, 2023, the first law to regulate campaign spending, represents progress towards conformity with the UN Convention against Corruption. Similarly, the Women Empowerment Act, 2024, providing for a National Women's Commission, could implement a requirement under CEDAW, but other elements remain unfulfilled, due principally to gender inequality arising from patriarchal social norms, some enshrined in law, as well as limited political will to promote women within party structures. The Personal Data Protection Act, 2022, has advanced privacy rights, and another legislative change ensures that voters turning 18 in the months preceding an election will not be disenfranchised, as in the past, addressing some previous EU EOM recommendations.

The electoral legal framework provides for fundamental political freedoms, yet current and draft laws may be used to restrict political participation. The right to vote and the right to stand for election are protected. Freedoms of expression, association and assembly are set out, but subject to more restrictions than permitted by the ICCPR. There is a history of repressive use of the ICCPR Act 2007, and the Prevention of Terrorism Act 1979, repeal of which is widely advocated. New laws have been passed or proposed which may undermine fundamental freedoms, namely the Online Safety Act, 2024, the draft Anti-Terrorism Bill and the anticipated NGO Bill.

The Constitution has been amended 21 times, imposing, removing and varying restraints on executive power. This has resulted in a document with many inconsistencies, which does not offer robust protection to the separation of powers. Constitutional reform was advocated by some candidates during the electoral campaign.

The role of the Supreme Court has been important to upholding the rule of law. The Court has delivered orders against the incumbent President, including, as Minister of Finance, on the delay to local government elections, and temporarily restraining the appointment of the Inspector General of the Police, protecting the fundamental rights of the citizens.

The president, head of the executive and head of state, is directly elected. Voters cast a single ballot, which is transferable between up to three preferences. To be elected, the candidate must receive 50 per cent plus one vote of valid votes cast. If this threshold is not crossed, the electoral system provides for a “second count”, during which the second or third preferences on the ballots cast for anyone other than the two lead contestants are added to their tally. The candidate with a plurality of votes wins.

## **ELECTORAL ADMINISTRATION**

### **The ECSL operated professionally and transparently, delivering a well-run election**

The Election Commission of Sri Lanka (ECSL), an independent body constitutionally mandated to organise elections, has carried out its work in a professional and open manner. Prior to the announcement of the date of election, uncertainties related to the timing and sequence of elections dominated public discourse due to the government’s failure to abide by the ECSL’s decisions regarding the holding of local elections between January and April 2023. On the positive, the ECSL’s authority was not challenged with respect to the conduct of the presidential election.

At the national and district levels, the election administration maintained the confidence of stakeholders and ensured access to information of public interest. The ECSL held meetings with political parties, candidates, police, civil society, journalists and social media influencers and regularly informed the public about electoral issues through press releases, media appearances, and social media posts. Its website featured election-related data and information in Sinhala, Tamil and English. Election officials at all levels were accessible and shared information with citizen and international observers; CSOs appreciated the Commission’s engagement and cooperation.

Electoral preparations were timely and well organised, including the arrangement of polling and counting locations, transportation and security planning, procurement of supplies, printing and delivery of the ballots and other materials, and training of election personnel. All 25 of the ECSL’s permanent district offices, supported by local administrations, were observed to be professional and adequately resourced. Temporary staff for election day duties was recruited from among experienced public servants, contributing to the smooth conduct of voting and counting. Training sessions attended by the EU EOM were efficient and informative, albeit not always interactive.

The ECSL used its constitutional authority to act against the misuse of state resources. With the announcement of the election date, the ECSL issued detailed Directions which, in addition to prohibiting the use of any public assets and funds for promoting or disadvantaging candidates, also warned public officials against using their skills, knowledge and time for any campaign activities,

including on social media. The ECSL has publicly stood by these rules, including by ordering suspension of a land distribution programme conducted by the President's office and criticising the incumbent's announcement of a public sector salary increase. Still, these calls were not always heeded by public officials; concerns about misuse of public resources were frequently raised by interlocutors.

Voter education with respect to the potential count of preferential votes was insufficient, and there was generally little awareness of this hitherto dormant mechanism. There was little public discussion related to this voting option and its potential significance for the election outcome. All candidates urged voters to mark the ballot with only one preference; the ECSL, CSOs and media limited themselves to explaining the correct ballot marking if voters chose to rank candidates.

There are few alternatives for voters who are unable to cast a ballot in a polling station on election day. No provisions were put in place to allow prisoners to vote. Special voting arrangements are limited to assisted voting for voters with disabilities in polling stations and advance (postal) voting for public servants and security personnel engaged in election duties. Some 712,000 such postal voters were registered to cast votes at their place of employment. These ballots were then returned by post to the returning officers and counted on election day after the closing of polls. The EU EOM observed postal voting in 34 locations and assessed it as well-organised and efficient.

## **VOTER REGISTRATION**

### **Supplementary lists ensured greater inclusion of youth on the voter lists**

The voter registration system is considered to be reliable and most EU EOM interlocutors expressed confidence in the accuracy and completeness of the voter registers. The voter register for each electoral district is maintained by the registering officer, appointed by the ECSL, and is revised annually. While the law sets 1 February as the annual cut-off date for determining age and residence in order to be included on the voter register, the 2021 amendments introduced provisions for supplementary lists, which allow voters who turn 18 after that date to apply and be included. Some 76,000 voters were added to the supplementary register for this election. In total 17,140,354 voters were registered.

## **REGISTRATION OF CANDIDATES**

### **Candidate registration took place without legal incident, yet the record-high number of candidates proved to be burdensome to the process**

Eligibility rules to contest the presidential election protect the right of political participation, in line with international standards. The nomination process was without legal incident, and all nominees were registered. Candidates for the election may be nominated by political parties or contest as independents, with few nominators and low deposits required (LKR 75,000 (EUR 226) for independents; LKR 50,000 (EUR 151) for those nominated by a party). An ECSL proposal to deter frivolous candidacies through a substantially increased monetary deposit was not introduced. The current system facilitates candidacy, with 39 contenders, all of whom were men. Among them, 22 stood on a party ticket, while 16, including the incumbent, contested as independents. Around half of the candidates appeared to have no electoral support and did not even campaign. While the right to stand should not be restricted unreasonably, the burdensome consequences of a high number of candidatures for the state media and the ECSL, including extra costs for printing lengthy ballots and securing extra ballot boxes, should also be considered.

## **CAMPAIGN ENVIRONMENT**

### **Competitive and peaceful campaign, affected by the misuse of incumbency**

The effects of the economic crisis boosted the campaign of Dissanayake, and to a lesser extent also that of Premadasa, whereas they rather proved to be a liability for President Wickremesinghe. EU

EOM interlocutors stressed that the President's electability was negatively impacted by his close connection to the previous Rajapaksa administration. Dissanayake aligned himself with the anti-establishment wave and competed with Premadasa for the votes of the disenfranchised poor and middle class.

Voters had a genuine choice between distinct political alternatives, with economic policies being at the centre of the campaign. Of the 39 candidates, only the main three conducted country-wide campaigns. Six other candidates, including Namal Rajapaksa of the former ruling SLPP, undertook some canvassing for votes, while some 19 did not stage any visible activity; one candidate died after the nomination. The Tamil common candidate, Pakkiaselvam Ariyanethiran, only campaigned in the eight districts of the Northern and Eastern Provinces, with a sole focus on the Tamil vote.

In almost all campaign events observed by the EU EOM, economic issues played a key role in the speakers' messages, with some consensus that the IMF programme is inevitable. Premadasa and Dissanayake, however, to different degrees, demanded rebalancing of the austerity measures with stronger safeguards for the vulnerable population. Anti-corruption promises featured prominently in all campaigns, although the President's and Premadasa's propensity for this was publicly doubted.

The campaign was peaceful, allowing broadly for the freedom of assembly and expression, with the tone of the public messaging becoming more aggressive in the final stage. The EU EOM observed 80 rallies and campaign events, which were all peaceful, orderly and calm. Closer to the election day, however, candidates increasingly resorted to tactics of denigrating opponents in public statements, during rallies and online. Wickremesinghe and Premadasa repeatedly warned publicly against voting for Dissanayake, alluding to the *Janatha Vimukthi Peramuna* (JVP) led violent insurgencies in the 1970s and late 1980s. A few isolated politically motivated assaults also occurred closer to the election.

Conduct of the campaign is strictly regulated, with legal limitations on the public display of campaign materials, which, even though widely accepted, depart from international standards. Posters, flags and other publicity items can only be used during rallies or fixed on campaign offices. The three major candidates each rented houses in villages to serve as campaign offices and to constantly remain in the public eye, an option not open to candidates with less financial means, limiting their visibility.

The misuse of incumbency distorted the playing field. Executive orders were issued for future debt restructuring for farmers and substantial salary increments for employees in the public sector were announced two days before the start of postal voting and criticised by the ECSL. An interest-free student loan plan was also introduced. CSOs complained of multiple instances of public officers, legally required to be neutral, actively campaigning for the President and using public resources. The EU EOM also observed the presence of governors, ministers and other officials at Wickremesinghe's rallies. This lack of separation between state administration and the incumbent's campaign also stemmed from the executive's control of the local administration with appointed instead of elected officials governing the provinces and districts.

This campaign was less divisive along ethnic and religious lines than those of past elections, as noted by all interlocutors across the political spectrum. In multiple rallies observed by the EU EOM, Buddhist, Muslim, and Hindu religious figures, including clergy, shared the stage. The main contenders targeted equally the votes of the Sinhalese majority as well as those of the Tamil and Muslim minority. However, Sinhalese nationalist sentiments were still an influential underlying factor, and each of the main candidates pursued strategies to accommodate those views.

There is an exceptionally low participation of women in political life and women were not significantly involved in the campaigns. All candidates were men and hardly any party has women in leadership positions. There was not a single female speaker in about 49 per cent of rallies and campaign events observed by the EU EOM. The NPP held district-level campaign events exclusively for women, while Wickremesinghe held one at national level.

## CAMPAIGN FINANCE

### **Campaign spending limits were introduced, but transparency of campaign funding remains low**

The newly introduced Regulation of Election Expenditure Act (2023) imposes limits on expenditure, but does little to improve transparency of campaign funding. There is no obligation to disclose campaign donations before election day, nor is there any limit on donations. Election campaigns are funded entirely from private sources. The Act prohibits donations from public corporations and state-owned companies, but not from companies benefitting from public procurement contracts. Sources of campaign funding and campaign expenses are to be reported to the ECSL within 21 days of the declaration of the election result. The ECSL plans to make these reports available for public inspection in the capital and in district election offices.

The ECSL established spending limits for the presidential campaign after consulting stakeholders, restricting expenditure to LKR 109 (EUR 0.32) per registered voter, for a maximum of LKR 1.8 billion (EUR 5.6 million). A civil society initiative was undertaken to track campaign spending.

Transparency in digital campaign spending was minimal. With no reporting requirements for global tech companies, the only available tool to track expenses on social media was the Facebook *Ad Library*. Google failed to introduce its *Ads Transparency* tool for Sri Lanka, although it is available in the region; costs related to the boosting of posts on X are not known. The official Facebook accounts of Premadasa and Wickremesinghe, alongside numerous support pages, spent up to EUR 150,000 each. There were negative ads placed against Dissanayake and Premadasa.

Equally, transparency in candidates' spending in broadcast and print media was limited and not all ads were clearly marked as such, even during the news bulletins. Prices for advertising in broadcast media were not public and outlets were not obliged to report on the income generated from political advertising. Wickremesinghe's and Premadasa's campaigns bought the bulk of the ads on state and private media, according to the EU EOM media monitoring.

## MEDIA

### **Most broadcasters divided airtime equitably between the three frontrunners, but did not offer neutral or analytical information to help voters make an informed choice**

Overall, journalists were free to cover the campaign, yet several journalists in the Northern and Eastern provinces noted that intimidation and threats of legal proceedings resulted in self-censorship when reporting on politically sensitive topics. Long-standing problems affected media content and journalists' work, such as a high concentration of media ownership, the political interests of media owners and a regulatory regime controlled by the executive, with the latter at odds with ICCPR. The media coverage of the campaign was governed by the ECSL Media Guidelines, which required both public and private media to ensure impartial and balanced reporting. However, the ECSL has the power to enforce the Guidelines only against state-owned media.

Broadcast media offered lively news coverage of the campaign. It was, however, largely devoid of journalistic scrutiny and analysis, which would have helped voters to make an informed choice. TV stations reported daily on rallies and meetings, with direct speech of candidates and their supporters filling up to two-thirds of their prime-time newscasts. Media rarely tried to assess candidates' manifestos or records in office. Furthermore, as leading candidates disregarded the presidential debate, voters could not compare them directly. Overall, some 78 per cent of the prime-time news coverage was equitably divided between Wickremesinghe, Premadasa, and Dissanayake. The state-owned Rupavahini and private Sirasa TV and Shakthi TV granted meaningful news coverage to an additional six non-leading candidates.

State media adhered to legal requirements and provided free airtime to candidates, but only 27 availed themselves of this. Wickremesinghe and Premadasa did not use this opportunity. Each candidate could use up to 90 minutes of free airtime. In practice, candidates pre-recorded several 15-minute slots, that were aired on state TV and radio and later placed on broadcasters' social media accounts, allowing for broader access. Editorial news coverage of the main contenders was fairly equitable on state-run Rupavahini's and ITN's news. Nevertheless, the incumbent still received some 11 percentage points larger share of news than Premadasa and Dissanayake. The government was covered in a positive tone.

During the last two weeks of the campaign, the EU EOM media monitoring detected an increased use of aggressive language towards Dissanayake by other candidates, their supporters and some religious figures, as well as alarmist and fear-mongering content about the prospective return of the economic crisis. There were also news reports alleging NPP's involvement in violent incidents. Such content was rarely balanced out with non-partisan journalistic commentary. Among monitored media, Derana TV extensively featured its owner's presidential campaign (24 per cent of news), while Hiru TV clearly favoured Premadasa, who was granted 50 per cent of prime-time news covering political affairs. The latter was contrary to the ECSL Media Guidelines.

The ECSL received 436 written and oral complaints on the media coverage, including 431 against Hiru TV. The ECSL repeatedly requested the two state channels to reduce the airtime allocated to the incumbent President, and sent warning letters to Hiru TV to decrease Premadasa's coverage and to Derana TV to refrain from showing candidates who campaigned for others. State media complied; Hiru TV did not alter its coverage. The results of the broadcast monitoring were not published.

## **SOCIAL MEDIA AND DIGITAL RIGHTS**

### **Mudslinging carried by proxy accounts dominated the online campaign, while ECSL and CSO goodwill collided with an inconsistent response from global tech companies**

Digital campaigning was the key to reaching young, urban voters, for whom social media is the prime source of news. All leading candidates made inroads in online communities beyond their traditional support bases, using different platforms, and, with the start of the campaign, began inserting their messages into popular non-partisan infotainment groups on Facebook. Similarly to the in-person campaign, only nine aspirants were active on social media. All three leading campaigns employed a cross-platform strategy to garner more votes.

Hostile and accusatory rhetoric, including by the leading candidates, marked the last phase of campaigning. During the campaign, over 30 per cent of posts by them were negative in tone. The three leading candidates published over 1,871 posts across social media platforms. Their messages were amplified by numerous support pages, influencers and media. Similar networks of interlinked pages and groups were also employed to deride rival candidates or to distort their statements. Dissanayake was the most frequently targeted candidate.

The President made use of public resources to amplify his online reach. The official website of the President's office directed visitors to Wickremesinghe's campaign accounts on Facebook and X, while the President's media division ran ads on Facebook up until 25 August, promoting Wickremesinghe's record in office. In total, Wickremesinghe's campaign accounts placed 357 posts that received 984 comments per post, three times as many as any of the other leading candidates.

False and manipulated content gradually entered campaign discourse, confusing and misleading voters. Examples of such content included manipulative "opinion polls" widely spread on Facebook, which prompted the ECSL to issue a caution against such publications. Another example was the spread of fake "results" of postal voting on 4 September across all monitored online platforms. Outright false content was identified in only 13 posts, and manipulated material was found in another 53 posts, yet they were shared more than 2,000 times and viewed by almost 120,000 people. From 16



August, the EU EOM assessed the tone and content of 13,331 posts, among which 7,483 were election-related, attesting to the high volume of political debate.

Collaboration between the ECSL, CSOs and global tech companies was a positive step to weed out content that harmed election integrity. However, in practice, removal of such content was not always prompt, including during the campaign silence. In total, the ECSL made 793 post removal requests. Among them, 116 were rejected and 556 were still pending a decision one day before the election. Tech companies, while recognising issues, took action hesitantly and inconsistently in regard to removal or labelling content as false. Campaign silence was not respected and several political ads continued running on Meta's platforms. On the positive side, national fact-checkers were active in flagging misleading and damaging messages.

## **CIVIL SOCIETY AND ELECTION OBSERVATION**

### **Civil society actively contributed to the integrity of the process**

Civil society was active and engaged with the ECSL, enhancing the transparency and inclusiveness of the process. The most experienced citizen observer group, People's Action for Free and Fair Elections (PAFFREL), deployed long-term and short-term observers, as well as monitors to follow campaign expenditure. Long-term observation was also undertaken by other well-established groups focused on compliance with campaign regulations and monitoring instances of election-related violence. The CSOs also frequently called public attention to the misuse of state resources and other irregularities.

The ECSL facilitated citizen and international observers, yet the electoral legal framework is silent on their rights and duties. A prior EU EOM recommendation on this matter remains unaddressed.

## **VOTING, COUNTING AND TABULATION**

### **Transparency preserved on a peaceful and orderly election day and during the count of ballots**

The election day was orderly and calm, with well-trained polling staff efficiently facilitating voting in all polling stations observed by EU EOM. The count of the ballots was equally well-organised, ensuring the transparency of the process. The ECSL pro-actively informed the public about the rules to be followed on election day, complaints received, and the result totals. Positively, the ECSL allowed the issue of ballot papers to all those voters who stood in queue at 16:00. Turnout was announced at 79.5 per cent.

The opening was assessed as transparent and timely. All necessary materials were present, ballot boxes were shown to be empty and were sealed in the presence of party agents and observers. Prescribed procedures were also mostly followed during the voting. In all 247 polling stations observed, voters were always required to show identification, their names were crossed off the voter list, and their fingers were marked with indelible ink.

Issues related to the secrecy of the ballot was the only recurring shortcoming identified by EU EOM observers. In 63 observed cases (26 per cent), this was due to the small size and layout of the polling station, which affected the positioning of the voting booth. Also, the 54-centimeters long ballot did not always fit on the voting table, and its position made it possible at times to guess the voter's intention.

Counting was well-managed in all 29 counting locations observed by the EU EOM. Counting staff followed the procedures, first verifying the number of ballots in each ballot box and proceeding with the counting of the votes for each candidate. Candidates' agents were able to keep track of the counts, although the rooms where counting took place were at times overcrowded.

Tabulation took place in parallel to the vote count and proceeded without irregularities in the results centres observed. The ECSL began announcing results shortly before midnight, and released voting results by polling division as soon as they were verified, maintaining stakeholders' confidence. The

EU EOM observed that different districts started the count of preference votes at different times, and this ECSL decision was communicated before the final results of the first counting were published. The count of preferences was assessed by the EOM as speedy and efficient. Dissanayake won the election and was sworn-in as a President on Monday, 23 September.

No grave violations of election law were recorded, while intense digital campaigning continued. The ECSL received over 600 complaints on election day. Amongst these a handful were on transportation of voters, prohibited campaigning and attempts to influence voters in the proximity of polling stations. Concerns were also raised about coordinated online propaganda, primarily promoting the President's re-election bid. To some extent, the online campaigns for Premadasa and Dissanayake also continued.

Citizen observers and party agents were present in most polling stations and counting centres observed, enhancing the transparency of the process. Among electoral districts, only Vanni stands out with noticeably fewer NPP party agents in polling stations, as compared to others (only in 4 observations).

Overall, the majority of election workers in observed polling stations and counting centres were women. The EU EOM observed that some 37 per cent of chief counting officers were women, while 96 per cent of senior presiding officers (SPOs) in polling stations were men. This is in part due to the requirement for SPOs to spend the night before the election in the polling station safeguarding election materials.

A nation-wide curfew was enforced while the counting was still on-going and just one hour after the ECSL had characterised the 2024 presidential election as the most peaceful in Sri Lanka's recent political history. There was a disconnect between the peaceful atmosphere of the election and the introduction of the curfew.

## **ELECTORAL JUSTICE**

### **No electoral disputes were heard in court, but a few persons accused of violations of election law were prosecuted**

Access to the courts for the adjudication of electoral disputes is ensured by law, but no disputes related to the presidential election came before the courts. Rules of legal standing allow anyone, including CSOs, to seek the intervention of the Supreme Court when a violation of fundamental rights is alleged. This jurisdiction was relied upon in the successful petition against the delay in holding local authority elections, which was found to be a violation of the right to vote. A petition seeking to vindicate the right of prisoners to vote was filed, but not heard prior to election day.

Complaints of violations of election law were abundant, but mostly minor in substance. About one percent of complaints received by the ECSL were reflected in charges of election offences. Around 5,000 complaints of election law breaches were received by the ECSL by their national and district dispute resolution committees. The substance of the claims principally concerned displays of posters beyond the legal limits, as well as allegations of the misuse of public office. The ECSL attempted to halt the impugned activities through dialogue. The police investigated complaints, leading to prosecution of around 100 individuals, none of which has concluded.

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For further information, please contact: **Marek MRACKA, Press Officer**

Email: [marek.mracka@eueomsrilanka2024.eu](mailto:marek.mracka@eueomsrilanka2024.eu)

**European Union Election Observation Mission to Sri Lanka 2024**

Address: Hilton Colombo 6th floor, 2 Sir Chittampalam A Gardiner, Mawatha, Colombo, 00200, Sri Lanka

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