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Elections in Nepal

2018 National Assembly Elections

Frequently Asked Questions

Asia-Pacific

International Foundation for Electoral Systems

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Frequently Asked Questions

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Disclosure:

These FAQs reflect decisions made by the Nepal elections authorities as of February 2, 2018 to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

When is Election Day?

The elections for Nepal's National Assembly will take place on February 7, 2018. Voting will start at 10:00 a.m. and end at 3:00 p.m.

What is the National Assembly and how is it constituted?

The National Assembly, or *Rastriya Sabha*, is the upper house of Nepal's bicameral Federal Parliament. It is comprised of 59 members: eight members from each of Nepal's seven states elected through an electoral college and three appointed by the president on the recommendation of the Government of Nepal. The National Assembly has many of the same powers as the lower house (the House of Representatives), including introducing legislation, rejecting or amending bills passed by the House of Representatives, and voting on impeachment motions (a two-thirds majority of the combined houses is necessary to impeach the president or commissioners of constitutional bodies). However, the National Assembly cannot originate appropriations bills or a motion for impeachment.

What is the political climate and why are these elections important?

On September 20, 2015, Nepal promulgated a new constitution that initiated a transition to a federal republic comprised of local, state, and federal governments. The election of the National Assembly will complete the elections for the Federal Parliament, which began with the election of the House of Representatives, held over two phases on November 26 and December 7, 2017. This will be the first Federal Parliament elected since the promulgation of the 2015 constitution.

The previous legislative body, the Legislature-Parliament,¹ ended its term on October 14, 2017 to allow members to campaign for State Assembly and House of Representatives elections held on November 26 and December 7, 2017.² This left a caretaker government made up of the president, vice president, prime minister, and the Nepali Congress-led Cabinet in place until the new House of Representatives could be sworn in. Although the counting of votes for the House of Representatives was completed on December 17, the Election Commission, Nepal (ECN) decided not to release official results until the completion of the National Assembly elections. The reason for the delay was the constitutional requirement that one-third of the total number of members elected from each political party represented in the Federal Parliament be women. Since most parties did not nominate many women to contest the first-past-the-post seats of the House of Representatives,³ the number of women elected through the proportional representation (PR) seats and the official results of the House of Representatives will depend in part on how many women each party elects to the National Assembly.⁴

¹ The Legislature-Parliament of Nepal was the unicameral legislature of Nepal, originally elected in 2013 as a Constituent Assembly to promulgate a new constitution.

² Parties were required to submit candidate name lists to the Election Commission, Nepal on October 15, 2017.

³ Sixty percent of seats in the House of Representatives are elected through a first-past-the-post system and 40 percent through closed-list proportional representation.

⁴ The constitution (Art. 84 [8]) states that if a party does not meet this one-third women requirement through the first-past-the-post seats of the House of Representatives or the National Assembly, the quota shall be satisfied through the proportional representation seats won by the party.

The announcement of the date for National Assembly elections was delayed by the Legislature-Parliament's failure to pass the National Assembly Election Act before it dissolved, leaving the legislative responsibility in the hands of President Bidhya Devi Bhandari. However, the president was reluctant to endorse an ordinance on the National Assembly elections until all major parties agreed on the electoral system to be used. On December 28, 2017, a writ petition was filed at the Supreme Court challenging the delay in passing the ordinance and requesting that House of Representatives PR results be withheld until the National Assembly was elected. On December 29, 2017, the president passed the Ordinance for Laws Relating to National Assembly Elections, which led to the January 5 announcement by the government that National Assembly Elections would be held on February 7.

Meanwhile, the ECN continued to withhold the results of the House of Representatives elections on constitutional grounds, while the Election Day announcement reduced party demands for results. The formation of the Federal Parliament will untangle the constitutional crisis and clear the way for the indirect election of the president and vice president of the Federal Democratic Republic of Nepal within 60 days of the declaration of the results of the National Assembly elections.

Which electoral system will be used in these elections?

Out of the eight representatives elected to the National Assembly from each state, six are elected through the single transferable vote (STV) system and two are elected through first-past-the-post (FPTP) system. Three of the six STV seats can only be contested by women.

STV is a voting system designed to achieve proportional representation through ranked voting in multi-seat constituencies. With STV, votes can be transferred to an elector's second or third choice if their first-choice candidate is not elected, or is elected with a surplus of votes. The version of STV used for these elections allows fractional values of surplus votes from winning candidates to be redistributed to other candidates.⁵ This is widely considered to be fairer than the STV system that was used to elect Nepal's National Assembly in 1991, which transferred the full value of the "last package" of surplus votes to second preferences. After transferring surplus votes, candidates with the fewest first preference votes are eliminated sequentially and the ballots of the eliminated candidate are transferred to the next valid preference marked on the ballot. Vote transfers continue until the three highest vote winners (in the case of Nepal) remain.

The two remaining seats from each state elected through FPTP are reserved for one Dalit⁶ and one person with a disability or member of a minority group. The seats are contested separately so the Dalit candidate with the most votes in a particular state and the candidate with a disability (or from a minority group) with the most votes will both be elected.

⁵ See "[What is the process for counting and tabulation?](#)" for more information on fractional values.

⁶ "Dalit" is the name given to a group of people who have been historically considered outcasts in societies from South Asia.

What is the structure of the ballots?

Each elector will receive two single transferable vote (STV) ballots and two first-past-the-post (FPTP) ballots (four ballots total). One STV ballot will be used to elect three women and the other for the three open seats. On the STV ballots, electors will be instructed to mark their first, second and third preferences with the corresponding number (1, 2, 3). Ballots that do not list a first preference, or list more than three preferences will not be counted. The two FPTP ballots will be used to elect one Dalit and one person with a disability or a minority for each state. The FPTP ballots will be marked by electors with a tick mark (✓) beside the candidate of their choice.

The ballots will contain the name and party symbol for each candidate, listed in the same party order used for the PR ballot of the recent House of Representatives elections. Candidates belonging to the same party will be listed alphabetically.

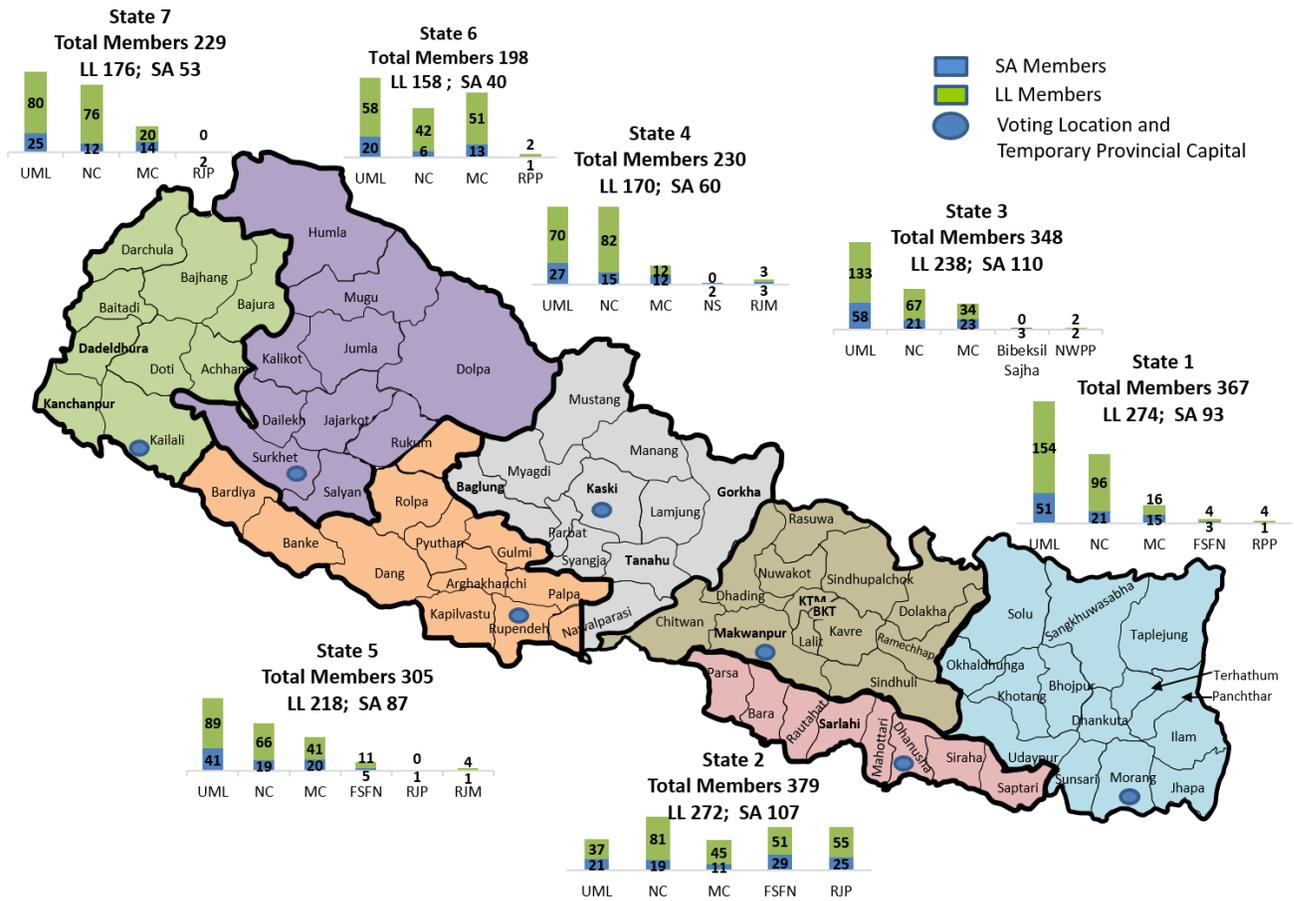
Who can vote in these elections?

A total of 2,056 electors are eligible to vote across seven different electoral colleges representing the seven newly created states. However, all eight National Assembly seats of State 2 have been elected unopposed,⁷ therefore the 379 members of the electoral college of State 2 will not vote in these elections.

The electoral colleges consist of 1,506 executive members of local councils (mayors, deputy mayors, chairs and vice chairs) and 550 members of the state assemblies. Their votes will be weighted differently, with each local council vote given a value of 18 and each state assembly vote given a value of 48. Local council members will be given red ballots, while state assembly members will be given green ballots to differentiate their respective vote weightages during counting. The composition of the electoral colleges for each state is as follows:

⁷ Two each from the Nepali Congress (NC) (one woman plus one “other”), Rastriya Janata Party, Nepal (RJP) (one “other” plus one person with disabilities), and the Federal Socialist Forum, Nepal (FSFN) (one woman plus one Dalit); and one each from the Maoist Centre (MC) (woman) and Unified Marxist-Leninist (UML) (“other”).

States and Electoral Colleges for the National Assembly Election, 7 February 2018



What is the process for counting and tabulation?

Counting of single transferable vote (STV) ballots will be a multi-step process under the direct supervision of the returning officer in the respective polling location. Counting will begin in the presence of party agents shortly after the close of polling at 3:00 p.m. on February 7.

In the first step, valid ballot papers will be sorted into parcels according to the candidates for whom first preference votes were given. After recording these numbers, the total weighted value of votes will be calculated by crediting candidates with first preference votes with the respective weighted vote values (18 for local-level ballots and 48 for state assembly ballots).

In the second step, the quota of votes needed to win a seat will be calculated by dividing the total (weighted) number of valid ballots by the number of seats, plus one, and then adding one more to the result. During the count, if any candidate reaches the quota they are deemed elected.

In the third step, any surplus votes above the quota received by a candidate are transferred to the next available preference of the ballots cast for that candidate. To ensure a fair surplus vote transfer, the votes are transferred at a fraction of their original value, known as the Transfer Value. The Transfer

Value is equal to the number of surplus votes divided by the total number of votes received for the candidate and multiplied by the weightage of the vote of each ballot.

Normally with STV, there is a fourth step that follows the transfer of surplus votes. At this point, the candidate with the fewest first preference votes would be eliminated and those votes transferred to the next available preferences on the ballots. This elimination process would continue until three candidates reach the quota or until only three candidates remain. However, for these elections, there are no STV contests with more than four candidates, therefore the counting will effectively end with the distribution of surplus votes, at which point the three candidates with the most votes will be declared the winners. The results of the count will be signed by the returning officer and party agents and publicly displayed.

Who is eligible to contest these elections?

Nepali citizens who are at least 35 years old on the date of candidate registration (January 24, 2018), are registered electors, not disqualified by any law, and have registered with the Election Commission, Nepal (ECN) as a candidate, may contest the election. Candidates may run as independents or be nominated by political parties who have registered to contest the elections. Twenty-one parties registered with the ECN by the cut-off date of January 14, 2018, however only seven parties⁸ nominated candidates due to the belief of minor parties that they would be unable to elect candidates from an electoral college. There are no independent candidates contesting these elections.

Are there reserved seats for women and minorities?

Yes. Twenty-two of the 59 seats (37.3%) are reserved for women. Additionally, each of the seven electoral colleges must elect a person with a disability or a member of a minority group, so it is likely that at least some minority members will be elected (but not guaranteed).

When do elected representatives assume office?

The members of the National Assembly assume office after they are sworn in by the chairperson of the National Assembly. The chairperson will initially be the eldest member of the assembly. It is expected that the swearing-in ceremony will be within a couple of days of the announcement of the election results and prior to the formation of the House of Representatives. Within 15 days of the National Assembly's first meeting, the body must elect a new chairperson and vice chairperson from among their members, one of whom must be a woman.

⁸ The parties contesting these elections are Nepali Congress (NC), Rastriya Janata Party, Nepal (RJP), Federal Socialist Forum, Nepal (FSFN), Communist Party of Nepal (Maoist Centre [MC]), Communist Party of Nepal (Unified Marxist-Leninist [UML]), Janmorcha, and Nepal Workers Peasants Party (NWPP).

What is the term of office for elected representatives?

The term of office of the National Assembly is six years from the date of their first meeting, with one-third of the members replaced every two years. After the first election, elected members will draw lots to see whose term will expire after two, four, or six years.

What is the election management body? What are its powers?

Elections in Nepal are administered by the Election Commission, Nepal (ECN), a constitutionally mandated independent body headed by Chief Election Commissioner Dr. Ayodhee Prasad Yadav and four additional commissioners. The ECN is supported in its work by a secretariat of 159 full-time staff based in its headquarters in Kathmandu and 569 field staff in 70 district election offices and five regional election offices.

The ECN is empowered to “conduct, supervise, direct and control the elections of the President, Vice-President, members of the Federal Parliament, members of the State Assemblies and members of the Local level. For these purposes, the Election Commission shall prepare electoral rolls” (Art. 246 [1], Nepal Constitution). The ECN may also conduct referenda on matters of national importance. (Art 246 [2]). The ECN has the authority to:

- Advise the Government of Nepal on appropriate dates for elections;
- Request the Government of Nepal or the state governments for effective security arrangements;
- Monitor the election campaign, polling and counting and impose sanctions against candidates or political parties for violations of the Code of Conduct;
- Authorize observation of the election;
- Delegate any function, duty or power to any government employee and request necessary; assistance from the Government of Nepal, state governments or local governments as needed;
- Obtain any government building or school, or private school for use during the elections;
- Register or disqualify candidates; and
- Cancel an election due to violence, threats or intimidation.

Where will voting take place for these elections?

Polling will take place at six polling locations designated at the High Court/Returning Office, as follows:

State	Polling Location	Number of Electors
1	Biratnagar, Morang	367
2	Janakpur, Dhanusa	379
3	Lalitpur	348
4	Pokhara, Kaski	230
5	Ghorahi, Dang	305
6	Birendranagar, Surkhet	198

7	Dipayal, Doti	229
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As all positions in State 2 have been elected unopposed, there will be no voting in that state.

Who will observe during Election Day? How can they get accreditation?

The Election Commission, Nepal intends to accredit interested domestic observer groups who wish to observe the polling, counting and tabulation processes, however no formal announcement has been made at the time of writing and no international observation groups have been invited by the Government of Nepal to observe these elections.

How will election disputes be adjudicated?

Disputes based on written complaints will be resolved by returning officers or the Election Commission, Nepal. Where decisions are appealed, the Supreme Court will make final rulings.

What are the spending limits for candidates?

Candidates are permitted to spend up to 350,000 NPR, or approximately \$3,500 USD. Candidates will have to submit their campaign expense reports to the Election Commission, Nepal within 30 days of the announcement of the results.