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Elections in Nepal

2018 Presidential Elections

Frequently Asked Questions

Asia-Pacific

International Foundation for Electoral Systems

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March 9, 2018

Frequently Asked Questions

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Disclosure:

These FAQs reflect decisions made by the Nepal elections authorities as of March 9, 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 the president of Nepal will take place on March 13, 2018. Voting will start at 10:00 a.m. and end at 3:00 p.m.

The Election Commission, Nepal will announce the date of the vice-presidential election within seven days of the announcement of presidential election results.¹ The vice president can only be elected after a winner is declared in the presidential election due to the constitutional requirement that the president and vice president represent different sexes or ethnic communities.² The vice-presidential election will follow the same electoral procedure as outlined below for the election of the president.

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

The promulgation of Nepal's constitution in 2015 initiated Nepal's transition to a federal republic comprised of local, state, and federal governments. Elections for the 753 local-level governments, seven state assemblies and the House of Representatives (the lower house of the Federal Parliament) were completed in 2017, and the election of a National Assembly (the upper house of the Federal Parliament) was completed in February 2018.

The Left Alliance comprised of the Communist Party of Nepal-United Marxist and Leninist (CPN-UML) and the CPN-Maoist Centre (CPN-MC) won the majority of votes in both federal and state elections causing the caretaker government – led by the Nepali Congress party throughout the elections – to step down. On March 4, the current president swore in the newly elected members of Nepal's first Federal Parliament allowing for the formation of a new federal government and the electoral college that will elect the president and vice president. The elections for president and vice president therefore mark the final election in Nepal's post-constitutional transition.

What is the role of the president and vice president?

Nepal's president, a largely ceremonial role, is the head of the state. The president reviews and authenticates all federal laws, and endorses the appointment of governors for each state, three members of the National Assembly, ambassadors, judges and a number of other constitutional body positions. The president is also responsible for appointing the prime minister who is elected through a majority vote in the House of Representatives, or by virtue of ability to garner votes of confidence. Presidential endorsements are mostly based on the prime minister's presentation of bills endorsed by the Federal Parliament. The president also has the power to call or end the sessions of one or both houses of the Federal Parliament. In the absence of the president, these duties are to be executed by the vice president who otherwise has few responsibilities.³

¹ Per the Act related to the election of President and Vice-President, 2017, Clause 4.5.2.

² Per Nepal's constitution, Art. 70.

³ Per Nepal's constitution, Art. 67.2.

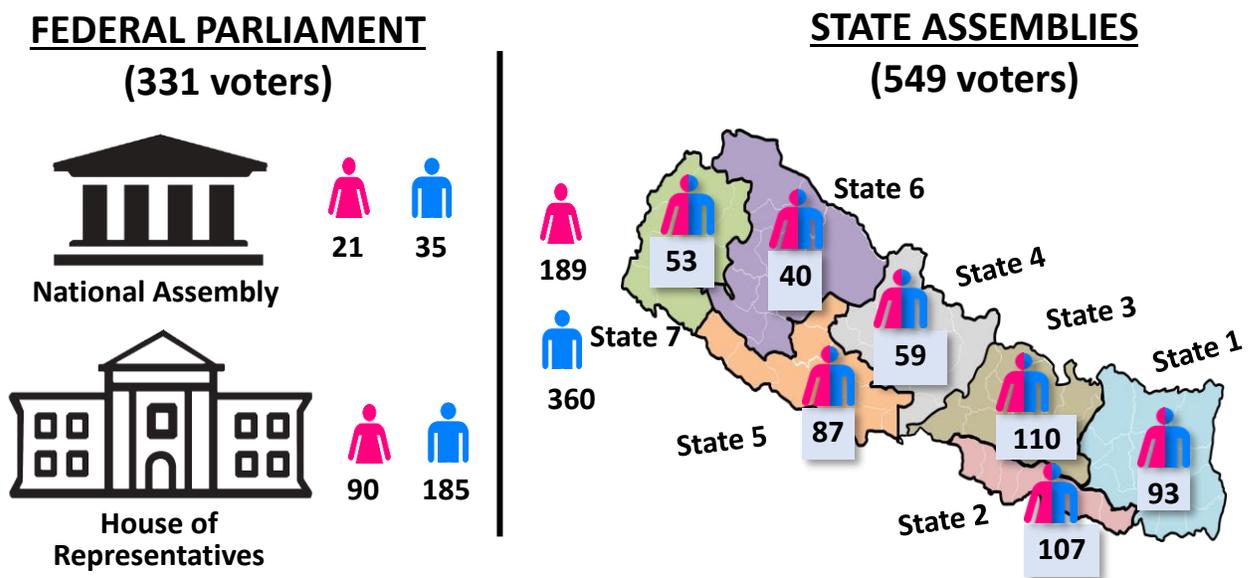
Who can vote in these elections?

The president and vice president are elected by an electoral college comprised of all eligible members of the Federal Parliament (combined House of Representatives and National Assembly) and state assemblies. Normally this would mean there could be up to:

- 59 electors from the National Assembly;
- 275 electors from the House of Representatives; and
- 550 electors from the seven state assemblies.

For the upcoming presidential election, however, the voter list will contain only 880 electors. The three appointed members of the National Assembly were not yet sworn in when the final voter list was published on March 8⁴ and one potential elector is ineligible having been convicted for attempted murder.

Figure 1: Electoral college for the 2018 election of the president and vice president



⁴ According to the constitution, three members of the National Assembly (NA) should be appointed by the president on the recommendation of Government of Nepal. The caretaker government recommended three NA members before stepping down, with the new government also recommending another three names. Nominees recommended by the caretaker government filed a petition against the president's decision to uphold the nominations made by the new government. Subsequently, the Supreme Court issued an interim order not to administer oath of office to the new nominees until matters were sorted. The final ruling was made in favor of the new government on March 7, a day after the voter lists were finalized without including the three names. Therefore, the three presidential nominees to the National Assembly will not be able to vote in this election.

Which electoral system will be used in these elections?

The presidential and vice-presidential elections will use a two-round electoral system with different weightages for the two types of electors. Votes cast by electors from the Federal Parliament are assigned a value of 79 while votes cast by State Assembly members are assigned a value of 48.

Each elector is allowed to cast one vote. If a candidate does not secure a simple majority of the total weighted votes, a second round election is carried out between the two candidates securing the highest weighted votes. The threshold for winning is determined by the total number of potential votes multiplied by their weighted value regardless of the number of votes cast. In case one of the two remaining candidates is unable to secure more than 50 percent of the total weighted votes cast in the second round, a third round is implemented and the candidate winning the highest weighted value of valid votes is elected. If both candidates secure equal votes in this round, the winner is determined by drawing lots.

Who is eligible to contest these elections?

Nepali citizens by descent,⁵ who are at least 45 years old on the date of candidate registration (March 7, 2018), are registered voters, not disqualified by any law, and have registered with the Election Commission, Nepal (ECN) as a candidate, may contest the election. In order to register with the ECN, candidates' nominations must be proposed by five members of the electoral college and receive pledges of support from five additional members. Candidates can run as independents or with any party affiliation.

Are there reserved seats for women and minorities?

The president and vice president must represent a different sex *or* ethnicity. Ethnicities in this case may include Adivasi/Janajati, Khas Arya, Dalit, Madhesi, Tharu and Muslim communities.⁶ Thus, following the election of a president, only such candidates who represent a different sex or ethnicity may contest the election for vice president, and vice versa in cases where a president is to be elected with the vice president still in office. Women will comprise 34.09 percent of the electors.

What is the structure of the ballots?

Ballots will contain the names of each candidate listed in alphabetical order. Voters will use a stamp to vote for only one candidate of their choice. Members of the Federal Parliament are given green ballots and state assembly representatives are given red ballots to differentiate their respective vote weightages.

⁵ Per Nepal's constitution, Art. 11: Citizens of Nepal by "descent" are citizens born to father or mother holding Nepali citizenship and domicile in the country at the time of obtaining the citizenship (as opposed to naturalized citizens).

⁶ Per the Act related to the election of President and Vice President, 2017, Clause 16.5.

What is the term of office of the president?

The president may serve a maximum of two, five-year terms calculated from the date when the election results are declared. However, the president may continue in office until the next president is elected.⁷

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 72 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 local, state and federal elections and to announce the date for presidential and vice-presidential 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 and counting be held?

Voting and counting will take place at the Federal Parliament secretariat, Kathmandu, where the returning office has been set up. Separate polling booths will be organized for members of the Federal Parliament and state assemblies to cast their votes.

Who can 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. No international observation groups have been invited by the Government of Nepal to observe these elections.

⁷ Per Nepal's constitution, Art. 63.

How will election disputes be adjudicated?

Disputes based on written complaints will be resolved by returning officer or the Election Commission. 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 NPR 400,000 (approximately \$4,000 USD). Candidates will have to submit their campaign expense reports to the Election Commission, Nepal within 30 days of the announcement of the results.