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International Foundation
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Election FAQs: Nepal

2022 House of Representatives and Provincial Assembly Elections

November 20, 2022

Asia-Pacific

International Foundation for Electoral Systems

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Election Snapshot

- Election Day: Nov. 20, 2022
- Registered voters: 17,988,570 (9,140,806 men, 8,847,579 women and 185 other)
- Polling stations: 10,892 polling locations and 22,227 polling centers
- Physical distancing
- Seats: 825
- Candidates: 11,543, including both first-past-the-post and proportional representation candidates for the House of Representatives and Provincial Assemblies
- Campaign expenditure and donation limits: between 150,000 Nepalese rupees (NPR) and NPR 3.3 million
- Domestic and international observers: approximately 20,000

When is Election Day?

On Nov. 20, 2022, Nepal will hold its national and provincial-level legislative elections in a single phase. This will be the second such election since the promulgation of Nepal's constitution in 2015, which initiated the country's decentralization process. There will be 10,892 polling locations and 22,227 polling centers across the country. Polls will be open from 7 a.m. to 5 p.m.

Why are these elections important?

These are the second House of Representatives (HoR) and Provincial Assembly (PA) elections since the promulgation of Nepal's constitution on Sept. 20, 2015. The Constitution of Nepal provides for a federal structure with the central powers of government decentralized to provinces and local units, replacing 240 years of monarchy that ended in 2007.

The 2022 HoR and PA elections come after years of political instability that included the COVID-19 period and a vote of no confidence against former Prime Minister K.P. Sharma Oli following his two failed attempts to dissolve the Parliament. The elections provide an opportunity for voters to elect their government leaders, particularly for over 2 million Nepali youth who are eligible to vote for the first time in 2022.

Who are citizens voting for on Election Day?

Citizens will be voting for elected seats in the House of Representatives (HoR) and Provincial Assemblies (PA). The HoR is the lower house of the Federal Parliament. It comprises 275 members, of whom 165 are elected through first-past-the-post (FPTP) and 110 through proportional representation (PR) with closed candidate lists. The number of PR seats allocated to each party is proportional to the number of votes cast for its party list. The 165 FPTP seats are divided among Nepal's seven provinces as follows:

	Total Seats in House of Representatives (275)	
Province	FPTP Seats	PR Seats
Province 1	28	110
Madhes Province	32	
Bagmati Province	33	
Gandaki Province	18	
Lumbini Province	26	
Karnali Province	12	
Sudurpashchim Province	16	
Total	165	110

There are 2,412 candidates (including 225 women) running for the FPTP seats in the HoR and 2,199 (including 1,186 women) running for PR seats in the HoR.

Each of Nepal's seven provinces has a unicameral legislature, the PA. Like the HoR, 60 percent of each PA comprises representatives elected through the FPTP system and 40 percent elected through a closed-list PR system. Similar to the HoR model, PR seats are allocated based on the proportion of votes cast for each party. Based on the delimitation of electoral constituencies, the seven provinces will have the following number of seats (members):

	Total Seats in PA		
	FPTP Seats	PR Seats	Total Seats
Province 1	56	37	93
Madhes Province	64	43	107
Bagmati Province	66	44	110
Gandaki Province	36	24	60
Lumbini Province	52	35	87
Karnali Province	24	16	40

Sudurpashchim Province	32	21	53
Total	330	220	550

There are 3,224 candidates (including 280 women and one other) running for FPTP seats in the PA and 3,708 (including 2,196 women) running for the PR seats in the PA.

What is the electoral system?

There are 275 elected seats in the House of Representatives (HoR) and 550 seats in seven Provincial Assemblies (PA). Members of HoR and PAs are elected through a mixed electoral system, with 60 percent elected through the first-past-the-post (FPTP) system and 40 percent by proportional representation (PR) using closed lists of candidates submitted by parties. Voters will therefore cast four ballots on Election Day: one each for a FPTP candidate and the party list for the HoR and one each for a FPTP candidate and the party list for their PA.

Sample ballots for these elections are included in the Annex.

What is the legal framework for conducting the elections?

Elected members of the House of Representatives (HoR) and Provincial Assemblies (PA) each serve five-year terms. The Constitution provides for holding an election for the HoR and PAs no later than six months after the expiration of the five-year term.

The government of Nepal is responsible for fixing the date of the election after consultation with the Election Commission of Nepal.

Who is eligible to run as a candidate?

Any Nepali citizen who is at least 25 years old on the date of candidate registration, is a registered voter, is not disqualified by any law and has registered with the Election Commission of Nepal as a candidate may contest the election. Candidates for first-past-the-post (FPTP) seats may run as independents or be nominated by a political party registered to compete in the relevant federal or provincial electoral constituency. Candidates for proportional representation (PR) seats must be nominated by a party.

No candidate can be nominated for more than one FPTP constituency, and candidates cannot run for both a FPTP and PR seat or for a seat in both the House of Representatives and a Provincial Assembly. PR candidates may appear on only one party's list. The final lists were published on Oct. 12 and 26 for FPTP and PR balloting, respectively.

Are there reserved seats for women? What is the gender balance within the candidate list?

The constitution mandates that women make up one-third of the total number of representatives from each party in both the House of Representatives (HoR) and each Provincial Assembly (PA). To achieve this quota, at least 50 percent of each proportional representation (PR) list submitted by a party must be women to compensate for any shortfall from first-past-the-post (FPTP) seats. There are no reserved seats for women within the FPTP seats. For these elections, the Election Commission of Nepal has encouraged political parties to nominate women as one-third of the FPTP candidates they are fielding.¹ However, there is no enforcement mechanism for this recommendation. Approximately 9.33 percent of the candidates in the HoR race and 8.68 percent in the PA race are women. Comparatively, in the 2017 HoR and PA elections, just 7.45 percent of all FPTP candidates were women, and 56 percent of PR candidates were women.

What are the campaign expenditure and donation limits?

Different campaign expenditure limits have been set according to existing laws, the number of voters in constituencies and the number of polling centers. The highest expenditure ceiling is NPR 3.3 million (approximately \$25,000) for the first-past-the-post races for the House of Representatives, while the lowest ceiling is NPR 150,000 (approximately \$1,138) for the proportional representation race of the Provincial Assembly.

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

Elections in Nepal are administered by the Election Commission of Nepal (ECN), a constitutionally mandated independent body currently headed by Chief Election Commissioner Dinesh Kumar Thapaliya. The ECN is supported in its work by a secretariat based in its headquarters in Kathmandu and field staff across 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 Provincial Assemblies and members of the local level. For these purposes the ECN shall prepare electoral rolls.”² The ECN may also conduct referenda on matters of national importance. The ECN also has the authority to:

- Advise the Government of Nepal on appropriate dates for elections;
- Request provision of effective security arrangements from the government of Nepal or provincial governments;
- Monitor the election campaign, polling and counting and impose sanctions against candidates or political parties for violations of the Code of Conduct;

¹ <https://english.onlinekhabar.com/election-commission-women-fptp.html>

² Constitution of Nepal, Article 246 [1].

- Authorize observation of the election;
- Delegate any function, duty or power to any government employee and request necessary assistance from the government of Nepal, provincial government and local government as needed;
- Obtain any private school or government building or school for use during the elections;
- Register or disqualify candidates; and
- Cancel an election due to violence, threats or intimidation.

How is the election management body protecting the elections and voters from COVID-19?

At the time of this FAQs release, the Election Commission of Nepal was still assessing its COVID-19 polling guidelines for the House of Representatives and Provincial Assembly elections. It is expected to provide information closer to Election Day.

What is the election management body doing to strengthen its technology and procedures to resist vulnerabilities and counter foreign interference?

Since the elections in 2017, the Election Commission of Nepal (ECN) has worked to develop and implement various information, communications and technology solutions to counter vulnerabilities. These solutions include the rollout of the Election Result Information System and Integrated Election Information Management System and the development of a back-up system for the ECN's primary server to minimize the risk of large-scale voter and election data loss.

Who can vote in these elections?

Nepali citizens who have turned 18 years old by Nov. 19, 2022, the day before Election Day, and who are registered to vote may vote in these elections. Although those under 18 cannot vote in the election, they may register to vote before they turn 18, which will enable them to cast a ballot if they are 18 years old on Election Day. Voters may also use a voter identification card issued by the Election Commission of Nepal or any other government-issued identification card to vote in these elections.

How many registered voters are there?

There were 17,988,570 registered voters (9,140,806 men, 8,847,579 women and 185 other) in Nepal as of the registration deadline of Aug. 4, 2022. The voter registration process was reopened following the May 13, 2022 local election, starting June 15 and closing Aug. 4.

What provisions are in place that support the equal rights of women, persons with disabilities and other marginalized groups?

The Constitution mandates that women make up one-third of the total number of representatives from each party in both houses of Parliament — the House of Representatives (HoR) and Provincial Assemblies (PA). To achieve this quota, the HoR and PAs Election Acts state that women must make up at least 50 percent of each proportional representation (PR) list submitted by a party to compensate for any shortfall from first-past-the-post (FPTP) seats. There are no reserved seats for women within the FPTP seats. However, the Election Commission of Nepal has encouraged political parties to field women for one-third of their FPTP candidates for the HoR and PA elections, though there is no enforcement mechanism for this recommendation.³

In addition to the 50 percent quota for women on a party's PR list, the HoR and PA Election Acts specify the percentage of candidates on each list that should come from six "inclusion" groups specified in the constitution: Dalit, Adivasi Janajati, Khas Arya, Madhesi, Tharu and Muslim. The PR lists must also include prescribed quotas of candidates from rural areas. To avoid high numbers of women nominated from only one inclusion group, the HoR Proportional Directive states that, within each inclusion group on the PR lists, 50 percent of the candidates must be women.

Is out-of-country voting allowed?

While approximately 2.6 million eligible Nepali voters work abroad, the legal framework does not provide for out-of-country voting for these elections.⁴

The House of Representatives Election Act does permit the Election Commission of Nepal to provide separate polling stations for "provisional voters." This will allow voters who have been sent to a district other than that in which they are registered for election duties (such as polling or security work) to vote early for proportional representation candidates. However, the act does not provide for provisional voting for first-past-the-post candidates. The full list of those who may cast a provisional ballot include: government employees; Nepal Army, Nepal Police or Armed Police Force residing in barracks; prisoners and detainees in prison; staff and security personnel seconded for these elections; and persons residing in senior citizen homes managed by the government of Nepal.

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

International and national organizations and individuals may register with the Election Commission of Nepal (ECN) if they wish to observe elections. Applicants must provide evidence of expertise and records of previous election observation and monitoring experience. For the

³ <https://english.onlinekhabar.com/election-commission-women-fptp.html>

⁴ <https://www.nepalitimes.com/banner/no-country-for-young-men/>

2022 House of Representatives and Provincial Assemblies elections, the ECN accepted applications from international organizations from Aug. 14-28⁵ and from national organizations from Aug. 24 to Sept. 8.⁶ The ECN subsequently called for a second round of applications from Sept. 24-27.⁷

The ECN approved four international and 43 national organizations to observe polls on Election Day. These organizations will mobilize around 20,000 observers in total. The diplomatic missions and embassies and the heads of other electoral management bodies from the South Asia Association for Regional Cooperation have been invited to observe as well.

Who is managing security on Election Day?

The Election Commission of Nepal (ECN) has seconded approximately 300,000 security personnel from the police and Armed Police Forces, including 115,000 temporary recruits.⁸ Security forces are coordinated by the Joint Elections Operations Center, which is chaired by the chief election commissioner and includes senior representatives from the ECN, Nepal Army, Armed Police Forces, Nepal Police, National Investigation Department and the Ministry of Home Affairs. Security forces will be employed to protect polling place perimeters, and unarmed security will directly supervise sealed ballot boxes at all times. In previous elections, security personnel have remained with the ballots until counting is completed.

Where are vote counting and tabulation held?

At the close of polling, ballot boxes are sealed and transported by each polling station's polling officer to the relevant returning office. A security officer accompanies the polling officer, and interested candidate agents may do so as well. After receiving all ballot boxes from the polling locations of the federal constituency, the returning officer will publish a notice specifying the date, place and time for the counting of votes. While there is no regulation specifying when counting must start, returning officers typically begin as soon as possible, within hours of the close of polling. Candidates or their agents may be present during the counting of votes. Ballots are counted under the direct supervision of the returning officer. Before vote counting begins, the ballots are counted, and the total number is recorded on a tally sheet. The total numbers of valid and invalid votes for each candidate are also recorded on a tally sheet.

The first-past-the-post (FPTP) ballots for the House of Representatives (HoR) are counted first, followed by the FPTP ballots for the Provincial Assemblies (PAs) and finally the combined proportional representation (PR) ballots for both elections. The returning officer will immediately announce the winners of the FPTP contests to all those present for the vote count. After the

⁵ Call for international observers to observe the HoR and PA elections 2022: <https://my.nepalembassy.gov.np/call-for-international-observers-to-observe-house-of-representative-and-provincial-assembly-election-2022-of-nepal-published-on-14-08-2022/>

⁶ ECN calls application for election observation: <https://risingnepaldaily.com/news/15791>

⁷ Call for application for election observation (second time): <https://www.facebook.com/photo/?fbid=395945876062080&set=a.153381473651856>

⁸ Around 300,000 security personnel to be mobilized for HoR, PA elections: <https://www.risingnepaldaily.com/news/16138>

counting of PR ballots is complete, the results are entered into the Election Results Information Software system, which will transmit the results to the Election Commission of Nepal (ECN), where results tabulation software will aggregate the PR results. Once the results have been verified, the chief returning officer of the ECN will announce the vote count for each party for the HoR and the PAs and the number of seats won by each party. Parties will then officially nominate the winning candidates from their closed lists according to the criteria established by the ECN.

When will official results be announced?

In previous elections, vote counting has taken anywhere from one day to two weeks.

How will election disputes be adjudicated?

Before an election, the Election Commission of Nepal (ECN) forms an election dispute resolution (EDR) committee composed of eight members, including five members of the ECN; the secretary of the Ministry of Law, Justice and Parliamentary Affairs; the secretary of the Ministry of Home Affairs; and the attorney general. Complaints regarding election disputes, violations or irregularities must be made in writing or via electronic form to district or regional election officers, polling officers, returning officers or monitoring officers, or directly to the EDR committee as soon as the alleged violation is known. Any member of the EDR committee has the authority to determine the validity of the complaint and impose remedies and sanctions.

Candidates filing election results petitions must do so within 15 days of the announcement of results. All appeals to decisions made by the adjudicating authority must be made within 35 days of the announcement of results to the relevant high court of the province. Certain offenses, such as forgery of ballots, vote buying, requests for recounting of votes or acts of violence must be referred directly to the relevant high court to issue rulings and impose sanctions.

Resources

- Constitution of Nepal and related laws: <https://election.gov.np/en/page/election-related-laws>
- Election Commission Nepal: <https://election.gov.np/en/>
- Election Code of Conduct: <https://election.gov.np/en/page/election-code-of-conduct-hor>
- Directives: <https://election.gov.np/en/page/directives>
- House of Representatives and Provincial Assemblies election guidelines: <https://election.gov.np/en/page/guidelinehor>

About IFES in Nepal

The International Foundation for Electoral Systems (IFES) has been supporting the implementation of inclusive elections, building the capacity of election professionals and strengthening the integrity of the electoral process in Nepal since 2006. IFES currently implements the USAID-funded *Niti Sambad* (Policy Dialogue) program; the Strengthening Inclusive Election Processes in Nepal program, funded by the Australian Government through the Department of Foreign Affairs and Trade (DFAT); and the *She Leads* Nepal program funded by DFAT and the Swiss Agency for Development and Cooperation. IFES' work on those programs includes capacity building support for the Election Commission of Nepal and support to strengthen the electoral legal framework, in addition to robust civic and voter education, leadership and inclusion programs conducted across the country in partnership with local civil society organizations.

Disclosure

These FAQs reflect decisions made by the Election Commission of Nepal as of November 10, 2022, to the best of our knowledge. This document does not represent any International Foundation for Electoral Systems policy or technical recommendations.

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प्रदेश सभा सदस्य निर्वाचन, २०७८

मतपत्र क्रमसङ्ख्या :

समानुपातिक निर्वाचन प्रणाली

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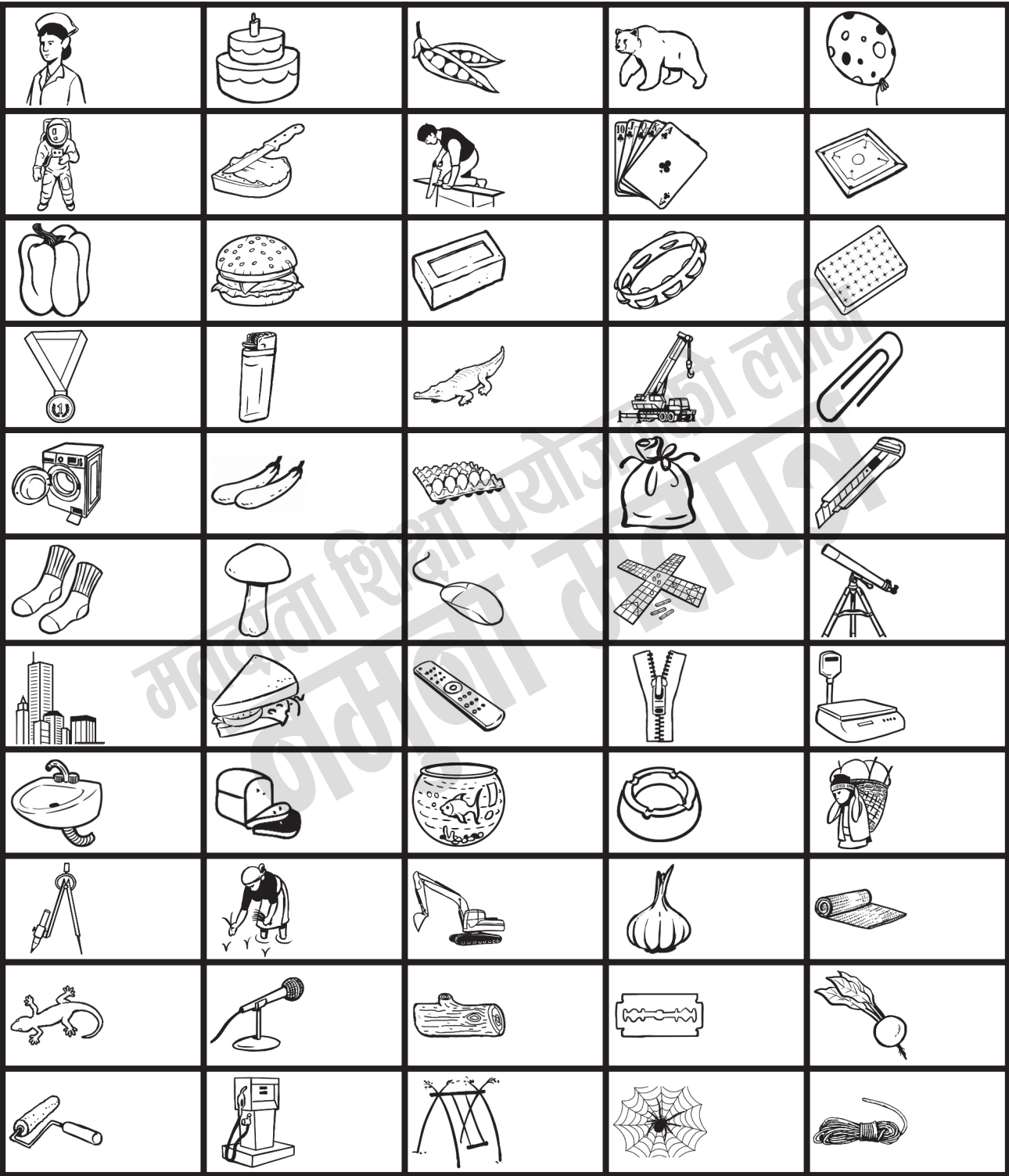
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पहिलो हुने निर्वाचित हुने निर्वाचन प्रणाली

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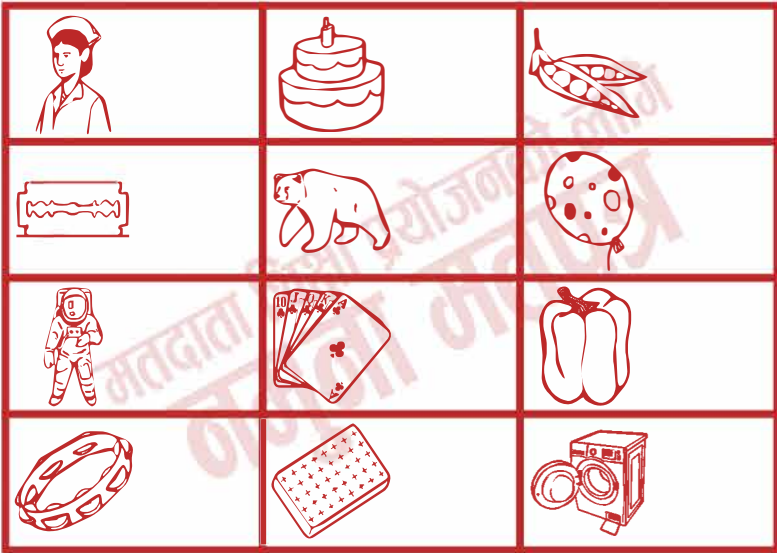
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प्रदेश :

जिल्ला :

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गाउँपालिका/नगरपालिका :

वडा नं. :

मतदाता क्रमसङ्ख्या :

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