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Elections in Nepal

2017 House of Representatives and State Assembly Elections

Frequently Asked Questions

Asia-Pacific

International Foundation for Electoral Systems

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Frequently Asked Questions

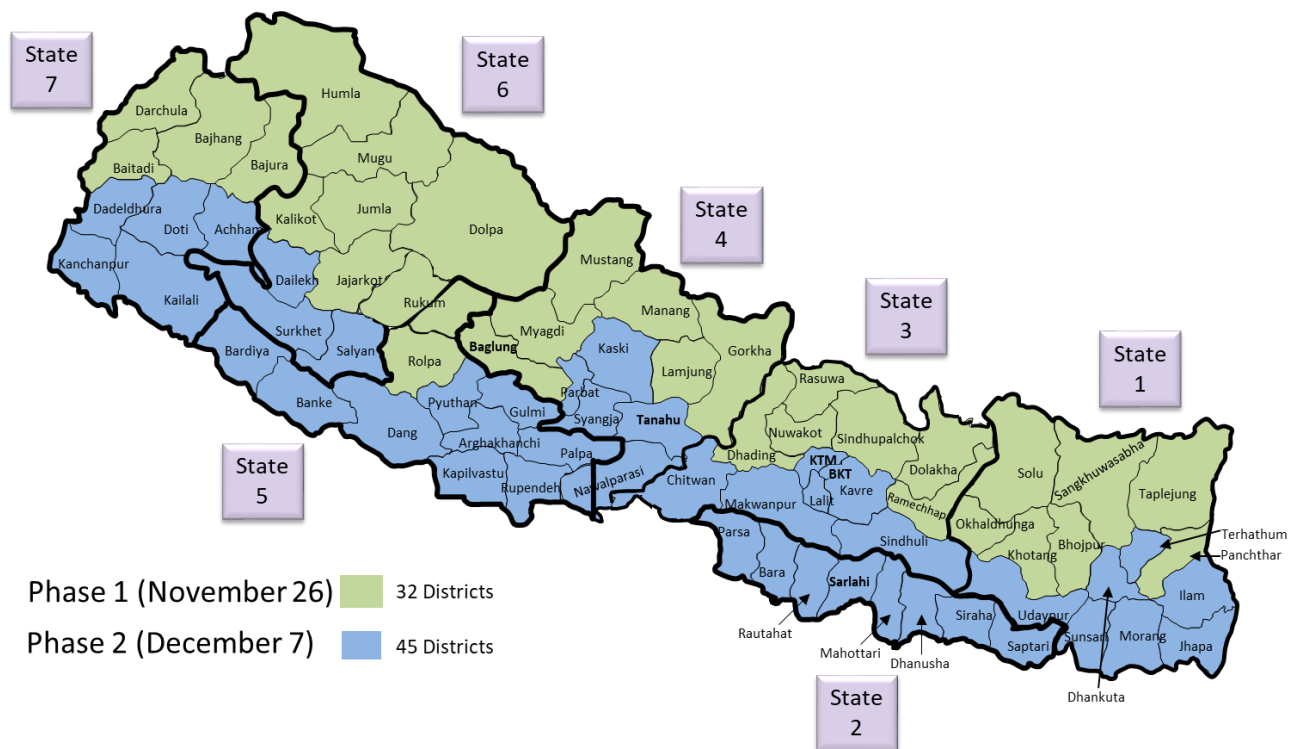
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Disclosure:

These FAQs reflect decisions made by the Nepal elections authorities as of November 21, 2017 to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

When is Election Day?

On November 26 and December 7, 2017, Nepal will hold its first national and state-level legislative elections since the promulgation of its new constitution on September 20, 2015. The Constitution of Nepal provides a federal structure with the central powers of government decentralized to states and local-level units. This federal, secular and inclusive structure replaces 240 years of monarchy that ended in 2007. These elections will install legislative assemblies for each of the seven states and the lower house of the Federal Parliament, the House of Representatives. Elections will be held simultaneously but in two phases as pictured below. In the first phase on November 26, voting will take place across 32 districts in the hill and mountain regions. In the second phase on December 7, voting will take place across 45 districts, primarily in the *Terai* (plains) region. Polling Stations open at 7 a.m. and close at 5 p.m.



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

As part of the transition to federalism, the constitution stipulates that local, state, and national elections shall be conducted before the term of the Legislature Parliament formally expires on January 21, 2018.¹

¹ The Legislature Parliament of Nepal was the unicameral legislature of Nepal formed as the result of the 2013 Constituent Assembly elections after the failure of the first Constituent Assembly to promulgate a new constitution.

Nepal's election timeline has been delayed by political disagreements about the demarcation of local, state and federal boundaries, official languages and the devolution of power to the provinces. Despite these controversies, local elections were successfully conducted in three phases in May, June and September of 2017.

With pressure mounting to meet the constitutional deadline, the government announced on August 21, 2017 that both national and state elections would be held simultaneously across the country. Following concerns from the Election Commission of Nepal (ECN) on the logistical and climatic challenges of managing these elections simultaneously across the country, the government decided to hold these elections in two phases (see map above).

Elections for the State Assemblies (SA) and the House of Representatives (HoR) will help complete Nepal's transition to federalism. The SA elections will elect state legislatures of 40 to 110 members (550 in total), which will have newly decentralized powers over land registration, vehicle and entertainment taxation, tourism, and the protection of state languages and culture. The newly elected members of the SAs, together with 1,506 recently elected local executives,² will comprise an electoral college that will elect the National Assembly (the upper house of the Federal Parliament). The National Assembly elections will be held shortly after the elections for the HoR and SAs. The 334 members of Parliament (275 members of the HoR and 59 members of the National Assembly) plus the 550 members of the SAs will form a separate electoral college to elect a new president and vice president of Nepal. Provisions for the formation of both electoral colleges are established in the National Assembly Elections Act³ and the President and Vice President Elections Act.

Which electoral system will be used in these elections?

There are 275 elected seats in the House of Representatives (HoR) and 550 seats in seven State Assemblies (SAs). The SAs and the HoR will be elected through a mixed electoral system with 60 percent of legislators elected through first-past-the-post (FPTP) and 40 percent by proportional representation using closed lists of candidates submitted by parties. Voters will therefore cast four votes on Election Day: one for an FPTP candidate for the HoR; one for an FPTP candidate for their SA; one for the party list for the HoR; and one for the party list for their SA.

What is the structure of the ballots?

Each voter will receive three symbol-based ballot papers at the polling station:

- One ballot for both the House of Representatives and State Assembly proportional representation contests;
- One ballot for the first-past-the-post State Assembly seat; and

² Mayors and deputy mayors of urban municipalities, and chairs and vice-chairs of rural municipalities.

³ Parliament did not pass the National Assembly Elections Act before it was dissolved. It is expected that the Office of the President will instead issue an ordinance to govern the election of the National Assembly.

- One ballot for the first-past-the-post House of Representatives seat.

The proportional representation (PR) ballot (red print) includes the symbols of all parties who initially registered their interest with the Election Commission of Nepal (ECN) to participate in the respective election, whether they met the requirements to contest or not.⁴ Symbols are listed in the order of the number of votes received by the respective party in the 2013 Constituent Assembly elections. Parties not represented in the Legislature Parliament are assigned symbols randomly and ordered on the ballot on a first-come, first-serve basis. The upper section of the ballot has symbols of the House of Representative (HoR) party lists and the lower section has symbols for State Assembly (SA) party lists. Voters can mark the ballot twice, once in each section.

The FPTP ballots for candidates of the HoR (green print) and the SAs (black print) are much smaller as there are fewer candidates; only those that successfully registered for the election are on the ballot. Like the PR ballot, only symbols are used with candidates for parties represented in the Legislature Parliament using their party symbols and all others using randomly awarded symbols provided by the ECN. For each FPTP ballot, voters can choose only one candidate.

What is the House of Representatives and how is it constituted?

The House of Representatives (HoR) is the lower house of the Federal Parliament. While both houses can introduce legislation, only the lower house may introduce “finance bills” or those related to federal taxes, government appropriations, and the raising or giving of loans. The HoR is comprised of 275 members, of whom 165 are elected through first-past-the-post (FPTP) and 110 through closed list proportional representation (PR) (Art. 84.1). The closed list submitted by a party must include at least 11 candidates (10% of total PR seats). The 165 FPTP seats are divided among the states as follows:

	Total seats in House of Representatives (275)	
State	FPTP Seats	PR Seats
1	28	110
2	32	
3	33	
4	18	
5	26	
6	12	
7	16	
Total	165	110

Table 1: Allocation of Seats for the House of Representatives

⁴ Not all parties who expressed interest in participating in the election were able to meet the requirements to contest the election. Therefore, many of the party symbols on the PR ballots are not assigned to a contesting party. For example, of the 88 national parties who registered to contest PR seats in the HoR elections, only 49 submitted lists of candidates, therefore 39 symbols on the ballot have not been assigned to any party.

How were electoral boundaries delineated?

On July 19, 2017, the Government of Nepal formed an independent Electoral Constituency Delineation Commission (ECDC) to delineate the 165 federal and 330 state constituencies required by the constitution. Each federal constituency is divided into two state-level constituencies.

The ECDC consulted a variety of stakeholders, and demarcated the boundaries based on: (a) Constitutional requirement to have at least one electoral constituency in each of the 77 districts; and (b) Population⁵ as the primary and geographic considerations as the secondary criteria amid other considerations such as transportation and access to government services. The ECDC submitted its report to the government on August 31, 2017. The constituency boundaries will prevail for the next 20 years, and cannot be contested in any court.

What is the State Assembly and how is it constituted?

The constitution provides for seven states within Nepal, each having its own unicameral legislature known as the State Assembly (SA). Just like the House of Representatives, each SA is comprised of 60 percent representatives elected through first-past-the-post (FPTP) and 40 percent elected through a closed list proportional representation (PR) system. The number of candidates on a closed list must equal at least 10 percent of the total number of PR seats in that state. For example, there are 37 PR seats in the SA of State Number 1 so a party that submits a closed list for that state must include at least four candidates.

Based on the delimitation of electoral constituencies, the seven provinces will each have the following number of seats/members:

State	Total seats in State Assemblies		
	FPTP seats	PR seats	Total seats
1	56	37	93
2	64	43	107
3	66	44	110
4	36	24	60
5	52	35	87
6	24	16	40
7	32	21	53
Total	330	220	550

Table 2: Federal and state electoral constituencies, and total seats in each State Assembly

⁵ Population numbers and data on distribution of different castes and ethnic groups are based on 2011 federal census data.

Who is eligible to contest these elections?

Nepali citizens who are at least 25 years old on the date of candidate registration, are registered voters, are not disqualified by any law, and have registered with the Election Commission of Nepal (ECN) 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 state electoral constituency. Candidates for proportional representation (PR) seats must be nominated by a party. Forty-nine political parties submitted closed lists to the ECN for the PR seats of the House of Representatives (HoR).

No candidate can be nominated for more than one FPTP constituency and candidates cannot run for both an FPTP and PR seat and also cannot run for both HoR and State Assemblies. PR candidates may only appear on one party's list. After publishing the closed lists on November 3, the ECN accepted claims and objections from November 4-10. The final lists were published on November 19.

Are there special provisions for women and minorities?

The constitution mandates that women make up one-third of the total number of representatives from each party in both houses of the Federal Parliament and the State Assemblies (SAs). To achieve this quota, the House of Representatives (HoR) and SAs 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 the first-past-the-post (FPTP) seats. There are no reserved seats for women within the FPTP seats. This has resulted in women making up only 7.45 percent of all FPTP candidates but 56 percent of all PR candidates.

In addition to a 50 percent quota for women on a party's PR list, the HoR and SA 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. Lists must also include prescribed quotas of candidates from minorities and backward regions. To avoid high numbers of women nominated from only one inclusion group, the HoR Proportional Directive states that within each inclusion group, 50 percent of the elected representatives/candidates must be women.

The HoR Act prescribes the following quotas for each group, based on the population of each group in Nepal:

Inclusion Group	Percentage of Candidates
Dalit	13.8%
Adivasi Janajati	28.7%
Khas Arya	31.2%
Madhesi	15.3%

Tharu	6.6%
Muslim	4.4%

Table 3: Inclusion Group Representation Requirements for HoR PR Lists

This is not a typical quota since the categories are meant to encompass every ethnic, religious or caste group in Nepal, not just those that are considered underrepresented. When submitting their closed lists to the Election Commission of Nepal (ECN), parties must indicate into which group every candidate on their PR list fits and the ECN determines whether the list complies with the required inclusion quotas. Unlike in previous elections, no candidate can be identified as belonging to more than one of these six inclusion groups, which should reduce the appeal of nominating candidates that identify with more than one minority group to “make room” for overrepresented castes or ethnic groups. Another effect of this quota is that parties cannot submit a list with candidates from one caste or ethnic group, as has been the practice in previous elections in Nepal for parties seeking to represent the interests of a specific marginalized group.

The constitution also states that persons with disabilities and people from backward regions⁶ should be included in the list. For the HoR, the quota for candidates from backward regions is 4.3 percent. The ECN has instructed parties to include at least one person with disability on their lists. Between HoR and SA candidates, 147 persons with disability have been nominated on the PR list.

The SA Election Act includes specific quotas for these groups based on their population in each state and 50 percent of the candidates nominated within each inclusion group must be women. Each party’s closed list must include the following percentages of these inclusion groups:

Group	States and Percent Representation Required						
	1	2	3	4	5	6	7
Dalit	10.06	17.29	5.84	17.44	15.11	23.25	17.29
Adivasi/Janajati	46.79	6.61	53.17	42.37	19.58	13.63	3.61
Khas Arya	27.84	4.89	37.09	37.24	28.84	62.2	60.02
Madhesi	7.57	54.36	1.57	0.52	14.35	0.24	1.64
Tharu	4.15	5.27	1.66	1.17	15.18	0.5	17.21
Muslim	3.59	11.58	0.67	0.71	6.94	0.18	0.23

Table 4: Inclusion Group Representation Requirements for SA PR Lists

⁶ Backward regions have been defined in the law as Achham, Kalikot, Jajarkot, Jumla, Dolpa, Bajhang, Bajura, Mugu and Humla districts.

In addition to the group composition specified above, the SA Election Directive also includes a provision for the percentage of minority⁷ and persons from backward regions that must be included in a party's closed list, also based on the population of each group in the respective state. These cross-cutting quotas are as follows:

Group/Area	States and Percent Representation Required						
	1	2	3	4	5	6	7
Minorities	17.53	25.17	7.77	6.02	8.47	1.47	2.37
Backward areas	0.44	2.11	1.0	0.08	1.17	32.4	12.78

Table 5: Cross-cutting Quotas for SA PR Lists

Women, Dalits and members of minority communities are exempt from 50 percent of the candidacy fee for FPTP HoR and SA seats.

How will proportional representation seats be allocated?

Once the total number of votes for each party from the proportional representation (PR) ballots are counted, the Election Commission of Nepal (ECN) will use the Sainte-Laguë Method to determine the number of seats allocated to each party. Parties must win at least three percent of the total valid PR votes to be allocated any seats in the House of Representatives. For State Assemblies, the vote threshold to win a PR seat is 1.5 percent of total valid votes. Once the total number of seats won by each party is determined, parties must resubmit their final list of names of candidates they believe have been elected based on the list order and the quota requirements. The ECN will inform the parties of the exact number of members from each inclusion group that must be included in the final list. The ECN will review the lists and determine whether all quotas have been met. Unlike in previous elections, political parties are not permitted to change the ranking of candidates within each inclusion group from what was submitted before the election. When determining the number of women based on the 50 percent PR list quota, parties must round up. For example, if a party wins 21 seats, 11 women must be included in their final closed list, not 10.

What is the term of office for elected representatives?

The term for elected members of the House of Representatives and the State Assembly is five years.

Who can vote in the country?

The Electoral Rolls Act, 2017, Art. 6, states that to be eligible to register as a voter, a person must be:

- A Nepali citizen;

⁷ There are 98 minority groups listed in the State Assembly Proportional Election Directive that qualify for this quota.

- A person who has completed 18 years of age on the date prescribed by the Election Commission of Nepal (ECN) through publishing a notice on the Nepal Gazette (August 19, 2017 for this election); and
- A person who has a permanent residence in the concerned ward of any municipality in any election constituency.

Only those registered and whose names are on the voter list on the Election Day will be allowed to vote. According to the House of Representatives Polling Directive, the only valid ID on the day of election is an ECN-issued voter ID card; however, in past elections the ECN has allowed voters to use other government-issued ID to vote, provided they are on the voter list.

Is out-of-country or absentee voting allowed?

While an estimated four million eligible Nepali voters are working abroad, the new legal framework does not provide for out-of-country voting for these elections.

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 the one in which they are registered for election duties (such as polling or security officials) to vote early for proportional representation candidates, but not first-past-the-post candidates.

How many registered voters are there?

There are 15,427,938 registered voters in Nepal as of the registration deadline on August 19, 2017: 7,776,628 men, 7,651,143 women, and 167 third gender.⁸ This is a 9.8 percent increase from the number of voters registered prior to the registration deadline for local elections on Feb 20, 2017. Voter registration reopened following the second phase of local elections, from July 16-August 19, during which over 1.4 million additional citizens were registered and one million voters updated their information.

How are voters registered in Nepal?

The Election Commission of Nepal (ECN) uses biometric technology (photograph and thumbprint scans) to help ensure an accurate voters’ list without duplicate entries. The use of biometric hardware and software was introduced in 2012 with the following features:

- Voter registration is conducted continuously throughout the year until an election is announced.
- Nepalese citizens aged 16 and above can register to vote at any District Election Office, District Administration Office, or Area Administration Office, as well as with any ECN mobile voter registration team.

⁸ On December 21, 2007, the Supreme Court of Nepal legally established a gender category called "[third gender](#)." The Supreme Court stated that the criteria for identifying as "third gender" was based upon the individual's self-identification.

- A citizenship certificate is required in order to be added to the voters' list.
- Preliminary voters' lists from the districts are centrally integrated and duplicate names removed at ECN headquarters in Kathmandu; revised preliminary voters' lists are then distributed to District Election Offices.
- After the revised preliminary voters' lists have been subject to verification, claims and objections at the local level, the final voters' list is prepared and printed.
- Photo voter identity cards are produced and distributed on the basis of the final voters' list.

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 Dr. Ayodhee Prasad Yadav and four additional commissioners. The ECN is supported in its work by a secretariat with 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], Constitution of Nepal). The ECN may also conduct referenda on matters of national importance. The ECN 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 the state governments;
- 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 government and local government 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.

What is a polling place and how many are set up on Election Day?

A polling place (or polling location) is the location where voters are registered to vote. The polling place is printed on a voter's ID card. Typically, the polling place is a school or a government office or other public place in the ward where the voter resides. Each ward will have a minimum of one polling place which will accommodate up to 1,064 voters. Each polling center will have a minimum of three voting privacy screens and three ballot boxes (one for each ballot paper). On Election Day, there will be 10,671 polling places and 19,809 polling centers across Nepal.

How will voters with disabilities cast their ballots?

Voters with disabilities will be able to cast their ballots with assistance from an immediate family member or the polling officer. In the 2013 Constituent Assembly elections, persons with disabilities could select a person of their choice to cast their vote for them but this is not allowed by the current House of Representatives Election Act.

Polling locations should be set up with voting screens and ballot boxes at a height that is easily accessible to accommodate voters with disabilities. District election officers are allowed to provide vehicle passes to persons with disabilities who request it.⁹

What is the process for counting and tabulation?

At the close of polling, ballot boxes will be sealed and transported by the polling officer with a security escort and interested candidate agents to the respective returning office. The 165 returning offices will be in 77 district headquarters. Ballot boxes from the first phase will not be opened and counted until polling has been completed from the second phase.

After receiving all the ballot boxes from all the polling locations of the respective federal constituency, the returning officer will publish a notice specifying the date, place and time for counting of votes. While there is no regulation about when the counting must start, returning officers typically start the counting process as soon as possible. Candidates or their agents may be present during the counting of the votes. Ballots will be counted under the direct supervision of the returning officer. Ballots from two or more ballot boxes will be mixed and counted together. Before counting begins the total number of ballots will be counted and recorded on a tally sheet. The total number of valid and invalid votes for each candidate, will be counted and recorded on a tally sheet.

The first-past-the-post (FPTP) ballots for the House of Representatives (HoR) will be counted first, followed by the FPTP ballots for the State Assemblies (SAs), and finally the combined proportional representation (PR) ballots for both elections. The winners of FPTP contests will be announced immediately to all present by the returning officer. After the completion of counting the PR ballots, the results will be entered into Election Results Information Software (ERIS), 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 SAs and the HoR 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 (see [“How will proportional representation seats be allocated?”](#)). In previous elections, the counting processes have taken anywhere from one day to two weeks. However, it is

⁹ In Nepal, on Election Day all vehicle traffic is forbidden unless the vehicle displays a permit from the ECN or the Ministry of Home Affairs.

anticipated that the period of time before the results of the PR elections are announced will be longer than usual due to the complexity of the quota requirements.

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

The election will be observed by accredited domestic observers, candidates, candidate agents, Election Commission of Nepal (ECN) monitoring teams, and guests from diplomatic missions. The Observation Division of the ECN must accredit all observers and guests for these elections. The ECN has accredited international observation missions including the European Union, the Carter Center, the Asian Network for Free Elections and the Peru-based Ankawa International. Additionally, the ECN has accredited 16 short-term and 20 long-term domestic observation missions.

How will election disputes be adjudicated?

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

What are the spending limits for candidates?

The Election Commission of Nepal (ECN) published the spending limits for candidates running for different types of seats in the Nepal gazette. Prior to the release of the directive, the ECN held a dialogue with various political parties to solicit feedback on what the limits should be. Many political party representatives suggested that the limits be increased from the limits applied in 2013 to more accurately reflect the amounts spent per candidate while others called for various forms of public funding. Finally, the ECN kept the spending limits equal to the limits in 2013, after accounting for currency devaluation:

First-Past-the-Post (FPTP) candidates:

- House of Representatives: NPR 2,500,000 (\$25,000) per candidate
- State Assembly: NPR 1,500,000 (\$15,000) per candidate

Proportional Representation (PR) candidates:

- House of Representatives: NPR 200,000 (\$2,000) per candidate
- State Assembly: NPR 150,000 (\$1,500) per candidate

These limits apply during the election period that is defined in the House of Representatives Election Act as spanning from the filing date for FPTP candidate nomination or from the filing date for the closed list of PR candidates, until the announcement of the election results. Candidates must submit all campaign expenditures to the ECN within 35 days of the announcement of results. According to the Crime and Offences Election Act, these reports should be made public and for the first time the ECN will be posting financial reports on their website.

How will Election Day security be ensured?

The Election Commission of Nepal (ECN) has seconded 272,000 security personnel from the Police and Armed Police Forces, including 98,000 temporary recruits (“Myadi”). 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 and National Investigation Department, and the Ministry of Home Affairs. Security forces will be employed to protect the polling place perimeters and unarmed security will directly supervise the sealed ballot boxes at all times. While the counting directive for these elections has not been issued, in previous elections, all security personnel have remained with the ballots until the counting is completed.