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Elections in Nepal

2017 Local Elections

Frequently Asked Questions

Asia-Pacific

International Foundation for Electoral Systems

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Frequently Asked Questions

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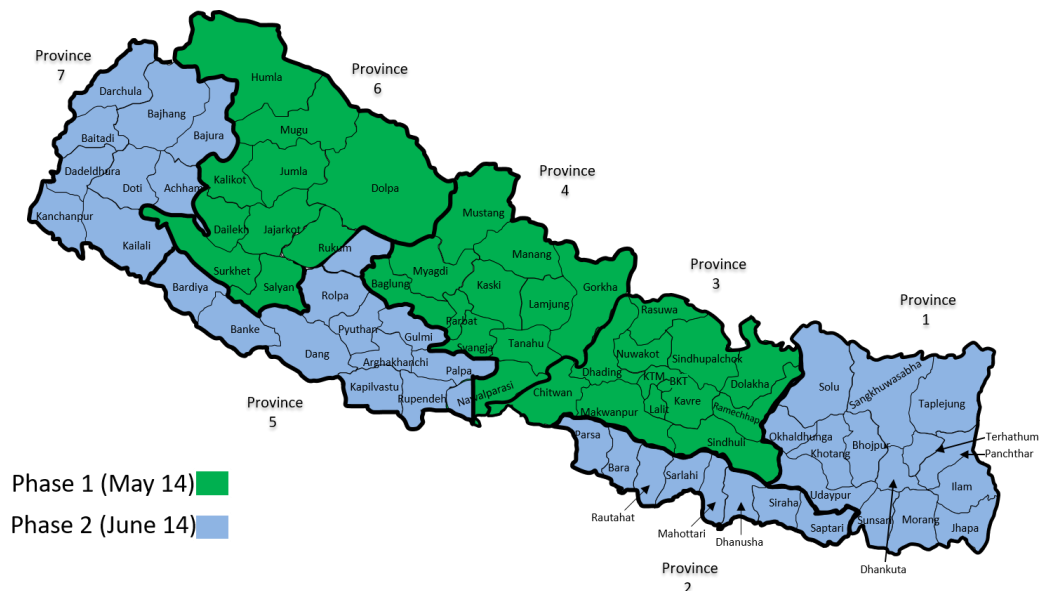
Disclosure:

These FAQs reflect decisions made by the Nepal elections authorities as of May 10, 2017, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

When is Election Day?

Nepal's local-level elections will be held in two phases. In the first phase, citizens in provinces 3, 4, and 6 will elect their local representatives on May 14, 2017. In the second phase, citizens in provinces 1, 2, 5, and 7 will go to the polls on June 14, 2017.

Polling Stations will be open from 7 a.m. to 5 p.m.



Why are these elections important?

On September 20, 2015, Nepal promulgated a new constitution that initiated the country's transition to a federal state. The constitution stipulates that local, provincial, and federal elections shall be conducted before the current term of the Federal Parliament expires in January 2018.

In addition to being the first step in Nepal's transition to federalism, the local-level elections provide a new opportunity for local participation in government. As the first local elections in 20 years, the election of local representatives will allow for the devolution of power and resources to the local level and will give people a stronger voice in how their communities are governed.

Why are elections being conducted in two phases?

Nepal's election timeline has been delayed by political disagreements that include the demarcation of local, provincial, and federal boundaries and the devolution of power to the provinces. Madhes-based parties of the *Terai* have demanded a constitutional amendment that addresses these grievances, arguing that the current provisions marginalize the Madhesi population. With pressure mounting to meet the constitutional deadline for elections, on February 20, 2017, the prime minister announced that local elections would be held in one phase on May 14, 2017 – allowing only 84 days to organize the

elections. The Madhes-based parties subsequently threatened to boycott the elections and disrupt election preparations if their demands to amend the constitution were not met.

On April 23, the government negotiated a settlement with the Madhes-based parties that would ensure their participation in the elections. The protesting parties agreed to participate in elections if there would be a second phase on June 14 for provinces 1, 2, 5, and 7, as the phased approach would allow more time for a constitutional amendment.¹

Who are citizens voting for on Election Day?

Nepal is divided into 75 districts. The districts are divided into 744 local units: 264 municipalities, or *nagar palikas*, and 480 rural municipalities, or *gaon palikas*. Each local unit is further divided into five to 33 wards making a total of 6,684 wards in Nepal.² A ward is the smallest local unit.

Voters will vote for five ward members (a chairperson and four general members) plus an executive head and deputy executive head for their municipality (mayor and deputy mayor) or rural municipality (chair and deputy chair). Therefore, each voter can vote for seven local-level representatives. In total, 34,908 local-level legislative and executive representatives will be directly elected.

What is the structure and function of local bodies?

The local government is comprised of municipal and rural municipal assemblies headed by municipal and rural municipal executives. All ward members elected within a municipality (or rural municipality) make up the (rural) municipal assembly. These assemblies are responsible for local affairs including tax collection, local legislation, policy-making, development planning, administration, and disbursement of benefits and local development funds.

Nepal's 75 districts are governed by a district assembly whose members come directly from the municipal and rural municipal assemblies. The executive heads and deputy heads elected from each municipality (or rural municipality) within a district collectively form the district assembly, which is responsible for ensuring coordination between municipalities, including on local development and construction, and coordination with federal and state government offices.

The district assembly elects a district coordination committee as an executive branch at the district level. Each district coordination committee is made up of a maximum of nine members chosen from among members of municipal or rural municipal assemblies within the district. Key functions of the district coordination committee include the identification of local development issues, monitoring local

¹ The prime minister agreed to amend the constitution to create a Federal Boundary Commission to review provincial boundaries and increase the number of local units in provinces 2 and 5 to reflect the population, however at the time of writing these demands appear to be off the table.

²The total number of local units and wards in the country could change based on proposed adjustments to the local units in provinces 2 and 5, but, as noted above, these changes appear unlikely prior to the local elections.

development efforts, and coordinating with state and federal governments to ensure coordinated development throughout the local units within the district.

Who can vote in the country?

Only citizens registered on the voters' list can vote in these elections. Article 6 of the Electoral Rolls Act (2017) states that to be eligible to register as a voter, a person must be:

- A Nepali citizen
- At least 18 years old on the date prescribed by the Election Commission through publishing a notice in the Nepal Gazette (February 20, 2017 for this election)
- A permanent resident in the concerned ward

How many registered voters are there?

As of the February 20, 2017 registration deadline to vote in the local elections, there are 14,054,482 registered voters in Nepal: 7,069,714 men, 6,984,625 women, and 143 of third gender.³ This is a 16.2 percent increase from the last national election held on November 19, 2013 to elect the Constituent Assembly.

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 2010 with support from the United Nations Development Programme and IFES.

The ECN's voter registration program has the following features:

- Voter registration is conducted continuously throughout the year until an election is announced
- Nepali citizens who are at least 16 years old 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
- A citizenship certificate is required for a citizen 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' list has 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 based on the final voters' list

³ On December 21, 2007, the Supreme Court of Nepal legally established a gender category called "[third gender](#)." The Supreme Court stated that the definition for "third gender" was based upon the individual's self-identification.

Are there reserved seats for women and minorities?

The Local Level Election Act mandates that two of the ward members elected for each ward must be women and one of the two women must be a *Dalit*.⁴ In total, of the 33,420 elected ward members, at least 13,368 will be women and at least 6,684 of those women will be *Dalit*.

The local-level elections also include indirect elections for the local and district executive branches. There are reserved seats for four women from the respective assemblies (five in case of municipalities) in the rural/municipal executive. The total number of seats in the rural/municipal executive will depend on the number of wards within its boundaries, ranging from 13-41 seats. For the district executive, a minimum of three out of the nine members of the district coordination committee will be women, all of whom are indirectly elected by and from members of the district assembly.

In addition to the direct election of at least one *Dalit* woman ward member for each of the 6,684 wards, indirect elections further ensure social inclusion of minorities. The municipal and rural municipal assembly members elect two (three in case of municipalities) eligible members from the *Dalit* or minority communities (irrespective of gender) of the local unit to become members of both the local assembly and local executive.

What is the gender balance within the candidate list?

Parties that submit candidates for both mayor and deputy mayor (or chair and deputy chair) must ensure that one of the two candidates is a woman. Likewise, parties who submit candidate nominations for both chief and deputy chief of the district coordination committee must ensure that one of the two candidates is a woman.

Who is eligible to contest the elections?

Nepali citizens who are at least 21 years old on the date of candidate registration (May 2, 2017), are registered voters in the concerned ward of the local unit, are not disqualified by any law, and have registered with the Election Commission of Nepal as a candidate may contest the election. Candidates may run as independents or be nominated by a political party registered in the respective local unit.

When do elected representatives assume office?

The executive heads, deputy heads, and ward committee members officially convene 15 days following the announcement of the election results.

⁴ *Dalits* are members of the lowest class in traditional Nepali Hindu society, subject to extensive social restrictions. Per Government of Nepal figures, *Dalits* comprise 13 percent of Nepal's total population. However, *Dalit* civil society claims this number to be at about 20 percent.

What is the term of office for elected representatives?

Local representatives have a five-year term of office.

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 a chief election commissioner 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 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” (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 to provide 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 and local government
- Obtain any government building or school, or private school for use during the elections
- Register or disqualify candidates
- 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 location is printed on a voter’s ID card. Typically, the polling location is a school, government office, or other public place in the ward where the voter resides. Each ward will have at least one polling location.

Each polling location is divided into polling centers depending on the number of voters assigned to the location. The largest polling center has 1,064 voters. For the first phase on May 14, there will be 3,923 polling locations with 6,641 polling centers. For the second phase on June 14, there will be 6,641 polling locations and 11,931 polling centers.

Which electoral system is used in this election?

This election will use first-past-the-post to elect seven representatives from a symbol-based ballot. Each ballot paper has seven columns, referred to on the ballot paper as “Ballots 1-6.”

- Ballot 1: voters choose the chair of the rural municipalities (*gaon palika*), or mayor in the case of municipalities (*nagar palika*)
- Ballot 2: voters choose the deputy chair/deputy mayor of the rural municipalities/municipality
- Ballot 3: voters choose the ward chair
- Ballot 4: voters choose a woman ward member
- Ballot 5: voters choose a *Dalit* woman ward member
- Ballot 6: voters choose **two** remaining ward members

Figure 1: Sample ballot structure for Nepal local elections

S/N	Ballot-1 <i>Chair/Mayor</i>	Ballot-2 <i>Vice Chair/ Deputy Mayor</i>	Ballot-3 <i>Ward Chair</i>	Ballot-4 <i>Woman Ward Member</i>	Ballot-5 <i>Dalit Woman Ward Member</i>	Ballot-6 <i>Other Ward Members</i> (ballot should be marked in any two boxes for the two additional ward members)
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The 26 parties represented in the Parliament are permitted to use their own symbol on the ballot, as registered with the Election Commission of Nepal (ECN). All other parties and independent candidates will receive a symbol allocated by the ECN.

Is out-of-country voting allowed?

The Election Commission of Nepal conducted feasibility studies for out-of-country voter registration and voting in selected countries between 2010 and 2014, but the new legal framework does not provide for out-of-country voting for local-level elections.

How will voters with disabilities cast their ballots?

Voters with disabilities will be able to cast their ballots with assistance from a person of their choice or by the polling officer. Polling locations should be set up with voting screens and ballot boxes at a height that is easily accessible. Signs will also be posted that include photos to ensure that voters are aware of how to cast their vote without having to read procedures. In addition, the polling manual includes improved guidelines for implementing inclusive polling operations and assisting voters with visual, physical, hearing, and intellectual disabilities.

What is the process for counting and tabulation?

At the close of polling, ballot boxes will be sealed and transported to the office of the returning officer by the respective polling officer with a security escort. Candidates or their agents may be present during the transit and counting of the votes.

After receiving the ballot boxes from all polling locations of the (rural) municipality, the returning officer will publish a notice specifying the date, place, and time for counting of votes.

Ballots from all ballot boxes for a given ward will be mixed and counted together under the supervision of the returning officer. The total number of valid votes for each candidate, as well as the number of invalid votes for each position, will be recorded on a tally sheet. Results will be entered using results-tabulation software loaded onto laptops to determine results by ward and municipality. Once the results have been verified, the returning officer will announce the winners of the respective ward and municipal executive offices.

Preliminary results will be announced by the returning officers immediately following counting and tabulation. The results will then be transmitted to the Election Commission of Nepal's (ECN) headquarters to be reviewed for accuracy. The ECN will announce the official results when all the votes have been counted then post all ward level results on its website. The goal is to finish counting within a week of Election Day.

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

The Election Commission of Nepal (ECN) has authorized accredited organizations to deploy approximately 50,000 domestic observers for the elections, in addition to monitoring by candidates,

candidate agents, and ECN monitoring teams. All observers and guests will be accredited by the Observation Division established within the ECN for these elections.

The ECN has not accredited any international election monitors to observe the elections. Representatives of foreign diplomatic missions will be permitted to visit polling stations inside Kathmandu Valley only.

How will election disputes be adjudicated?

Prior to any election, the Election Commission of Nepal (ECN) forms an election dispute resolution (EDR) committee composed of nine members, including five members of the ECN; the secretary of the Ministry of Law, Justice and Parliamentary Affairs; secretary of the Office of the Prime Minister; secretary of the Ministry of Home Affairs; and the attorney general. Complaints regarding election disputes, violations, or regularities must be made in writing to district or regional election officers, polling officers, returning officers, monitoring officers, or directly to the EDR committee within 48 hours of the alleged violation. Any of the officials listed above has the authority to determine the validity of the complaint and impose remedies and sanctions.⁵

All appeals must be made within 35 days to the relevant high court of the state. Certain offenses such as forgery of ballots, vote buying, requests for recounting of votes, or acts of violence must be referred directly to the respective high court to issue rulings and impose sanctions.

How will Election Day security be ensured?

The Election Commission of Nepal (ECN) has seconded 226,000 security personnel from the Police and Armed Police Forces, in addition to recruiting and training 75,000 temporary security personnel. Security forces are coordinated by the Joint Elections Operations Centre, 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 the polling place perimeters, and unarmed security will monitor the sealed ballot boxes.

⁵ The *Local Level Election Offences and Punishment Directive* of the ECN details the authority of the respective election officials to resolve specific offenses and complaints.