

Election of the Members of Constituent Assembly Rules, 2064 (2007)

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Amendments

Election of the Members of Constituent Assembly

(First Amendment) Rules, 2064

2064.9.27

In exercise of the powers conferred by Section 74 of the Election to Members of the Constituent Assembly Act, 2064 (2007), the Election Commission has framed the following Rules.

Chapter-1

Preliminary

1. **Short title and commencement:** (1) These Rules may be called "Election of the Members of Constituent Assembly Rules, 2064 (2007)".
 - (2) These Rules shall come into force immediately.
 - (3) These Rules shall remain valid for the period till the Constituent Assembly.
2. **Definitions:** Unless the subject or the context otherwise requires, in this Rules,-
 - (a) "Act" means the Election to Members of the Constituent Assembly Act, 2064(2007).
 - (b) "Election programme" means the election programme determined by the Commission pursuant to Rule 4.
 - (c) "Election symbol" means the election symbol determined by the Commission pursuant to Section 31 of the Act.
 - (d) "Polling station" means any polling station specified by the Commission pursuant to Section 34 of the Act, for the purposes of polling in the election.

Chapter-2

Notice on Election and Election Program

3. **Notice on election:** (1) After the Government of Nepal has specified the date for

election to the members of the Constituent Assembly, the Commission shall specify the time for conducting polling on that date and issue a notice for information to the general public and publish such notice in the Nepal Gazette.

(2) The Commission may, as required, also cause the notice on election as referred to in Sub-rule (1) to be published and broadcast through communication media.

4. **Fixation of election program**: (1) After the publication of the notice on election pursuant to Rule 3, the Commission shall, in relation to the election under the First Past The Post Electoral System, determine the election program indicating the venue, time and date for the registration of nomination papers of candidates, publication of the list of candidates whose nomination papers have been filed, making complaints against candidates, scrutinizing nomination papers and examining complaints, publication of a name-list of the candidates whose nomination papers meeting requirements have been registered, withdrawal of names of candidates from their candidacy, publication of the final name-list of the candidates, giving election symbols to candidates and conducting polling.

(2) The Commission shall, in relation to the election under the Proportional Electoral System, determine the election program indicating the submission of closed list of candidates, time for correction in the closed list of candidates, if such correction is required to be made following the examination of the closed list of candidates, publication of the closed list of candidates accordingly if such correction is not required and that of candidates as corrected and submitted after making such correction if required, making complaints against the closed list of candidates, scrutinizing and examining the closed list of candidates, withdrawal of names of candidates from the closed list of candidates and final publication of the closed lists of candidate.

(3) The Commission shall publish a notice on election program in the Nepal Gazette and may also cause such notice to be published and broadcast through communication media, as required.

5. **Notice on election program to be posted:** (1) The Returning Officer shall post a notice on the election program relating to the First Past The Post Electoral System, as referred to in Schedule-1, at his or her office.

(2) The Commission shall post a notice on the election program relating to the Proportional Electoral System, as referred to in Schedule-2, at his or her office.

(3) A recognizance deed (*Muchulka*) shall be executed on the publication of the election programs pursuant to Sub-rules (1) and (2).

(4) The Returning Officer and the Commission shall, to the extent possible, publish and broadcast or cause to be published and broadcast, the notice on election program referred to in Sub-rules (1) and (2), respectively, through the communication media.

(5) The Returning Officer shall give information on the post of the election program pursuant to Sub-rule (1) to the district based offices of political parties, to the extent of availability.

Chapter-3

Nomination of Candidates

6. **Filing of nomination papers for First Past The Post Electoral System:** (1) A person who has possessed the qualification set forth in the Constitution and the Act and intends to become a candidate in the election to be held under the First Past The Post Electoral System may, himself or herself or through his or her representative, proposer or seconder, file, or cause to be filed, the nomination paper in the format as referred to in Schedule-3 to the Office of Returning Officer at the date and time set forth in the notice on election program. In so filing, or causing to be filed, the nomination paper, one person may file, or cause to be filed, the nomination paper for candidate in a maximum of two election constituencies.

(2) In the case of a person who becomes a candidate fielded by a political party, in filing a nomination paper pursuant to Sub-rule (1), a formal letter, in the

format as referred to in Schedule-4, provided by that political party shall also be submitted, and the office-bearer of that party who is authorized to provide such formal letter shall send a copy of such formal letter to the Returning Officer.

(3) In filing, or causing to be filed a nomination paper pursuant to Sub-rule (1), any one has to propose and another person has to second the proposal, and the proposer and the seconder have to sign the nomination paper. The nomination paper shall be accompanied by evidence indicating such proposer and seconder are voters whose names are registered in the Electoral Rolls of the same election constituency.

(4) Any person may be nominated by a maximum of three nomination papers containing different proposers and seconders for the election in the same election constituency.

(5) The person nominated as a candidate shall have to express his or her consent as well by signing it.

(6) In order for a nomination paper to be registered pursuant to this Rule, it has to be accompanied by a bank voucher of the deposit of three thousand rupees or by a cash receipt thereof.

Provided that, a person who intends to get more than one nomination paper filed in one election constituency pursuant to Sub-rule (4) shall not be required to furnish a deposit exceeding three thousand rupees.

(7) A person who intends to file a nomination paper pursuant to Sub-rule (1) to be a candidate in an election constituency other than the election constituency where his or her name is included in the Electoral Rolls, such person shall get it certified by the Commission or the concerned District Election Officer that his or her name is included in the Electoral Rolls and also submit a transcript of the Electoral Rolls along with the nomination paper.

(8) If, in scrutinizing a nomination paper filed pursuant to Sub-rule (1), it appears to have fulfilled the requirements, the Returning Officer shall register such nomination paper and give a receipt thereof to the person getting the

nomination paper registered.

(9) If, in making scrutiny pursuant to Sub-rule (8), it appears that a nomination paper does not have the proposer or seconder or that the proposer or the seconder is repeated or that it does not contain a receipt of the furnished deposit or that it does not contain the signature of the proposer or the seconder or the candidate or does not fulfill the other requirements, the Returning Officer shall get the requirements fulfilled and register the nomination paper. If one intends to get a nomination paper registered without fulfilling the requirements, the nomination paper shall be registered by mentioning the fact of non-fulfillment of the requirements in that nomination paper, and a receipt thereof shall be given.

7. **To provide specimen of signature:**(1) The office-bearer specified by the Central Executive Committee of a political party registered with the Commission for the purposes of election shall certify the name, surname, post and specimen of signature of the office-bearer who is authorized to provide a person who becomes a candidate on behalf of that party in the election under the First Past The Post Electoral System with a formal letter on the registration of nomination paper and provide the same to the Commission in advance of at least seven days prior to the last date for the filing of nomination papers by candidates.

(2) The Commission shall provide a photocopy of such specimen of signature to the Returning Officer in order to verify the signature of the office-bearer providing the formal letter pursuant to Sub-rule (1).

8. **Nomination papers for proportional election:** (1) Notwithstanding anything contained elsewhere in these Rules, the closed lists of candidates submitted by political parties to the Commission for the election to be held under the Proportional Electoral System shall be set as the nomination papers of candidates.

(2) While submitting a closed list to the Commission for the purposes of nominating candidates in the election to be held under the Proportional Electoral System, a political party shall mention the place of which Electoral Rolls contain the name of every candidate included in such closed list, and submit a certified

copy of the citizenship certificate of every candidate, as well as his or her address.

9. Procedures relating to closed list of candidates: (1) After the publication of the election program pursuant to Rule 4, a political party which intends to take part in the election to be held under the Proportional Electoral System shall submit a closed list of candidates prepared pursuant to Section 7 of the Act to the Commission within the date and time set forth in the election program.

(2) Out of the closed lists of candidate to be submitted to the Commission pursuant to Sub-rule (1), the Commission shall not register a closed list of candidates which has not been so prepared that candidates are filed for at least ten percent members of the total number of members to be elected under the Proportional Electoral System.

(3) After the submission to it of the closed list of candidates received from a political party, the Commission shall ascertain whether representation is made on the basis of proportional and inclusive principle set forth in Sub-section (3) of Section 7 of the Act and, if it is not so representative, notify the concerned political party to make correction in the closed list of the candidates so that proportional and inclusive representation is made and submit it within seven day of the candidates. The Commission may publish for information to the general public the details of such notification.

(4) If the concerned political party corrects the closed list of candidates and sends it to the Commission within the time limit referred to in Sub-rule (3), the Commission shall set such closed list as the final list. The Commission may publish such list for information to the general public.

(5) Other procedures and processes relating to the examination of closed lists of candidates shall be as determined by the Commission.

10. Publication of list of name-list of candidates: After the expiry of the time specified for the registration of nomination papers in relation to the election under the First Past The Post Electoral System, the Returning Officer shall publish, in the format as referred to in Schedule-5, a list of candidates whose nomination

papers have been registered pursuant to Rule 6 in his or her Office and send one copy thereof to the Commission.

11. Making complaint objecting to candidate: Where a candidate or his or her election representative intends to make a complaint in relation to the qualification of a candidate whose name is included in the list of candidates published pursuant to Rule 10, such candidate or representative may make a complaint, in the format as referred to in Schedule-6, before the Returning Officer at the date, time and place specified in the election program.

12. Scrutiny of nomination papers: (1) The Returning Officer shall scrutinize the nomination papers registered pursuant to Rule 6 at such date, time and place as specified in the election program.

(2) The Returning Office shall scrutinize the nomination papers under Sub-rule (1) in presence of the proposer, seconder or candidate himself or herself or one representative authorized in writing by each nominated candidate.

Provided that even where the proposer or seconder or candidate himself or herself or his or her representative is not present, nothing shall be deemed to prevent the making of decision in that respect.

(3) Where a complaint has been made against any candidate pursuant to Rule 11, the Returning Officer shall, in scrutinizing the nomination papers pursuant to Sub-rule (1), also inquire into such objection as well, and make decision thereon.

(4) If, in scrutinizing the nomination papers pursuant to Sub-rule (1), more than one nomination paper of one person has been filed in any election constituency and such nomination papers are due, the Returning Officer shall set any one nomination paper only according to the will of the concerned candidate or his or her representative.

13. To prepare list of candidates: After the nomination papers have been scrutinized pursuant to Rule 12, the Returning Officer shall prepare, in the format as referred to in Schedule-7, a list of candidates whose nomination papers have

met the requirements under the law, publish a copy of the list in his or her Office and send one copy to the Commission forthwith.

14. Withdrawal of name: (1) If any candidate whose name is included in the list of candidates published pursuant to Rule 13 intends to withdraw his or her name, the candidate himself or herself or through his or her representative may give a notice on the withdrawal of name in the format as referred to in Schedule-8, to the Returning Officer at the date and time mentioned in the election program.

(2) A notice on withdrawal of name as referred to in Sub-rule (1) shall be registered in the Office of Returning Officer, and the notice so registered shall not be subject to withdrawal or cancellation.

(3) The Returning Officer shall, if he or she is satisfied with the genuineness of the notice registered pursuant to Sub-rule (2), remove the name of the candidate who has withdrawn his or her name from the list of candidates.

(4) If, in relation to a candidate fielded by a political party, the office-bearer authorized pursuant to Rule 7 to file the nomination of the candidate on behalf of that party sends an intimation of withdrawing the name of that candidate to the Returning Officer within the date and time set forth in the election program, such candidate shall not be set as a [•]candidate.

(5) The Returning Officer shall publish in his or her Office a notice on the removal of name pursuant to Sub-rule (3) or (4), in the format as referred to in Schedule-9.

(6) Notwithstanding anything contained elsewhere in this Regulation, if any candidate enlisted in the closed list of candidates makes an application to the Commission for the removal of his or her name from the closed list of candidates within the date and time set forth in the election program specified for the proportional election, the Commission shall remove the name of such candidate from the closed list of candidates and give information thereof to the concerned

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political party.

- 15. Publication of final name-list of candidates:** (1) After the time as specified in the election program under the First Past The Post Electoral System for withdrawing name by the candidate has expired, the Returning Officer shall prepare a final name-list of remaining candidates, in the format as referred to in Schedule-10, and publish one copy of that name-list in his or her Office, send one copy thereof to the Commission immediately.

(2) The final name-list of candidates to be prepared pursuant to Sub-rule (1) shall be set down according to the alphabetical order of candidates; and in the case of candidates nominated by political parties, the addresses set down in their nomination papers shall also contain the name of the political party concerned.

- 16. Final publication of closed list of candidates:** (1) After the publication by the Commission of a closed list of candidates received by the Commission after holding inquiry pursuant to the Act and this Regulation, any political party or any person whose name is included in the closed list for the proportional election may, pursuant to Section 29, make a complaint to the Commission, in the format as referred to in Schedule 11, claiming that any candidate whose name is included in such list does not possess the qualification set forth in the Constitution and the Act.

(2) Where a complaint making objection is received pursuant to Sub-section (1), the Commission shall make necessary inquiry into the matter; and if any candidate does not appear to have the qualification upon such inquiry, the Commission shall remove the name of such candidate from the closed list of the candidates and publish the final list of the closed list of candidates.

Provided that, prior to removing the name of any candidate from the closed list of the candidates, he or she shall be provided with an opportunity to furnish his or her statements.

(3) The Commission shall send the closed list of candidates finally published pursuant to Sub-rule (2) to the concerned political parties for their

information.

17. Declaration of elected unopposed: (1) A candidate is elected unopposed in the following circumstance, under the First Past The Post Electoral System:

- (a) If the nomination paper of only one candidate has been filed in any election constituency and that nomination paper has been found due; or
- (b) If the nomination papers of more than one candidate have been filed in any election constituency, and while scrutinizing the nomination papers, only one nomination paper has been found due under law and the other nomination papers have not been found due or the nominated candidates have not possessed the qualification; or (c) If the name of only one candidate remains in the final name-list of candidates after removing from that list the names of the candidates having withdrawn their names.

(2) The candidate shall be declared elected unopposed, in the case as referred to in Clause (a) or (b) of Sub-rule (1), after the publication of the final name-list of candidates pursuant to Rule 13, and, in the case as referred to in Clause (c) of the said Sub-rule, after the publication of the final name-list of candidates pursuant to Rule 15.

(3) Where a candidate elected unopposed pursuant to Sub-rule (2), the Returning Officer shall make declaration thereof in the format as referred to in Schedule-12 and give information thereof to the Commission immediately.

18. To give identity card to candidate: The Returning Officer shall give an identity card in the format as referred to in Schedule-13 to each candidate included in the final list of candidates published pursuant to Rule 15.

Chapter-4

Election Symbols

19. Election symbols: (1) The Commission shall, in fixing the election symbol to be

distributed to any political party or a person who becomes a candidate on behalf of that party in the election to be held under the First Past The Post Electoral System and under the Proportional Electoral System and distributing such symbol pursuant to Sub-section (6) of Section 36 of the Act, provide the election symbol obtained by a political party representing to the Legislature-Parliament from the Commission for the purposes of election prior to the commencement of the Act to that political party in having registration for the purposes of election in accordance with the laws in force.

(2) In relation to any political party other than any political party set forth in Sub-rule (1) or a candidate who becomes a candidate on behalf of that political party, the Commission shall, in fixing an election symbol for the election to be held under the First Past The Post Electoral System and under the Proportional Electoral System and distributing the election symbol, provide such election symbol in order of priority as that political party has requested in the application made by it to the Commission of the registration of political party for the purposes of election at the time of having registration for the purposes of election, in such a manner that there is no disagreement with any other political party.

(3) If, in distributing the election symbols pursuant to Sub-rule (2) more than one political party demands for the same or similar election symbol, the Commission shall hold discussions among these political parties and seek understanding and distribute the election symbols as per such understanding.

(4) Notwithstanding anything contained in Sub-rule (2), where no understanding is reached upon the discussions pursuant to Sub-rule (3), the election symbol shall be determined in a manner to accord priority to the political party which makes application first based on the application made by such political party to the Commission for the registration of party and provided to that political party.

(5) No independent candidate other than the candidate of a political party registered with the Commission for the purposes of election shall make a request

to use the election symbol as referred to in this Rule in more than one election constituency.

(6) The Returning Officer shall provide the election symbol obtained from the Commission by a political party registered with the Commission for the purposes of election to be held under the First Past The Post Electoral System to the candidate of that political party.

(7) In providing the election symbols pursuant to Sub-rule (6), the Returning Officer shall execute a recognizance deed to that effect.

(8) The Returning Officer shall publish a notice on the provision of election symbols pursuant to Sub-rule (6), in the format as referred to in Schedule-14, in his or her office and send a copy of the notice to the Commission immediately.

(9) A notice on the provision of election symbols by the Commission to political parties pursuant to this Rule shall be published in the format as referred to in Schedule-15.

(10) A political party shall remain entitled to an election symbol once provided to that political party unless and until the registration of that party remain valid.

(11) The Commission shall, pursuant to this Rule, fix election symbols for the election to be held under the First Past The Post Electoral System and the election to be held under the Proportional Electoral System and groups of election symbols which political parties and independent candidates can use, respectively, and publish the same in the Nepal Gazette.

20. Distribution of election symbols to independent candidates: (1) Each independent candidate shall be asked to choose one election symbol, according to the alphabetical letter of his or her name, from the group of election symbols specified by the Commission for independent candidates pursuant to Sub-section (7) of Section 31 of the Act.

(2) If, while getting them to choose election symbols pursuant to Sub-rule

(1), more than one candidate choose the same election symbol, the Returning Officer shall hold discussions with and between them and distribute the election symbols as per the understanding reached consequent upon such discussions.

(3) In distributing election symbols by asking independent candidates to choose election symbols pursuant to this Rule, election symbols shall be distributed in presence of candidates or their representatives, as far as possible.

Provided that, the absence of any candidate or his or her representative at the time of distribution of election symbols shall not be deemed to bar the distributing of election symbols pursuant to this Rule.

(4) Notwithstanding anything contained in Sub-rule (1), where no understanding is reached upon the discussions pursuant to Sub-rule (2), the election symbol shall be determined in a manner to accord priority to the candidate who makes application first based on the registration of the nomination paper filed by such candidate with the Returning Officer and provided to that candidate, accordingly.

(5) In providing the election symbols to independent candidates pursuant to this Rule, the Returning Officer shall execute a recognizance deed to that effect.

(6) The Returning Officer shall publish a notice on the provision of election symbols pursuant to Sub-rule (1) or (2), in the format as referred to in Schedule-16, in his or her office and send a copy of the notice to the Commission immediately.

21. Publication of election symbols: The Commission shall make arrangement for making public the election symbols provided to the political parties pursuant to this Regulation.

Chapter-5

Polling Stations, Polling and Ballot Boxes

22. Specification of polling stations: (1) The Commission may specify polling stations in a required number in an election constituency.

(2) The Returning Officer shall publish in his or her Office a list of polling stations specified pursuant to Sub-rule (1) in the format as referred to in Schedule-17.

(3) In publishing a list of polling stations pursuant to Sub-rule (2), it shall also clearly indicate the polling station where the voters of which village or Tole can cast their votes.

(4) In specifying polling stations pursuant to Sub-rule (1), they shall, as far as possible, be so specified in such a public place that is convenient to the voters.

(5) Where another separate polling station has to be specified because the number of voters who vote at any polling station is more than the number specified by the Commission or due to the occurrence of any other special circumstance, the Returning Officer may, with the approval of the Commission, specify a separate polling station for such overrunning voters or due to such special circumstance.

(6) Other grounds to be followed while specifying polling stations from security and convenience viewpoints shall be as determined by the Commission.

23. Specification of the zone of polling station: The Polling Officer has to specify the zone with an area in maximum of 100 meters around the polling station to be the area of polling station in the place where the polling station has been set up by setting out the boundaries thereof. A notice of such specification of the polling station has to be published at the polling station in a manner conspicuous to all. No canvassing of any kind can be made in favor of or against any candidate within such area or zone until the polling gets completed.

24. Power to prohibit entry into polling station : (1) The Polling Officer shall make arrangements to prohibit the entry of voters in order to avoid crowd or undesirable assembly or event at the polling station.

(2) While giving permission to any person to enter into the polling station pursuant to Clause (d) of Sub-section (1) of Section 44 of the Act, he or she shall give such permission only after ascertaining whether that person is an essential

person for voting.

- 25. Ballot papers:** (1) Ballot papers for the election to be held under the first-past-the post electoral system shall be in light blue color and those for the election to be held under the Proportional Electoral System shall be in light red color.

(2) The ballot papers to be used for the first-past-the post electoral system shall contain the election symbols of candidates and those to be used for the Proportional Electoral System shall contain the election symbols of political parties printed therein.

(3) The counterfoil of each ballot paper has serial number printed in it.

(4) Only those ballot papers of the serial number fixed by the Commission shall be used in each polling station. While holding re-polling, the Returning Officer shall, with the approval of the Commission, fix the ballot papers of another serial number and provide the same to the Polling Officer.

(5) Other provisions relating to ballot papers shall be as specified by the Commission.

- 26. Where ballot boxes are damaged or destroyed:** If any ballot box is damaged or destroyed, the polling officer shall have to execute a recognizance deed (*Muchulka*) to that effect and put his or her signature on the deed and also cause the representatives of political parties and candidates or their election or polling agents present in the polling station to put their signatures thereon. If they do not sign the deed, the polling officer shall set down that matter and get any other two persons present at the polling station to sign it and give information thereof to the Returning Officer.

- 27. To open sealed packet of ballot papers:** The Polling Officer has to execute a recognizance deed on the opening of sealed packet of the ballot papers to be signed by him or her and the political parties and candidates or their agents present at the polling station prior to the commencement of polling on the day for polling. If they do not sign the deed, the Polling Officer shall set down that matter and get any other two persons present at the polling station to sign it.

28. Procedures for examining and closing ballot boxes: (1) The Polling Officer shall, prior to the commencement of polling, open and show ballot boxes to the political parties or candidates or their agents and examine whether the ballot boxes are in order and empty.

(2) After examining the ballot boxes pursuant to Sub-rule (1), the Polling Officer shall close in their presence the mouth of the ballot boxes with the lids in a manner that only the slits of the ballot boxes for dropping the ballot paper are open. Every ballot box shall be closed with the security seal, and the Polling Officer shall execute a recognizance deed to be signed by the political parties and candidates or their agents present at the polling station. If they do not sign the deed, the Polling Officer shall set down that matter and get any other two persons present at the polling station to sign it.

(3) While commencing polling after closing the ballot boxes pursuant to Sub-rule (2), the Polling Officer shall execute a recognizance deed to be signed by him or her and the political parties and candidates or their agents present at the polling station. If they do not sign the deed, the Polling Officer shall set down that matter and get any other two persons present at the polling station to sign it.

29. Procedures for providing ballot papers: (1) The polling officer or the employee deputed by the polling officer shall verify the details of a voter having entered into the polling station to cast vote with the electoral rolls, asking him or her his or her name, surname, address and age, as well. In the course of such verification, the polling officer may require the concerned voter to produce any kind of document, instrument or identity card setting out the identity of that voter.

(2) Even though, in making verification pursuant to Sub-rule (1), it appears that there is a minor error owing to the writing or printing in the details of any voter in the Electoral Rolls, the Polling Officer shall allow such voter to cast vote if he or she is satisfied that such voter is the person set down in the Electoral Rolls.

(3) The Polling Officer or the employee deputed by him or her shall

indicate a mark with indelible ink in the joint of nail and flesh on thumb of the left hand of the voter prior to providing a ballot paper to the voter for voting. The mark should be indicated in the index finger, if the voter does not have the thumb of the left hand and in the finger of the right hand likewise in the case of the left hand if the voter does not have such finger of the left hand. If the voter does not have any finger of both hands, provision shall be made that he or she can vote through any person whom he or she chooses.

(4) After indicating the mark pursuant to Sub-rule (3), the voter shall be required to sign the counterfoil of the ballot paper and given the ballot paper. In so providing the ballot paper, the ballot paper to be used under the First Past The Post Electoral System shall be provided first.

Provided that, no sign, symbol or content except the tick mark shall be indicated or written in the Electoral Rolls.

(5) After the ballot paper to be used for the First Past The Post Electoral System is dropped into the ballot box pursuant to Sub-rule (3), the Polling Officer or the employee deputed by him or her shall give such voter the ballot paper to be used under the Proportional Electoral System before such voter comes out of the polling station.

30. Method for casting vote: (1) A voter who has received a ballot paper shall proceed to the secret voting compartment to indicate vote and he or she shall indicate his or her vote with the vote indicating seal in the box containing the symbol of the political party or candidate whom she or she chooses as set forth in Rule 31 and then shall fold the ballot paper and drop it into the ballot box.

(2) Only one voter shall be allowed to enter into the secret voting compartment for voting at a time.

(3) If the Polling Officer thinks that any voter has stayed in the secret voting compartment for more time than is required to impress the vote indicating seal and fold the ballot paper, he or she may inspect the secret compartment and cause the voter staying there to go out.

(4) Where any voter after having received a ballot paper determines not to cast vote, the voter has to return the ballot paper to the Polling Officer.

31. To impress seal in ballot paper: (1) A voter shall, while casting vote for the election to be held under the First Past The Post Electoral System, indicate vote by impressing the swastika mark on the ballot paper in the box of any one candidate whom he or she chooses and, shall, while casting vote for the election to be held under the Proportional Electoral System, in the box set aside for any one political party whom he or she chooses.

(2) While indicating vote pursuant to Sub-rule (2), a voter shall go to the secret compartment specified for indicating vote so that nobody can see voting and indicate his or her vote by impressing the swastika mark.

(3) After indicating vote pursuant to Sub-rule (2), a voter shall so fold the ballot paper that the vote indicating mark pressed cannot be seen and drop it into the ballot paper.

32. Complaint against a person voting by impersonation: (1) Where any person is appearing to receive a ballot paper to vote by impersonating any other voter, any political party or candidate or his or her representative may make an objection by making an application in the format as referred to in Schedule-18, accompanied by the deposit of fifty rupees, to the Polling Officer.

(2) Where an objection is made pursuant to Sub-rule (1), the Polling Officer shall make decision thereon by procuring necessary evidence and immediately set down such objection and decision thereon in the decision book.

(3) If, while making such decision pursuant to Sub-rule (2), the objection made is held to be correct, the sum of deposit shall be returned by the Polling Officer to the concerned person. If the objection is not held to be correct, the sum of deposit shall be forfeited.

33. Use of electronic device : (1) Notwithstanding anything contained elsewhere in this Regulation, the Commission may provide for the use of any electronic device in any election constituency or election for the purposes of casting vote.

(2) In casting vote in the election constituency or election where the Commission has provided for the use of any electronic device pursuant to Sub-rule (1), the voter shall use such electronic device for the purposes of casting vote.

(3) The procedures for using such electronic device shall be as determined by the Commission.

- 34. To close the slit of ballot box with security seal for inserting ballot paper there into:** After the completion of the act of polling at the polling station, the Polling Officer shall close the slit for inserting into the ballot paper with the security seal in accordance with the procedures prescribed by the Commission for closing the ballot box and execute a recognizance deed to be signed by the political parties or candidates or their representatives present at the polling station. If they do not sign the deed, the Polling Officer shall set down that matter in the deed and get any other two persons present at the polling station to sign it.
- 35. To prepare inventories of ballot papers:** Upon the completion of the act of polling, the Polling Officer shall prepare inventories of ballot papers in the format as specified by the Commission.
- 36. To safely retain remaining ballot papers and documents:** Upon the completion of the act of polling, the Polling Officer shall put the following ballot papers remaining after being used in voting and documents used in polling in separate envelopes sealed with wax-seal, with indicating the type and number of ballot papers contained therein and execute a recognizance deed to be signed by himself or herself and candidates or their representatives present at the polling station, if they so desire; and if they do not sign the deed, the Polling Officer shall set down that matter in the deed and get any other two persons present at the polling station to sign it:
- (a) Ballot papers not used;
 - (b) Ballot papers canceled;
 - (c) Ballot papers lying outside ballot boxes;

- (d) Ballot papers returned by voters to the Polling Officer after deciding not to cast vote;
- (e) Such other documents required by the direction of the Commission or the Returning Officer to be put in sealed envelopes.

37. To hand over ballot boxes and documents to the Returning Officer: (1) The Polling Officer shall safely take and immediately hand over all electoral materials including the ballot boxes bearing the security seal put in accordance with Rule 34, the sealed envelopes containing the ballot papers and documents as referred to in Rule 36 as well as other documents to the Returning Officer.

(2) Upon receipt of ballot boxes and documents pursuant to Sub-rule (1), the Returning Officer shall give a receipt thereof to the Polling Officer.

38. To postpone polling in special circumstances: (1) Where the Polling Officer appointed to a polling station or the Returning Officer of that election constituency is satisfied that the act of polling cannot be conducted owing to any commotion as well as other extra-ordinary situation at the polling station or failure of operation of electronic device owing to any reason or owing to any riot or natural calamity or any act beyond control as referred to in Sub-section (1) of Section 40 of the Act, and the polling at that polling station has to be postponed, the Polling Officer or the Returning Officer shall execute a recognizance deed indicating the reason for such postponement of polling, to be signed by himself or herself and candidates or their representatives present at the polling station; and if they do not sign the deed, the Polling Officer shall set down that matter in the deed and get any other two persons present at the polling station to sign it.

(2) After executing the recognizance deed on the postponement of polling pursuant to Sub-rule (1), the Polling Officer or Returning Officer shall publish a notice on the postponement of polling, also clearly indicating the reason for the postponement of polling.

Chapter-6

Vote Counting and Election Results

39. Publication of notice on commencement of counting of votes: (1) After all ballot boxes used for polling at all polling stations of the election constituency have been received from the Polling Officers, the Returning Officer shall publish in his or her office a notice in the format as referred to in Schedule-19 for information to political parties and candidates, setting out the date, time and place for counting votes.

(2) The notice referred to in Sub-rule (1) shall also state that any political parties or candidates may, if they so wish, appoint and send their vote counting agents in the place for counting of votes.

40. To commence counting of votes at specified time:(1) The Returning Officer shall commence the counting of votes at the place date and time specified in the notice published pursuant to Sub-rule (1) of Rule 39 for the commencement of counting of votes in presence of political parties and candidates or their vote counting agents present thereat.

Provided that, the absence of any political party or candidate or their representative shall not be deemed to bar the act of counting of votes.

(2) The Returning Officer shall execute a recognizance deed on the commencement of counting of votes.

(3) The Returning Officer shall give information on the commencement of counting of votes to the Commission immediately.

41. Examination of ballot boxes: (1) After executing the recognizance deed on the commencement of counting of votes, the Returning Officer shall scrutinize as follows the ballot boxes containing the ballot papers in presence of the political parties or candidates or their election agents or vote counting agents present thereat:

(a) Whether the ballot box of each polling station has been opened or broken or not.

- (b) Whether the name of the polling station, code number, serial number of the ballot box has been mentioned or not.
- (c) Whether the security seal affixed on the closing point of the ballot box is in order or not.

(2) The Returning Officer shall execute a recognizance deed on the examination of ballot boxes pursuant to Sub-rule (1).

(3) Where there appears any disorder or deficiency in examining the ballot boxes pursuant to Sub-rule (1), the Returning Officer shall execute a recognizance deed setting out that matter, to be signed by the political parties, candidates or their representatives present thereat. After the execution of such deed, such ballot boxes shall be kept in a safe place and the counting of ballot papers contained in the other ballot boxes shall commence. After the completion of such vote counting, counting of votes shall commence after making an understanding in relation to the ballot boxes in which such disorder or deficiency has been noticed. In the event of failure to reach understanding, information shall be given to the Commission and it shall be done as per the law.

42. Counting of votes: (1) The Returning Officer shall, as far as possible, commence the counting of votes under both electoral systems system at the same time at the place, date and time set forth in the notice as referred to in Rule 39.

(2) Where it is not possible to so count votes at the same time pursuant to Sub-rule (1), the votes secured by candidates in the election held under the First Past The Post Electoral System shall be counted first; and only after the completion of the counting of such votes, the votes secured by political parties in the election held under the Proportional Electoral System shall be counted.

43. Counting of votes under the First Past The Post Electoral System: (1) After the deed on examination of ballot boxes has been executed pursuant to Rule 41, the security seal affixed on the ballot boxes used for the purpose of the election held under the first-past-the post electoral system shall be broken and the lid of the ballot boxes opened. All ballot papers contained in those ballot boxes shall be

poured out in the place of counting of votes. While so pouring ballot papers, the ballot papers of more than one polling station shall be mixed in the same place and votes counted accordingly.

Provided that, prior to mixing the ballot papers of more than one polling station in the same place and starting counting of votes, the ballot papers of each polling station shall be counted in accordance with the provisions as set forth in the Manual on Election to the Members of the Constituent Assembly, 2064 (2007), and the counting shall be verified with the total number of votes cast at that polling station, and details thereof shall be recorded separately and retained safely.

(2) After the counting of votes of all polling station in any election constituency under the First Past The Post Electoral System has been completed, the Returning Officer shall execute a recognizance deed on the completion of counting of votes and prepare a vote counting chart in the format as specified by the Manual on Election to Members of the Constituent Assembly, 2064 (2007).

(3) Where, upon the preparation of the vote counting chart pursuant to Sub-rule (2), two or more than two candidates secure an equal number of total valid votes, the Returning Officer shall make decision by lot to be drawn between those candidates who have secured the highest number of valid votes.

(4) After having prepared the vote counting chart pursuant to Sub-rule (2), the Returning Officer shall, on the basis of that chart, prepare the election results in the format as referred to in Schedule-20 and declare election results by publishing a copy thereof as a declaration of election results.

(5) The Returning Officer shall send one copy of the election results pursuant to Sub-rule (4) to the Commission immediately.

(6) While declaring the election results pursuant to Sub-rule (4), the Returning Officer shall declare the candidate who secures the highest number of valid votes as elected.

(7) After the declaration of the election results, the Returning Officer shall

give a certificate as referred to in Schedule-21 to the elected candidate.

(8) After the publication of the election results, the Returning Officer shall prepare an election report in the format as specified by the Manual on Election to Members of the Constituent Assembly, 2064 (2007) and send it to the Commission immediately.

44. Counting of votes under the Proportional Electoral System: (1) After the deed on the examination of ballot boxes has been executed pursuant to Rule 41, the security seal affixed on the ballot boxes used for the purpose of the election held under the Proportional Electoral System shall be broken and the lid of the ballot boxes opened. All ballot papers contained in those ballot boxes shall be poured out in the place of counting of votes. While so pouring ballot papers, the ballot papers of more than one polling station shall be mixed in the same place and votes counted accordingly.

Provided that, prior to mixing the ballot papers of more than one polling station in the same place and starting counting of votes, the ballot papers of each polling station shall be counted in accordance with the provisions as set forth in the Manual on Election to the Members of the Constituent Assembly, 2064 (2007), and the counting shall be verified with the total number of votes cast at that polling station, and details thereof shall be recorded separately and retained safely.

(2) While counting ballot papers pursuant to Sub-rule (1), the ballot papers appearing to be invalid shall be set aside, and then, the valid ballot papers shall be set aside according to the symbols of political parties. A bundle of such set aside ballot papers shall be made and a recognizance deed shall be executed indicating the total number of ballot papers polled at each polling station.

(3) The Returning Officer or the employee deputed by him or her shall, while counting votes, show valid and invalid ballot papers to the election representatives of political parties or their vote counting agents.

Provided that, they shall not be allowed to touch or correct ballot papers.

(4) Out of the ballot papers set aside pursuant to Sub-rule (2), the invalid ballot papers shall be counted first. Only then, the valid votes secured by political parties shall be counted.

(5) Out of the ballot papers counted, the valid ballot papers and invalid ballot papers shall be sealed in different envelopes to be wax-sealed by the Returning Officers as well as by election representatives of political parties or their agents.

(6) After the counting of votes of the election held under the Proportional Electoral System has been completed, the Returning Officer shall execute a recognizance deed on the completion of counting of votes, and shall sign that deed and also seek the election representatives or vote counting agents of political parties present at the place for counting of votes to sign the same.

(7) Upon the execution of the deed as referred to in Sub-rule (6), the Returning Officer shall set out the total number of valid votes secured by each political party in the chart as specified by the Manual on Election to the Members of the Constituent Assembly, 2064 (2007) and also seek the election representatives or vote counting agents of political to sign the same.

(8) If election representatives or vote counting agents of political parties do not sign the deed or chart to be executed or prepared pursuant to this Rule, the Returning Officer shall set down that matter in the deed and get any other two persons present at the place for counting of votes to sign it.

(9) The Returning Officer shall send one copy of the vote counting chart as referred to in Sub-rule (7) to the Commission immediately.

45. Declaration of results of proportional election: (1) After the vote counting charts have been received from all Returning Officers pursuant to Sub-rule (9) of Rule 44, the Commission shall prepare the chart of total valid votes secured by each political party, in the format as referred to in Schedule-22.

(2) The Commission shall declare as elected the candidates whose names are included in the name-list of candidates selected by the decision of the Central

Executive Committee of the concerned political party in a manner to have proportional representation, out of the candidates whose names are included in the closed list of candidates submitted by the political party to the Commission pursuant to Sub-section (3) of Section 7 of the Act, in proportion to the votes secured by that party under the Proportional Electoral System. The Commission shall so declare candidates as elected, subject to Section 7 of the Act.

(3) Where it appears that any political party has not selected the candidates pursuant to Section 7 of the Act out of the candidates enlisted in the closed list of candidates submitted by the party to the Commission in proportion to the votes secured by that party under the Proportional Electoral System as mentioned in Sub-rule (2), the Commission shall give a period of three days to the political party to make correction accordingly. Where the concerned political party fails to make correction accordingly and does not submit an amended list of candidates, the Commission shall declare elected the candidates of the concerned political party to the percentage of seats proportionately from the received lists of candidates in a manner to have proportional representation of the group pursuant to Sub-section (3) of Section 7 of the Act. The other procedures on the examination whether candidates have been selected proportionately or not shall be as determined by the Commission.

(4) The number of seats to be secured by a political party in proportion to the total number of valid votes secured by that political party in the election held under the Proportional Electoral System shall be determined by using Result Divisor Method as referred to in the Act.

(5) While making allocation of the number of seats pursuant to this Rule, the quotient of more than one political party is equal in relation to any seat, it shall be decided by lot as to which of the political parties is to secure that seat.

(6) After the declaration of the election results, the Commission shall give a certificate as referred to in Schedule-23 to the elected candidate.

(7) The other procedures on the allocation of number of seats in proportion

to the votes secured by political parties in the election under the Proportional Electoral System shall be as determined by the Commission.

Chapter-7

Representatives of Political Parties or Candidates

46. Election representative: (1) A candidate may appoint one election agent in one election constituency where he or she is a candidate in order to do electoral acts on his or her behalf.

(2) A political party may appoint one election agent in one election constituency in order to do all electoral acts on its behalf in the election to be held under the Proportional Electoral System.

(3) One whose name is included in the Electoral Rolls of the concerned election constituency and is literate can become an election agent.

(4) The duties of the election agent shall be as follows:

- (a) To represent as an agent of the political party or candidate in polling, vote counting or other acts relating to election;
- (b) To sign as an agent of the political party or candidate in various recognizance deeds to be executed in the course of conducting polling, vote counting or other acts relating to election;
- (c) To render assistance in the completion of election in a peaceful manner.

(5) In the event of appointment of an election agent pursuant to Sub-rule (1), a notice vide the appointment letter in the format as referred to in Schedule-24 shall be given to the Returning Officer no later than seven days after the date of publication of the final list of candidates.

(6) The Returning Officer shall issue an identity card in the format as referred to in Schedule-25 to an election agent.

47. Polling agent: (1) Any political party or candidate or his or her election representative may appoint a polling agent to do acts relating to polling in the

election on its or his or her behalf, in the format as referred to in Schedule-26.

(2) One whose name is included in the Electoral Rolls of the concerned election constituency and is literate can be appointed as an election agent.

(3) A political party or candidate or its or his or her election representative may appoint one polling agent as referred to in Sub-rule(1) at each polling station in order to do all polling related acts on its or his or her behalf.

(4) Information on the appointment of the polling agent pursuant to Sub-rule (3) shall be given to the Polling Officer of the concerned polling station.

(5) The Polling Officer shall issue an identity card in the format as referred to in Schedule-27 to an election agent.

(6) It shall be the duty of the polling agent to assist in the completion of polling in a peaceful manner and sign the recognizance deeds required to be executed in relation to polling.

48. Vote counting agent: (1) Any political party or candidate or his or her election representative may appoint vote counting agents in such number as specified by the Returning Officer to do acts relating to vote counting.

(2) One whose name is included in the Electoral Rolls of the concerned election constituency and is literate can be appointed as a vote counting agent.

(3) The term of the vote counting agent shall, unless earlier terminated by the political party or candidate or his or her election representative, be until the declaration of election results.

(4) The Returning Officer shall issue an identity card in the format referred to in Schedule-28 to a vote counting agent.

(5) It shall be the duty of the vote counting agent to assist in the completion of vote counting in a peaceful manner and sign the recognizance deeds required to be executed in relation to vote counting.

Chapter-8

Miscellaneous

49. Procedures for providing tendered ballot papers: (1) Where any person

representing himself or herself to be a real voter, after anyone has, by impersonation, already received the ballot paper or voted in the name of that voter, desires to claim that he or she who has come afterwards to vote is the real voter, he or she may make a claim, accompanied by evidence showing his or her identity, before the polling officer that he or she is the real voter, in the format as referred to in Schedule-29.

(2) Where a claim is made pursuant to Sub-rule (1), the Polling Officer shall enquire as to whether the claimant is the real voter or not. Where the claimant submits an evidence of his or her written identity, identity card, citizenship certificate or other evidence, the Polling Officer shall obtain duplicates thereof.

(3) Where, on the basis of the evidence submitted pursuant to Sub-rule (2), the Polling Officer is confident that the claimant is the real voter; the Polling Officer shall make a decision on it and record it in the decision book.

(4) After making decision pursuant to Sub-rule (3), the Polling Officer shall mention it in the inventory of ballot papers as referred to in Schedule-30, require the claimant to put his or her signature on the inventory, and write "a tendered ballot paper" in the blank space on the left side of the space to be signed by the Polling Officer in the ballot paper and provide the ballot paper to the claimant voter.

(5) The ballot paper as referred to in Sub-rule (4) shall not be inserted into the ballot box but shall be put into a separate envelope kept for "tendered ballot papers"; and the Polling Officer shall keep such envelope in his or her own custody.

(6) The Polling Officer shall also maintain a separate diary containing the details of claimants, nature of evidence of claimants and decisions, as well.

50. Electoral expenses: (1) The Commission shall, pursuant to Section 69 of the Act, specify the ceiling of expenses which can be made by a candidate, in the case of the election to be held under the First Past The Post Electoral System, and by a

political party, in the case of the election to be held under the Proportional Electoral System.

(2) A political party, candidate or their election representatives shall furnish the details of all expenses incurred in the election during the period of election to the District Election Office of the concerned district in the format as referred to in Schedule-31 in relation to the details of expenses incurred by the candidate in the election held under the First Past The Post Electoral System, and to the Commission in the format as referred to in Schedule-32 in relation to the details of expenses incurred by the political party in the case of the election held under the Proportional Electoral System.

51. **Format of recognizance deeds:** The formats of the recognizance deeds to be executed pursuant to these Rules shall be as determined in the Manual on Election to Members of the Constituent Assembly, 2064 (2007).
52. **Alteration in and amendment to Schedules:** The Commission may, as required, alter or amend the Schedules attached with these Rules.

Schedule-1

(Relating to Sub-rule (1) of Rule 5)

The Election Commission

Office of Returning Officer

.....District, Constituency No.....

Notice on election program of the First Past The Post Electoral System

For the purposes of the election to the member to be elected from election constituency number.....district, in the election to be held for the members of the Constituent Assembly under the First Past The Post Electoral System, a notice of the following election program is hereby published for the purposes of Sub-rule (1) of Rule 5 of the Regulation Relating to the Election of Members of the Constituent Assembly, 2064 (2007).

SN	Program	Date		Time		Place	Remarks
		From	To	From	To		
1.	Registration of nomination papers of candidates						
2.	Publication of a notice on the registration of nomination papers of candidates						
3.	Making complaints against candidates						
4.	Examination and scrutiny of nomination papers and complaints and making decision thereon						
5.	Publication of name-list of						

	candidates					
6.	Withdrawal of names by candidates					
7.	Publication of the final name-list of candidates					
8.	Providing election symbols to candidates					
9.	Polling					

Note:

1. According to the notice published by the Election Commission on(date), polling shall be held fromto.....hours on.....day of.....(date).
2. Vote counting shall commence after receiving all ballot boxes of all polling stations under this election constituency.
3. Election results shall be declared after the completion of counting of votes.

Date:

Returning Office

Time:District

Constituency number:.....

Schedule-2
(Relating to Sub-rule (2) of Rule 5)

The Election Commission

Notice on election program of the election to be held under the Proportional Electoral System

For the purpose of candidacy to be filed by the Political Parties in the election to be held for the members of the Constituent Assembly under the Proportional Electoral System, a notice of the following election program is hereby published for the purpose of Sub-rule (1) of Rule 5 of the Regulation Relating to the Election of the Members of the Constituent Assembly, 2064 (2004)

SN	Program	Date		Time		Place	Remarks
		From	To	From	To		
1.	Submission of the closed lists of candidates by political parties						
2.	Notification to political parties to make correction in the closed lists of candidates						
3.	Submission by political parties of the closed lists of candidates after amending the same						
4.	Publication of the closed lists of candidates						
5.	Making complaints about the qualification of candidates whose names are included in the closed lists of candidates						

SN	Program	Date		Time		Place	Remarks
		From	To	From	To		
6.	Examination of complaints about the qualification of candidates whose names are included in the closed lists of candidates and making decision thereon						
7.	Publication of a notice on the removal of names of candidates from the closed lists of candidates						
8.	Applications by candidates enlisted in the closed lists who wish to withdraw their names from the list for such withdrawal						
9.	Provision of information on the withdrawal of names by candidates from the closed lists of candidates to the concerned political parties						
10.	Publication of the final closed-list of candidates						
11.	Providing election symbols						

Note:

1. According to the notice published by the Election Commission on(date), polling shall be held fromto.....hours on.....day of.....(date).
2. The Returning Officer shall commence the vote counting after receiving all ballot boxes of all polling stations from the Polling Officers.
3. After having received from the whole of the country the details of total valid votes secured by political parties as counted by the Returning Officers, the Election

Commission shall, pursuant to the Election to the Members of the Constituent Assembly Act,

2064 (2007), declare the candidates, out of the candidates enlisted in the closed list submitted by a political party to the Commission, to be elected respectively in proportion to the total valid votes secured by that political party.

Date:

.....

×
.....

Time:

Election Commission

Nepal Law Commission

× Deleted by First Amendment.

Schedule-3

(Relating to Sub-rule (1) of Rule 6)

Nomination of Candidate

To,
The Returning Officer,
Office of Returning Officer,
.....District, Election Constituency No.....

**Passport
size photo**

I hereby propose and nominate Mr./Ms....., as a candidate for the election to the members of the Constituent Assembly under the First Past The Post Electoral System from this election constituency of.....district. His or her details are as follows:

1. Name in full:.....
Age:.....years Sex: Male/female
Address:
2. Mother or father's/husband's name in full:
3. Serial number of voter in the Electoral Rolls:
VDC/Municipality: Ward No.:
Election constituency No:..... District:

My details contained in the Electoral Rolls are as follows:

1. Name in full:
- Age:.....years Sex: Male/female Address:
2. Mother or father's/husband's name in full:
3. Serial number of voter in the Electoral Rolls:
VDC/Municipality: Ward No.:

Date:

.....

Proposer:

(To be filled by the seconder)

I hereby second the proposal nominating Mr.....as a candidate for the election to the members of the Constituent Assembly under the First Past The Post Electoral System from this election constituency ofdistrict, as mentioned above by the proposer Mr./Ms.....

My name is included in the Electoral Rolls of this election constituency of.....district; and the related details are as follows:

1. Name in full:.....

Age:.....years Sex: Male/female

Address:

2. Father's/husband's name in full:

3. Serial number of voter in the Electoral Rolls:

VDC/Municipality:.....Ward No.:.....

Date:

.....

Secunder:

(To be filled by the nominated candidate)

As being proposed and nominated as a candidate by Mr./Ms....., I hereby express my consent to be a candidate from election constituency No.....of.....district for the election to the members of the Constituent Assembly.

I shall remain fully faithful in the Interim Constitution of Nepal, 2063(2007). I shall observe the prevailing laws on election and the "Election Code of Conduct" required to be observed in capacity of the candidate.

I have possessed the qualification required for being a candidate for the election to the members of the Constituent Assembly, pursuant to Interim Constitution of Nepal, 2063(2007) and the Election to the Members of the Constituent Assembly Act, 2064 (2007); and I have attached two photographs and the following documents with this nomination paper:

1. A formal letter given by..... political party approving his or her candidacy.
2. A bank voucher of Rs. 3,000.00 (three thousand rupees) deposited with.....a

bank in the name of the office of Returning Officer or cash deposit of the said amount with the Office of Returning Officer, pursuant to Section 67 of the Election to the Members of the Constituent Assembly Act, 2064 (2007).

3. A transcript of the Electoral Rolls of election constituency number.....of.....district, in which my name is included.

Date:
Nominated candidate

(To be filled by Returning Officer)

This nomination paper has been presented before me by nominated candidate/proposer/representative of nominated candidate Mr.,hours on.....day, (date).

Date:
Returning Officer

Decision

I have examined and scrutinized this nomination paper and made the following decision pursuant to the Election to the Members of the Constituent Assembly Act, 2064(2007), the Interim Constitution of Nepal, 2063(2007) and the Regulation Relating to Election of the Constituent Assembly, 2004 (2007).

(Short description of the decision)

.....
.....
.....

Date:
Returning Officer
.....District
Election Constituency
number.....

Schedule-4

(Relating to Sub-rule (2) of Rule 6)

Formal letter on nomination by political party

To,
The Returning Officer,
Office of Returning Officer,
-----District, Election Constituency No.-----

Whereas, Mr.----- has been nominated as a candidate on behalf of the political party named-----for the election to the members of the Constituent Assembly under the First Past The Post Electoral System from election constituency number-----of -----district, to be held on------(date);

Now, therefore, this formal letter is hereby provided. His or her name is not included in the closed list of candidates under the Proportional Electoral System. His or her details are as follows:

Name in full:

Address:-----Village Development Committee/Municipality

Full name of Mother or father/husband:

Address:

Ward No.: Village/Tole:

District:

Signature of the office-bearer
authorized to provide the formal
letter:.....

Full name:

Seal of political party:

Designation: Copy to:

Mr.-----.

Schedule-5
(Relating to Rule 10)
The Election Commission
Office of Returning Officer
-----District, Constituency No.-----

Name-list of candidates whose nomination papers have been registered

Whereas, the nomination papers of the following persons have been filed in this Office for being candidates from the election constituency for the election to the members of the Constituent Assembly to be held under the First Past The Post Electoral System;

Now, therefore, the name-list of the candidates whose nomination papers have been registered is hereby published pursuant to Sub-rule (4) of Rule 10 of the Regulation Relating to Election of the Members of the Constituent Assembly, 2063 (2007).

S.N.	Registration number of nomination paper	Details of candidate						Address				Vote rs/no	citizenship/no	Citizen issue district	Name of Political party/independent	
		First Name	Middle name	last name	Mother or father's/husband's full name	Age	Sex	district	VD C/M unic ipality	ward	Gound /Tole					

Time

Election Officer

Date

Schedule-6
(Relating to Rule 11)
Complaint to be made against candidate

To,
The Returning Officer,
Office of Returning Officer,
-----District, Election Constituency No.-----

Whereas, Mr./Ms.-----, who has file a nomination paper for being a candidate from this election constituency for the election to the members of the Constituent Assembly to be held under the First Past The Post Electoral System is not qualified for the following reason;

Now, therefore, I have made this complaint for the cancellation of his or her nomination paper.

Reason:

Attached evidence:

Complaint making
candidate's/candidate's agent's:

Signature:

Full name:

Address:

Date:

(To be filled by Returning Officer)

This complaint has been presented before me by the nominated candidate/agent of nominated candidate Mr.-----, at -----hours on-----day, -----(date).

Date:

.....

Returning
Officer

Decision

I have examined and scrutinized this complaint and made the following decision pursuant to the Election to the Members of the Constituent Assembly Act, 2064 (2007) and the Regulation Relating to Election of the Members of the Constituent Assembly, 2064 (2007)

(Short description of the decision)

Date:

.....

Returning Officer

-----District

Constituency number-----

Schedule-7

(Relating to Rule 13)

The Election Commission Office of Returning Officer

-----District, Election Constituency No.-----

Name-list of candidates

The name-list of the candidates having existed pursuant to the law upon scrutinizing on -
 -----(date), under Section 24 of the Election to the Members of the Constituent
 Assembly Act, 2064 (2007), the nomination papers filed in this Office for being
 candidates from the election constituency for the election to the members of the
 Constituent Assembly to be held under the First Past The Post Electoral System is
 hereby published pursuant to Rule 13 of the Regulation Relating to Election of the
 Members of the Constituent Assembly, 2064 (2007).

S.N .	Registration number of nomination paper	Details of candidate					Name of Political party/independ ent
		Nam e in full	Mother or father's/husba nd's full name	Age	Sex	Addres s	

Time:

Date:

Place:

.....

Returning Officer

-----District

Constituency number -----

Schedule-8
(Relating to Sub-rule (1) of Rule 14)
Notice on withdrawal of name

To,
The Returning Officer,
Office of Returning Officer,
-----District, Election Constituency No.-----

Whereas, my nomination paper was filed in the Office of Returning Officer on-----
(date) for being a candidate from the election constituency number-----of -----district
for the election to the members of the Constituent Assembly to be held under the First
Past The Post Electoral System; and

Whereas, my name has been included in the name-list of candidates published in the
Office of Returning Officer on------(date), and now I am no longer interested in
being _____ a
candidate from this election constituency;

Now, therefore, I have, with my free will and consent, withdrawn my name from the
name-list of candidates published on------(date); and I have given this notice pursuant
to Section 27 of the Election to the Members of the Constituent Assembly Act, 2064
(2007) and Sub-rule (1) of Rule 14 of the Regulation Relating to Election of the
Members
of the Constituent Assembly, 2064 (2007).

Date:

Signature:

Full name:

Address:

The notice referred hereinto was received at----- hours on -----(date) in this
Office from the candidate/candidate's agent Mr./Ms-----.

.....

Returning Officer:

-----District

Constituency number --

-

Schedule-9
(Relating to Sub-rule (5) of Rule 14)

The Election Commission

Office of Returning Officer

-----District, Constituency No.-----

Notice of removal of name

Whereas, Mr./Ms.----- who had filed a nomination paper for being a candidate from the election constituency number-----of -----district for the election to the members of the Constituent Assembly to be held under the First Past The Post Electoral System, submitted, on his or her own/through his or her agent-----, an application to this Office for withdrawing his or her name on----- (date);

Now, therefore, his or her name has been removed from the name-list of candidates pursuant to Section 27 of the Election to the Members of the Constituent Assembly Act, 2064 (2007), and this notice is hereby published to that effect, pursuant to Sub-rule (5) of Rule 14 of the Regulation Relating to Election of the Members of the Constituent Assembly, 2064 (2007).

Date:

.....

Returning Officer:

-----District

Constituency number -----

Nepal Law Commission

Schedule-10

(Relating to Sub-rule (1) of Rule 15)

The Election Commission Office of Returning Officer

-----District, Constituency No.-----

Final name-list of candidates

The final name-list of the candidates having existed finally, out of the candidates enlisted in the name-list of candidates having filed nomination papers for being candidates from this election constituency of -----district for the election to the members of the Constituent Assembly to be held under the First Past The Post Electoral System, pursuant to the law upon scrutinizing on -----(date), pursuant to Section 26 of the Election to the Members of the Constituent Assembly Act, 2064 (2007), is hereby published pursuant to Rule 15 of the Regulation Relating to Election of the Members of the Constituent Assembly, 2064 (2007).

S.N .	Registration number of nomination paper	Details of candidate					Name of Political party/independ ent
		Nam e in full	Mother or father's/husba nd's full name	Age	Sex	Addres s	

Time:

Date:

Place:

.....
 Returning Officer
 -----District
 Constituency number -----

Schedule-11

(Relating to Sub-rule (1) of Rule 16)

Subject: Objection to the closed list of candidates.

To,

The Election Commission,

Kantipath, Kathmandu.,

Whereas, Mr./Ms-----, who is enlisted in the closed list of candidates submitted by---

-----political party to that Commission for the election to the members of the Constituent Assembly to be held under the Proportional Electoral System, published by that

Commission on----- (date) is not qualified, for the following reason, for the election to

the member of the Constituent Assembly, pursuant to Article 65 of the Interim Constitution

of Nepal, 2063 (2007) and Sections 18 and 19 of the Election to the Members of the Constituent Assembly Act, 2064 (2007);

Now, therefore, I have made this complaint for the removal of his or her name from the said list.

Grounds for disqualification:

Applicant's:

Signature:

Full name of candidate:

Name of political party:

Address:

Date:

Nepal Law Commission

Schedule-12
(Relating to Sub-rule (3) of Rule 17)
The Election Commission
Office of Returning Officer
-----District, Constituency No.-----
Declaration on elected unopposed

Whereas, only one candidate has remained in this election constituency in the election to the members of the Constituent Assembly to be held under the First Past The Post Electoral System;

Now, therefore, I hereby declare that he or she has been elected unopposed from this election constituency, pursuant to Section 30 of the Election to the Members of the Constituent Assembly Act, 2064 (2007) and Sub-rule (3) of Rule 17 of the Regulation Relating to Election of the Members of the Constituent Assembly, 2064 (2007).

1. Full Name:
2. Father's/husband's full name:
3. Age:
4. Sex:
5. Address:
6. Political party/independent:

Date:

.....

Returning Officer:

-----District

Constituency number-----

Schedule-13
(Relating to Rule 18)
The Election Commission
Office of Returning Officer
-----District, Constituency No.-----

Identity card of candidate for election to member of Constituent Assembly to be held under the First Past The Post Electoral System

Full name:

Name of political party:

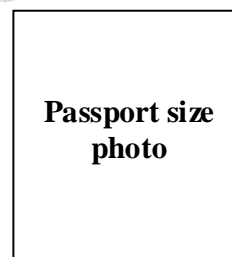
Independent candidate:

Election constituency number:

District:

Seal of Office:

Date:



.....

Returning Officer

-----District

Constituency number-----

Schedule-14

(Relating to Sub-rule (8) of Rule 19)

The Election Commission Office of Returning Officer

-----District, Constituency No.-----

**Notice on the provision of election symbols for election to be held under
the First Past The Post Electoral System**

Whereas, the following election symbols have been provided, under Section 31 of the Election to the Members of the Constituent Assembly Act, 2064 (2007) and Rule 19 of the Regulation Relating to Election of the Members of the Constituent Assembly, 2064 (2007), to the following candidates who are included in the final name-list of candidates pursuant to Section 28 of the Election to the Members of the Constituent Assembly Act, 2064 (2007) for the election to member of Constituent Assembly from election constituency number-----, -----district;

Now, therefore, this notice is hereby published to that effect for information of all the concerned.

S.N.	Candidate's		Election symbol	Name of political party/independent	Candidate or his or her agent
	Full name	Address			

Date:

.....

Returning Officer

-----District

Constituency number-----

--

Schedule-15
(Relating to Sub-rule (9) of Rule 19)
The Election Commission
Nepal

Notice on the provision of election symbols to political parties for election to be held
under the Proportional Electoral System

Pursuant to Sub-rule (9) of Rule 19 of the Regulation Relating to Election of the Members of the Constituent Assembly, 2063 (2007), this notice is hereby published for information of the general public that the following election symbols have been provided to the following political parties registered with this Commission for the purposes of the election to the members of the Constituent Assembly.

SN	Name of political party	Address	Election symbol	Remarks

Date:

.....

✕

Election

Commission

✕ Deleted by First Amendment.

Schedule-16
(Relating to Sub-rule (6) of Rule 20)

The Election Commission
Office of Returning Officer
-----District,
Constituency No. -----

Notice on the provision of election symbols to independent candidates

Whereas, the following election symbols have been set for and provided to the following candidates included in the final name-list of candidates pursuant to Section 28 of the Election to the Members of the Constituent Assembly, 2063 (2007) for the election to member of Constituent Assembly from election constituency number-----, -----district; Now, therefore, this notice is hereby published to that effect for information of all the general public, pursuant to Sub-rule (6) of Rule 20 of the Regulation Relating to Election of the Members of the Constituent Assembly, 2063 (2007).

S.N.	Candidate's		Election symbol	Remarks
	Full name	Address		

Date:

.....

Returning Officer
-----District

Constituency number-----

-

Schedule-17

(Relating to Sub-rule (2) of Rule 22)

The Election Commission

Office of Returning Officer

-----District, Constituency No.-----

Notice on specification of polling stations

Whereas, the following polling stations have be specified for conducting polling in this election constituency for the election to member of Constituent Assembly;

Now, therefore, this notice is hereby published to that effect for information of all the general public, pursuant to Sub-rule (2) of Rule 22 of the Regulation Relating to Election of the Members of the Constituent Assembly, 2064 (2007).

Polling Station	VDC/Municipality, Ward No. and Village/Tole falling within polling station	Serial number of Voter: From..... to.....
1.polling station		
2.polling station		
3.polling station		

Date:

.....

Returning Officer

-----District

Constituency number-----

Schedule-18

(Relating to Sub-rule (1) of Rule 32)

Sub: Objection to showing up for voting by impersonation.

To,

The Polling Officer,

-----Polling station

-----VDC/Municipality, Ward No. -----

Constituency number:----

-----District.

Whereas, the person showing up for voting in the name of wife/son/daughter of Mr./Ms.----- is not a real voter and has come to vote by impersonation;

Now, therefore, I have made this application, accompanied by a cash deposit of Rs. 50/- (fifty rupees), to prevent him or her from voting.

Applicant/agent/representative of political party or candidate:

Signature:

Full name:

Address:

Schedule-19
(Relating to Sub-rule (1) of Rule 39)
The Election Commission
Office of Returning Officer
-----District, Constituency No.-----

Notice on specification of date, time and venue for counting of votes

Whereas, the act of polling has completed at all polling stations of election constituency number-----of -----district for the election to member of Constituent Assembly and ballot boxes have been received from all polling stations; and whereas, the counting of votes shall commence at the following date, time and venue;

Now, therefore, for the purposes of Section 48 of the Election to the Members of the Constituent Assembly Act, 2064 (2007), this notice is hereby published to that effect, pursuant to Sub-rule (1) of Rule 39 of the Regulation Relating to Election of the Members of the Constituent Assembly, 2064 (2007).

Those political parties/candidates/their election representatives which/who wish to appoint their vote counting agents at the venue for counting of votes are informed vide this notice to so send their respective vote counting agents that they come in contact with the Returning Officer in advance of at least one hour prior to the commence of counting of votes.

Date, time and venue for the commencement of counting of votes:

Date:

Time:

Venue:

.....

Returning Officer

-----District

Constituency number-----

-

Date:

Time:

Schedule-20
(Relating to Sub-rule (4) of Rule 43)
The Election Commission
Office of Returning Officer
-----District, Constituency No.-----

Declaration of election results under the First Past The Post Electoral System

Whereas, the following candidates have secured the following votes from election constituency number-----, -----district, in the election held under the First Past The Post Electoral System for the election to the members of the Constituent Assembly, this election result is hereby published pursuant to Sub-rule (4) of Rule 43 of the Regulation Relating to Election of the Members of the Constituent Assembly, 2064 (2007).

S N	Full name of candidate	Address	Election symbol	Name of political party/independe nt	Secured number of votes
1.					
2.					
3.					
4.					

As, as per the said result, candidate of -----political party/independent candidate Mr./Ms----- has secured the highest number of votes, I hereby declare that he or she has been elected as a member of the Constituent Assembly for election constituency number----- of -----district, pursuant to Sub-section (2) of Section 57 of the Election to the Members of the Constituent Assembly Act, 2064 (2007).

Date:

Time:

.....
Returning Officer
-----District

Constituency number ---

-

Schedule-21

(Relating to Sub-rule (7) of Rule 43)

The Election Commission

Office of Returning Officer

-----District, Constituency No.-----

Certificate of Constituent Assembly Member under the First Past The Post

Electoral System

I hereby grant this certificate, pursuant to Sub-section (2) of Section 57 of the Election of the Members to the Constituent Assembly Act, 2064 (2007) and to Sub-rule (7) of Rule 43 of the Regulation Relating to Election of the Members of the Constituent Assembly, 2064 (2007), certifying that Mr./Ms-----has been elected from election constituency number-----, -----district, in the election the election to member of Constituent Assembly to be constituted pursuant to Clause (1) of Article 63 of the Interim Constitution of Nepal, 2063 (2007).

.....

Returning Officer:

-----District

Constituency number-----

Date:

Schedule-22

(Relating to Sub-rule (1) of Rule 45)

The Election Commission Nepal

Description of valid votes secured by political parties in the election under the proportional electoral representation system

Name of political party:

Address of political party:

Election symbol of political party:

Total valid votes secured by political party

S N	Distri ct	Constituenc y number 1	Constituen cy number 2	Constitue ncy number 3	Constituenc y number 4	Constituenc y number 5	Constituenc y number 6	Constituen cy number 7	Constituen cy number 8	Constituen cy number 9	Tota l
1											
2											
3											
4											

5.											
6.											
7.											
75											

.....
×
Election Commission

Mr./Ms.-----, representative of -----political party
Mr./Ms.-----, representative of -----political party
Mr./Ms.-----, representative of -----political party
Mr./Ms.-----, representative of -----political party

× Deleted by First Amendment.

Schedule-23
(Relating to Sub-rule (6) of Rule 45)
The Election Commission
Nepal

Certificate of Constituent Assembly Member under the
Proportional Electoral System

I hereby grant this certificate, pursuant to Sub-rule (6) of Rule 45 of the Regulation Relating to Election of the Members of the Constituent Assembly, 2064 (2007), certifying that Mr./Ms-----has been elected on----- (date) from political party-----, in the election to the member of the Constituent Assembly to be constituted pursuant to sub-article (1) of Article 63 of the Interim Constitution of Nepal, 2063 (2007).

.....

✕

Election Commission

Date:

✕ Deleted by First Amendment.

Schedule-24
(Relating to Sub-rule (5) of Rule 46)
Appointment of election representative/agent

To,
The Returning Officer,
Office of Returning Officer,
-----District, Constituency No.-----

I have, pursuant to Section 60 of the Election to the Members of the Constituent Assembly Act, 2064 (2007), appointed Mr./Ms-----, as the election representative/agent to carry out acts required to be carried in relation to the election on behalf of -----political party/candidate in election constituency number-----, ----- district, in the election to the member of the Constituent Assembly to be held under the First Past The Post Electoral System/Proportional Electoral System. Any electoral act carried out by him or her as the election agent of mine or of -----political party is agreeable to me/-----political party.

Office-bearer authorized by the political party appointing the election agent/candidates:

Signature:

Full name:

Address:

Schedule-25 (Relating to Sub-rule (6) of Rule 46)
The Election Commission Office of Returning Officer
-----District, Constituency No.-----
Identity card of election representative/agent



Full name of election representative/agent: Full name of candidate:

Name of political party/independent:

District:

Election constituency number:

Date:

.....

Returning Officer

-----District

Constituency number-----

Nepal Law Commission

Schedule-26
(Relating to Sub-rule (1) of Rule 47)
Appointment of polling agent

To,
The Polling Officer,
.....Polling Station,
.....V.D.C/Municipality
-----District, Election Constituency No.-----

I have, pursuant to Sub-section (1) of Section 62 of the Election to the Members of the Constituent Assembly Act, 2064 (2007), appointed Mr./Ms-----, as the polling agent for the polling station----- situated at Ward No.-----of -----Village Development Committee/Municipality. Any electoral act carried out by him or her as the polling agent on behalf of-----political party/me, subject to the said Act is agreeable to me/-----political party.

Date:

----- Political party/candidate/it's or his or her election representative /agent's:

Signature:

Full name:

Address:

I hereby agree to be a polling agent as mentioned above:

Polling agent's signature:

Full name:

Address:

Schedule-27
(Relating to Sub-rule (5) of Rule 47)
The Election Commission
Office of Returning Officer
-----District, Constituency No.-----
-----Polling station
Permit

This permit is hereby given to the following person to enter into the polling station for the purposes of polling to be held on----- (date) in election constituency number-----, -----district, for the election to the member of the Constituent Assembly. The duration of this permit shall continue to exist until the completion of the act of polling or until is it canceled by the Returning Officer/Polling Officer.

1. Full name:
2. Age:
3. Address:
4. If employee:

Office:

Designation:

.....
Polling Officer
-----polling station

Date:

Schedule-28

(Relating to Sub-rule (4) of Rule 48)

The Election Commission

-----District, Constituency No.-----

Permit to enter into place for counting of votes

This permit is hereby given to the following person to enter into the place for the counting of votes in the election held under the -----electoral system on----- (date) in election constituency number-----, -----district, for the election to the member of the Constituent Assembly. The duration of this permit shall continue to exist until the completion of the act of counting of votes or until is it canceled by the Returning Officer.

1. Full name:
2. Age:
3. Address:
4. If employee:

Office:

Designation:

.....

Returning Officer

-----District,

Constituency number-----

Date:

Schedule-29

(Relating to Sub-rule (1) of Rule 49)

Subject: Request for permission for polling.

The Polling Officer,

-----Polling station.

Whereas, I have shown up to cast vote in the election to the member of the Constituent Assembly and I have known that any other person has already cast vote in my name; Now, therefore, I have made this application, accompanied by the following evidence along with my details showing my entitlement to cast vote.

House number:

Voter serial number:

Full name:

Full name of mother or father /husband:

Address: -----VDC/Municipality Ward No.-----

Village/Tole

Attached evidence:

Applicant's:

Signature: Date:

Schedule-30

(Relating to Sub-rule (4) of Rule 49)

The Election Commission

-----District, Constituency No.-----

Polling station number-----

Inventory of tendered ballot papers

SN	Details of claimant	VDC/Municipality	Vote serial number	Signature of claimant receiving tendered ballot paper
	Full Name	Ward No.		

.....

Polling Officer

-----polling station

Date:

Schedule-31
(Relating to Sub-rule (2) of Rule 50)
Statement of election expenses

To,
 The District Election Office,
 -----district.

As I ----- have become a candidate in election constituency number-----, -----district, for the election to the member of the Constituent Assembly, I/ he or she have, pursuant to Sub-section (4) of Section 69 of the Election to the Members of the Constituent Assembly Act, 2064 (2007), Sub-rule (2) of Rule 50 of the Regulation Relating to Election of the Members of the Constituent Assembly, 2064 (2007) and section ---- of the Code of Conduct on Election to the Members of the Constituent Assembly, 2064 (2007). The statement of election expenses is as follows: Signature:

SN	Heading of expenses	Work, quantity	Amount of expenses	Remarks
1.	Purchase of Electoral Rolls (CD)			
2.	Motor vehicle/horse			
3.	Motor vehicle fuel/feed			
4.	Loudspeaker			
5.	Pamphlet printing			
6.	Transportation			
7.	Mass meeting symposia			
8.	Other canvassing			
9.	Office operation			
10.	Activist mobilization			
11.	Booth expenses			
12.	Miscellaneous			

SN	Heading of expenses	Work, quantity	Amount of expenses	Remarks
	Grand total			

Signature

Full name:

Date:

Candidate/election representative:

Nepal Law Commission

Schedule-32
(Relating to Sub-rule (2) of Rule 50)
Statement of election expenses

To,
The Election Commission,
Kantipath, Kathmandu.

Pursuant to Sub-section (4) of Section 69 of the Election to the Members of the Constituent Assembly Act, 2064 (2007), Sub-rule (2) of Rule 50 of the Regulation Relating to Election of the Members of the Constituent Assembly, 2064 (2007) and section ---- of the Code of Conduct on Election to the Members of the Constituent Assembly, 2064 (2007), I have presented the statement of all expenses incurred by -----
---political party in the election to the member of the Constituent Assembly held under the Proportional Electoral System. The statement of election expenses is as follows:

SN	Heading of expenses	Work, quantity	Amount of expenses	Remarks
1.	Purchase of Electoral Rolls			
2.	Motor vehicle/horse			
3.	Motor vehicle fuel/feed			
4.	Loudspeaker			
5.	Pamphlet printing			
6.	Transportation			
7.	Mass meeting symposia			
8.	Other canvassing			

9.	Office operation			
10.	Activist mobilization			
11.	Booth expenses			
12.	Miscellaneous			
	Grand total			

Of the person authorized on behalf of the political party:

Signature:

Full name:

Date:

Name of political party:

Seal of political party

Nepal Law Commission