



निर्वाचन आयोग, नेपाल
ELECTION COMMISSION, NEPAL

Collection of Key Recommendations from the Review of the 2074 Elections

Unofficial Translation

1. Introduction

The Constitution promulgated on 20 September 2015 transformed Nepal into a federal country with three levels of government: local, provincial and federal. Elections had to be held at all three levels and the Election Commission was entrusted with conducting them for local governments, Provincial Assemblies and the Federal Parliament (consisting of the House of Representatives and the National Assembly) as well as for the President and Vice President. The Constitution mandated that the Legislative Parliament, constituted after the 2013 Constituent Assembly elections, would be in effect until 21 January 2018 only.

On 20 February 2017, the Government decided to conduct the local level elections across the country on 14 May 2017. Although the Government said that the local elections would be held in one phase, they were ultimately conducted in three phases on 14 May, 28 June and 18 September 2017. Based on the recommendation of the Local Level Restructuring Commission and decisions of the government, the number of local level units reached 753. Overcoming multiple challenges, the Election Commission conducted elections for 35,221 positions in these 753 Local Levels.

Elections to Provincial Assemblies and the House of Representatives were held in two rounds on 16 November and 7 December 2017. The election of National Assembly members was held on 7 February 2018. To complete the election cycle, the Commission held the election for the President in March and for the Vice President in April 2018. The official Nepali year 2074 (2017/18) hence became a historic year of elections for Nepal.

The Commission had to overcome many different challenges in the course of implementing the elections in 2074. Among these was the fact that even after the local elections were called, it was still uncertain for how many positions the elections would be held, the Commission did not receive all necessary laws and that there was very little time until the election day. The appointment of Returning Officers and their management was also not easy.

For the Provincial Assembly and House of Representatives elections, the report of the Electoral Constituency Delimitation Commission had not been received by the Commission when the election was called, and the necessary laws required for holding the election were not in place, either.

Overcoming all these challenges and issues, the Commission is proud to have conducted the elections successfully within the timeframe provided as recognized by different international organizations. It is well acknowledged that the elections held in the year 2074 were massive events that could only take place through the resolute commitment of the Commission, proactive involvement of voters and full support and involvement of all stakeholders concerned.

Periodic and authentic elections are the way to obtain the people's mandate to govern legitimately and the United Nations Declaration on Human Rights has also established credible and transparent elections as the necessary foundation for running a country.

Since it is important to document the feedback from election officials, security officials, civil servants, representatives of political parties and all other organizations and institutions involved in conducting the 2074 elections, the Commission organised review meetings at the provincial and federal levels. The objective was to gather opinions and perceptions in order to learn what legal, technical and managerial improvements can be made for the future in order to address issues and take corrective measures in the hope that the Election Commission will be able to conduct elections in a more convenient and trusting environment in the future.

A summary of the recommendations collected is provided here.

2. Recommendations

2.1 Legal provisions

1. The complete necessary legal framework for the election must be formulated well before the announcement of the election date. As per international good practice, the election law should

be formulated at least a year before the date of announcement for the election. Advice should be sought from an expert group headed by the Electoral Commission for the formulation of the necessary new laws and revisions as necessary to the existing laws for an integrated election law. No changes should be made on those laws until the election is held.

2. Necessary amendments should be made to the electoral laws, regulations and guidelines to allow the counting of votes at the polling stations to facilitate the speedy counting and announcement of election results given that transporting ballot boxes to district headquarters for counting is both slow and an expensive process.
3. The same provisions related to the validity/invalidity of ballots should be ensured in all laws, rules and regulations. For instance, the Act has a provision to announce the torn ballot or stamped with any other sign as invalid but in practice, such ballots are sometimes accepted and sometimes pronounced invalid. Clear provisions should be made in the law removing the need for an all-party meeting to decide the validity or invalidity of the ballot. All stakeholders concerned should be informed about the issue through voter education. The production of a poster giving information about valid and invalid votes to be posted at the polling booth should be continued just like in 2074 B.S.
4. The Election Commission should be entrusted with the right to announce the election date for different elections by law itself in line with international good practices or a law should be formulated with a set election calendar and dates for elections.
5. Among the forms in the annex developed for conducting the election, the nomination form for candidates is extremely complicated and hence such forms should be simplified. The forms that were not used in the 2074 elections should be removed from the annex.

6. The Commission should introduce a legal provision for candidate nomination through online registration for different elections using information technology.
7. The law should require minimum academic qualification for candidates at the local, provincial and federal level.
8. The law should bar political parties or candidates who do not furnish their electoral expenses from contesting future elections.
9. The Commission must make an effort to create and implement provisions for out-of-country voters to exercise their voting rights by reviewing good practices of other countries.
10. The Election Commission should prepare a list of temporary voters comprising employees who are mobilized in the election to ensure them their right to vote in the proportional representation system at national elections, just like in the earlier Constituent Assembly elections.
11. The Commission should ascertain in the law itself whether a winning candidate's proxy can receive the certificate or not.

2.2 Voter list and voter identity card

1. The voter list should be updated ahead of every election as the voter list with photograph has proven to be highly important for holding a credible election. The Election Commission should start coordinating with the local level governments (rural and urban municipalities) to update the voter list.
2. The Election Commission should conduct a survey to identify the types of problems that are inherent in the voter list as per international practice of election management bodies and make the list more accurate on the basis of recommendations received.

3. The Election Commission should decide whether to allow voting only with the voter ID or with any authorized ID or whether to integrate the voter ID with proposed national identity card and use the national ID card for voting. If the voter ID is to be used, it must meet quality requirements.
4. In case the voter ID is made mandatory, arrangements should be made to ensure that the voter ID reaches the voters at least one month prior to the date of election. In addition, the Election Commission has to make arrangements to provide a copy of the voter ID through District Election Office if it is lost or destroyed.
5. The Election Commission has to make sure to incorporate all those who are eligible to vote or those who have reached 18 in the voter list.
6. The Commission should arrange for family members to be on the same page of the voter list.
7. Arrangement should be made to allow eligible voters abroad to get their name enlisted in the voter list.

2.3 Review of polling centres

1. The polling centre review committee should conduct onsite evaluations taking into consideration the availability of infrastructure and location, bringing any outlying polling centres closer to settlement.
2. The Commission should maintain the Geographical Information System (GIS) Database of all polling centres by updating the existing information.
3. For open air polling centres, arrangements including budget should be made to provide cover.
4. Arrangement for reviewing the polling centres should be made at least six months prior to the announcement of an election.
5. The categorization of polling centres into highly sensitive, sensitive and normal should be ended.

2.4 Political party registration

1. The Election Commission should ensure that the central committee of political parties and all other committees have one-third women representatives and inclusive proportional representation.
2. There should be legal provisions for the Election Commission to monitor whether political parties organize their general convention or not.
3. The symbol allocation process for political parties should be reviewed.
4. The Commission to make use of technology to allow for online registration of political parties.
5. Political parties and candidates should be mobilized for voter list data collection and updates as well as imparting civic and voter education in future elections.

2.5 Election campaign and code of conduct

1. The Election Commission should seek legal and other necessary measures for the monitoring and implementation of the code of conduct and penalize those who violate it. If the Election Commission does not have sufficient legal base, it should strive for the amendment of Election (Offence and Punishment) Act 2073.
2. The Commission should develop additional measures to make the electoral expenses of candidates transparent. The central body of political parties should be made accountable for any act of the breach of code of conduct.
3. A legal provision should allow voiding a candidacy if election campaign rules or the code of conduct are violated.
4. The Election Commission should initiate the practice of bringing candidates to one joint forum to share their election manifestos before the people.

5. Political parties or candidates should constitute an election campaign committee and code of conduct monitoring committee from central to local levels and coordinate with the Election Commission.
6. The use of vehicles bearing foreign number plates in election campaigns should be prohibited.
7. Provisions in the election code of conduct that are mentioned but difficult to implement should be removed and updated. For example, the ceiling for election needs to be increased to make up the cost of campaign, and either the use of publicity materials like t-shirts, caps, colour posters be allowed or legal provisions enforced to penalize those who campaign using t-shirt, cap and such items.
8. The Election Commission should be provided with legal measures to act against the government for any violation of code of conduct.

2.6 Voter education

1. The Commission should review the effectiveness of different voter education programmes conducted for elections held in 2074, develop a strategy for voter education in upcoming elections and implement it.
2. The Election Commission should mobilize the local level to raise public awareness on election procedure and enhance the candidacy of women in elections.
3. The Commission should coordinate with the Ministries of Education, Federal Affairs and General Administration to raise civic and voter education through their social mobilizers for voter education. It should incorporate a chapter on elections in the high school curriculum by coordinating with the Ministry of Education, and mobilize youth, women and individuals from marginalized communities for election activities.
4. NGOs should also be engaged in the voter education programme and the Election Commission should make a strong

mechanism at the central, district and local level for monitoring. District Election Offices and political parties should be involved in the district level monitoring mechanism.

5. Competent and deserving individuals must be selected for election education and voter education volunteers. Social mobilizers, public health volunteers, primary school teachers have a dual responsibility that should also be managed.
6. Voter education should immediately start after the election calendar is published and sufficient time should be allocated for this.
7. Local mass media should be effectively mobilized.
8. Adequate and effective training should be provided to voter education volunteers. Sample ballot papers that look exactly like the originals should be introduced to avoid confusing voters.
9. The Commission should gradually decentralize the voter education programme to the district level.
10. The Commission should mobilize the locally known figures for voter education, such as office assistant, *Dittha, Mukhia, Bhalmansa, Badghar and Chaukidar*. It should give continuity to voter education through the mobile SMS system and produce and disseminate more audio visuals on voter education.
11. The Commission should mobilize the social studies teachers it has trained for the voter education programme without hampering the school teaching.

2.7 Election-related training

1. The Commission should coordinate between Chief/Returning Officer and District Election Office for district level election training, manage a competent resource person for the training and develop training materials in advance.

2. Party agents, polling staff and counting staff should be provided separate training. Media personnel and civil society leaders should also be provided training.
3. Election officials should respond to the queries raised during election training with clarity and arrangements should be made for those involved in training to have sufficient time and information.
4. The content of the training should be practical.
5. The training should be given continuity before and after the election.
6. Information and content used in the training should be uploaded in the website.

2.8 Electoral operations

1. The Commission should establish an information desk to disseminate information to media houses.
2. The Commission should seek advice and consultation on specific issues.
3. All important documents related to the different elections must be retained for institutional memory.
4. The Commission should plan and conduct elections within the 120-day timeframe in line with international best practice.
5. The Commission should provide information about the documents and qualifications needed for registration to candidates and political parties. The notice should be posted at the office of Chief and Returning Officers and uploaded to the Election Commission website.
6. Sufficient time for each step of candidate nomination and adequate personell should be provided.

2.9 Polling and counting

1. The Election Commission should make provisions for early voting, especially for elderly, disabled, or other voters who had to go abroad a few days before the poll day.
2. Provisions should be made for the vote counting in the polling station after the end of the polling.
3. Infrastructure for the vote counting sites should be improved.
4. Electronic voting machines should be used.
5. Provisions should be made for a minimum of five years' imprisonment for those who tear ballot papers.
6. The swastika stamp for marking ballot papers should have automatic inking.

2.10 Election observation and monitoring

1. In the upcoming elections, facilities for the observers should be revised and the Chief District Officer and District Election Officer should have the right and responsibility to monitor the code of conduct, since monitoring of the code of conduct by the election monitors (Joint-Secretary level) and micro monitors (Under-Secretary level) were found to be ineffective.
2. Accreditations should be revoked for observers who are found to be involved with a political party. Provision for appropriate penalties should be made in case of code of conduct violation.
3. It should be made compulsory for the observers to visit every location, while ensuring that the same location isn't visited more than once.
4. Provisions should be made for the ineligibility of expelled monitoring organizations or those with revoked accreditations.

5. Observers should have easy access to the polling site, ballot counting location and election officer's workplace.
6. It should be compulsory for national and international observers to inform the Chief Returning Officer and District Election Officer about sites being observed.
7. The selection of local observation committees, organizations, and observer personnel should be arranged by the district.

2.11 Gender equality and inclusion

1. The election commission should effectively implement policies regarding gender and inclusion.
2. In the first-past-the-post electoral system, inclusion arrangements should be facilitated by legal regulations.
3. The Commission should play an extensive role to ensure effective implementation of constitutional and legal provisions regarding gender and inclusion, and to encourage political parties to become more accountable and responsible.
4. The Election Commission should encourage active participation of the civic society and other stakeholders in the area of gender and inclusion in elections.
5. The election commission should compile turnout data of male and female voters and make it accessible to the public.
6. The number of polling stations catering for women, disabled and the elderly should be gradually increased.
7. Provisions for engaging individuals with disabilities in all electoral programs should be established.
8. Arrangements should be made to deploy election administrative staff and supervisors on an inclusive basis.

9. Sections 215(4) and 216(4) in the constitution have provisions for inclusion of two individuals from a rural municipality and three from an urban municipality representing a Dalit or minority group. Revision of the constitution should be emphasized to include separate representation from Dalit and other minority groups.
10. Transportation facilities should be made available to the voters with serious illness who are unable to go to the polling station.

2.12 Electoral dispute resolution

1. For the Election Commission and the court of law to resolve dispute arising during election effectively, a detailed standard operation procedure should be set up and implemented to clarify responsibilities between professionals on varying levels, the Returning Officer and the Chief Returning Officer, on their specific roles during conflict resolution.
2. The Election Commission should request the government for a special election court in order to resolve dispute processes within the limited timeframe.
3. The special election court should have the rights of hearing disputes even for the local level elections.
4. Decisions on electoral disputes should be taken swiftly and cases should be cleared in a timely manner.
5. There should be provisions of punishment for those filing groundless cases.
6. The Election Commission should include issues on dispute resolution techniques in all its training and information booklets related to the election. Electoral dispute resolution training should be provided as a priority to political parties and candidates, executives officials of political parties, and voter educators.

7. In order to establish an official channel to address cases or complaints relating to electoral disputes, awareness about dispute resolution provisions should be raised at the grassroots level.
8. The Election Commission should ensure transparency in the dispute resolution process.
9. The formal procedures of dispute resolution should be put into practice to avoid further electoral conflicts.

2.13 Use of information technology

1. In the upcoming election, regulations regarding the use of Electronic Voting Machines (EVM) should be established and implemented.
2. The possibility of online voting should be studied and its implementation should be attempted.
3. The current voter registration software should be updated according to the current requirements.
4. Electoral software should be made user friendly and trainings on its effective operation should be provided.
5. Election commission's website should be regularly updated.
6. Call centers should be made more effective.
7. Trainings regarding electoral software should be provided to computer operators and other technical staff, and additional computer operators should be recruited as required.
8. The Election Commission and the government should make joint efforts to improve the use of social networks within a specific timeframe.

2.14 Electoral security management

1. To ensure safety, the practice of recruiting temporary police should be dropped and ex-police and ex-army officers should be recruited during the elections instead.
2. There should be ample number of security personnel during the election and the election risk management should be effective.
3. Legal provisions should be established for the compulsory participation of Chief Returning Officer and Returning Officer in the meetings addressing electoral security at a district level. All polling sites should be given critical attention.
4. Satellite communication systems should be provided during elections.
5. The roles and responsibilities of Nepal Police, Armed Police and Nepal Army should be clear at the local and district levels, and resources should be made available to these groups as per their requirements.

2.15 Electoral material management

1. The Election Commission should plan ahead for the procurement of electoral materials in order to avoid fast-track procurement and implement competitive bidding processes according to the Public Procurement act.
2. There should be provisions for printing or acquiring non-sensitive electoral materials at the local or district level. For example, procurement of stationery items or printing voter lists and forms locally can reduce transportation costs and results in efficient management.
3. There should be arrangements to receive electoral materials jointly by Presiding Officer and security personnel.

4. District Election Offices should be responsible for arrange a secure location for the storage of electoral materials during the local level elections.
5. The electoral materials should be at the district one month prior to the elections.
6. Expenses allocated for transportation of ballot boxes after polling should be provided to the District Election Office instead of the security agency.

2.16 Ballot paper design and management

1. Separate ballot papers should be arranged for each post in the local level elections, and for both first-past-the-post and proportional seats in the House of Representatives and Provincial Assembly elections.
2. Ballot papers should only be printed after the candidates have provided their election symbols. Legal arrangements should be established to aim at printing the ballot papers in the respective districts.
3. Clear visibility should be maintained between the ballot colour and stamp ink colour.
4. Similar election symbols should be avoided to minimize voter confusion.
5. The size of electoral symbols and marking areas should be increased on the ballot.

2.17 Human resource management

1. The Election Commission, should conduct professional development trainings focused on operation and management of elections during non-election period to maintain the confidence of employees.

2. The Election Commission should develop and implement a compulsory online training curriculum including related videos and animation for its staff to boost their knowledge about election-related matters.
3. The commission should incorporate its own resources to ensure their sustainability in trainings and capacity building activities.
4. The Election Commission should put an emphasis on research, and experience-sharing with election commissions from SAARC and other countries.
5. The Election Commission should develop new strategies for its capacity building, and also conduct BRIDGE module workshops for the officials and staff of the the organization.
6. At the district level, the District Election Offices should compile and update staff information, and also clarify details like name, address, and contact information for electoral operations.
7. Chief Returning Officers should have the right to deploy the employees instead of the Chief District Officer. Further discussions should be held in this matter and the Election Commission should have the final decision.
8. The Election Commission should review the random selection method for staff in view of ensuring both effectiveness and fairness.
9. In the upcoming elections, teacher participation should be increased.
10. Policies prioritizing female inclusion in the electoral process should be incorporated.
11. Provisions should be developed for rewarding the employees with high quality work results and black listing those with poor performance during electoral operations.

2.18 Financial management

1. The allocation and headings of the budget sent to the Chief and Returning Officers for electoral operations and the processes for managing them should be made more realistic and practical.
2. The Accountant and Finance Officer should hold accountable for auditing and arrears recovery.
3. The internal audit from Treasury Control Office and the final audit from the Financial Comptroller General Office should be conducted at the district level and the necessary budget should be provided for that.
4. Financial responsibilities between Chief Returning Officers and District Election Officers should be reviewed.
5. Essential expenses should be approved promptly.
6. Security related expenses should be transparent.
7. The Election Commission, political parties, and the security agencies should manage the election as a joint taskforce, in order to make it sustainable by reducing the increasing electoral expenses.

3. Next steps

The Election Commission launched the process of formulating its new strategic plan. These recommendations will inform the plan to allow implementation in time for the 2022/23 elections.