

NEPAL

FINAL REPORT OF THE OBSERVATION MISSION 2017 ELECTIONS OF THE HOUSE OF REPRESENTATIVES AND PROVINCIAL ASSEMBLIES



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2017 ELECTIONS OF THE HOUSE OF REPRESENTATIVES AND PROVINCIAL ASSEMBLIES

Kathmandu, Nepal
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2017 ELECTIONS OF THE

HOUSE OF REPRESENTATIVES AND PROVINCIAL ASSEMBLIES

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National Election Observation Committee (NEOC) congratulates the voters of Nepal for wisely exercising their rights to vote in historic elections to the House of Representative (HoR) and Provincial Assembly (PA). We appreciate the efforts made by the Election Commission, Nepal (ECN) for successfully holding these elections amidst serious time constraints for preparation. We thank the Government of Nepal (GoN) for providing timely financial and logistic support to the ECN and effectively mobilizing security organs for holding credible and peaceful elections.

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We also extend our thanks to all international and domestic election observation groups for their important work to ensure fairness and credibility of the electoral process, and highly appreciate their efforts at much needed coordination and collaboration between observer organizations, under the common banner, Election Observation Coordination Group (EOCG) under the convenership of NDI and NEOC. Special thanks goes to General Election Observation Committee (GEOC) and Women's Alliance for Peace, Justice, and Democracy (Sankalpa) for coordinating with NEOC in observers training, deployment, and joint press conferences.

Foreword

National Election Observation Committee (NEOC) has extensive experience in observing elections since the parliamentary elections that was held in 1991 after restoration of democracy in 1990. For the last two and half decades, we have observed more than a dozen of elections to promote democratic development, peace, stability and human rights in the country. Ensuring that these principles are upheld, NEOC has been an integral part of the electoral process as a front-runner organization. With a proven track record, NEOC believes that well organized election observation is one of the most transparent and methodical ways to promote culture of democracy, good governance and political stability. Our observation is based on the Observation Directives issued by the Election Commission, Nepal (ECN), precepts the Global Network of Domestic Election Monitors (GNDEM) and our own time-tested code of ethics constantly applied in the course of election observation missions.



Election observation goes beyond ritual exercise; it requires hard work, dedication, professionalism, and experience that enjoy widespread respect. Behind NEOC's observation drive are diverse groups of institutions, organizations and individuals from a variety of professional backgrounds and social strata which includes mass-based organizations, federations, academics, think-tanks and eminent persons from different walks of life. We at NEOC are certainly grateful to their selfless commitment and dedication for the noble cause.

For 2017 elections to all three tiers of government, NEOC deployed professionally trained observers and accomplished comprehensive observation of pre-polling, polling, and counting procedures. We successfully dealt with several hurdles in terms of meticulous planning, resource mobilization, alliance building among like-minded organizations and proper deployment of observers caused by fast-track nature of elections. The establishment of an Observation Call Centre in the capital was a unique attraction and an effective platform to retrieve real-time information from the field through our static and mobile observers, and disseminate the information to the public with evident-based statistics. This pioneering endeavor has certainly alleviated both the quality and credibility of our observation mission.

In the course of observing the elections we acknowledge the enormous and herculean task undertaken by the ECN. Due to acute time constraints blended with political uncertainty, the ECN was obviously under tremendous pressure in the development of election timeline, enforcement of code of conduct, electoral education, procurement and deployment of election materials; recruitment and training of polling officials, including deployment of a huge contingent of electoral workers along with the three layers of security organs. We applaud the high level of interest by the voters and the general public to engage in, and understand the electoral process, evident by the large numbers of people who turned out to freely exercise their sovereign right. We observed that the degree of enthusiasm of the voters both from urban centers and rural locations to engage and be active participants in the exercise of their constitutional rights to vote was apparent despite incidences of violence and intimidation.

Finally, we note that the challenges observed in the 2017 election in terms of voter registration, enforcement of the code of conduct, regulating campaign finance, preparation and distribution of voter ID, curbing poll violence and rigging, standardising and expediting counting as well as installing effective and transparent election dispute resolution mechanism deserve due attention of the concerned authorities with diligence and efficiency. The elections have directed clear pathways for a shared and self-rule through a federalized structure. We urge the ECN and the government to seriously consider the recommendations put forward by NEOC and other alliance members towards taking necessary legal, institutional, and policy measures with a view to improve the conduct of future elections as well as ensuring electoral integrity and stability of democratic institutions based on the gaps and challenges diagnosed.

Surya Prasad Shrestha
Chairperson

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Abbreviations

ANFREL	Asian Network for Free Elections
APF	Armed Police Force
CA	Constituent Assembly
CDC	Constituency Delimitation Commission
CoC	Code of Conduct
CPA	Comprehensive Peace Agreement
CPN-M	Communist Party of Nepal-Maoist (Political Party)
CPN (MC)	Communist Party of Nepal-Maoist Center (Political Party)
CPN-UML	Communist Party of Nepal-Unified Marxist-Leninist (Political Party)
CS:MAP	Civil Society: Mutual Accountability Project
CSO	Civil Society Organization
ECN	Election Commission, Nepal
EDR	Electoral Dispute Resolution
EOCG	Election Observation Coordination Group
ERM	Electoral Risk Management
FAQ	Frequently Asked Question
FPTP	First-Past-The-Post
GEOC	General Election Observation Committee
GoN	Government of Nepal
HoR	House of Representatives
ICCPR	International Covenant on Civil and Political Rights
IDEA	International Institute for Democracy and Electoral Assistance
IED	Improvised Explosive Device
LTO	Long-Term Observer
MP	Member of Parliament
NA	National Assembly
NC	Nepali Congress (Political Party)
NDI	National Democratic Institute
NEOC	National Election Observation Committee
NGO	Non-Governmental Organization
NPR	Nepalese Rupee
PA	Provincial Assembly
PCN	Press Council Nepal
PR	Proportional Representation
RM	Rural Municipality
Sankalpa	Women's Alliance for Peace, Justice, and Democracy
STO	Short-Term Observer
UDHR	Universal Declaration of Human Rights
USAID	United States Agency for International Development
VR	Voter Registration

Chapter 1: About the National Election Observation Committee

National Election Observation Committee (NEOC) is a heterogeneous domestic coalition consisting of human rights groups, civil society organizations (CSOs), and distinguished individuals committed to the values and principles of universal and equal suffrage as enshrined in the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR). Established in 1991, NEOC has since continued its mandate of observing elections through deployment of trained observers throughout the country. With its National Secretariat in Lalitpur, NEOC has seven provincial and 77 district chapters active year round. In addition to observation during elections, NEOC's local chapters are engaged in regular dialogues and advocacy work concerning electoral reform, campaign finance, good governance, and state restructuring, among others. NEOC promotes

the equal participation of women in all its programs and activities and respects inclusion for marginalized and minority groups.

NEOC is a founding member of the Asian Network for Free Elections (ANFREL) and has participated in many international observation missions in Asia and beyond. Among others, NEOC is also engaged as a democracy watch flagship organization primarily focused on research and study, lobbying and advocacy, review of electoral legal framework, rights-based civic/voter education, right to information, gender equality and empowerment, social inclusion, local self-governance, and others. NEOC is also entrusted to coordinate with all like-minded domestic and international organizations dedicated to electoral education, election observation and other related programs in the country.



Why Election Observation?

Election observation is a key role of civil society organizations (CSOs) like NEOC in strengthening electoral democracy. Observation by CSOs helps promote and protect civil and political rights of participants in elections. It builds a positive perception of CSOs and the media organizations as a watchdog in ensuring citizens' voting rights and meaningful participation in the entire electoral process. It engages citizens in the election process; deter fraud; expose problems and irregularities; provide an accurate measure of the quality of the election; promote confidence in the process and outcomes; and provide recommendations for improving the process for the next election. When observers issue positive reports, it builds trust in the democratic process and enhances the legitimacy of the governments that emerge from elections.

In fact, domestic observation encourages civic involvement in the political process and is an important part to guarantee the integrity of the electoral process. Following elections, reports and recommendations by observer groups can lead to changes and improvements in national law and practice. Nevertheless, a well-organized and credible election observation also contributes to the overall objective of strengthening enabling environment for civil society and the media.

NEOC's Observation Methodology

This report summarizes observation findings of the 2017 Elections of the House of Representatives (HoR) and Provincial Assembly (PA) by NEOC.

NEOC conducted analysis, pre-election and campaigning, election day and counting, and post-election observation of the 2017 HoR and PA elections throughout the country. It observed the first round of the elections on November 26 in 32 districts and the second round on December 7 in remaining 45 districts.

NEOC carried out **pre-election observation** of the elections through 165 long-term observers (LTOs) deployed in all electoral constituencies prior to the election day. Areas of focus of the pre-election observation included: compliance of the election code of conduct (CoC), campaign environment, use of state resources, functioning of the Election Commission, Nepal (ECN) and political parties, updating of voter lists, and cases of intimidation, violence and vote buying.

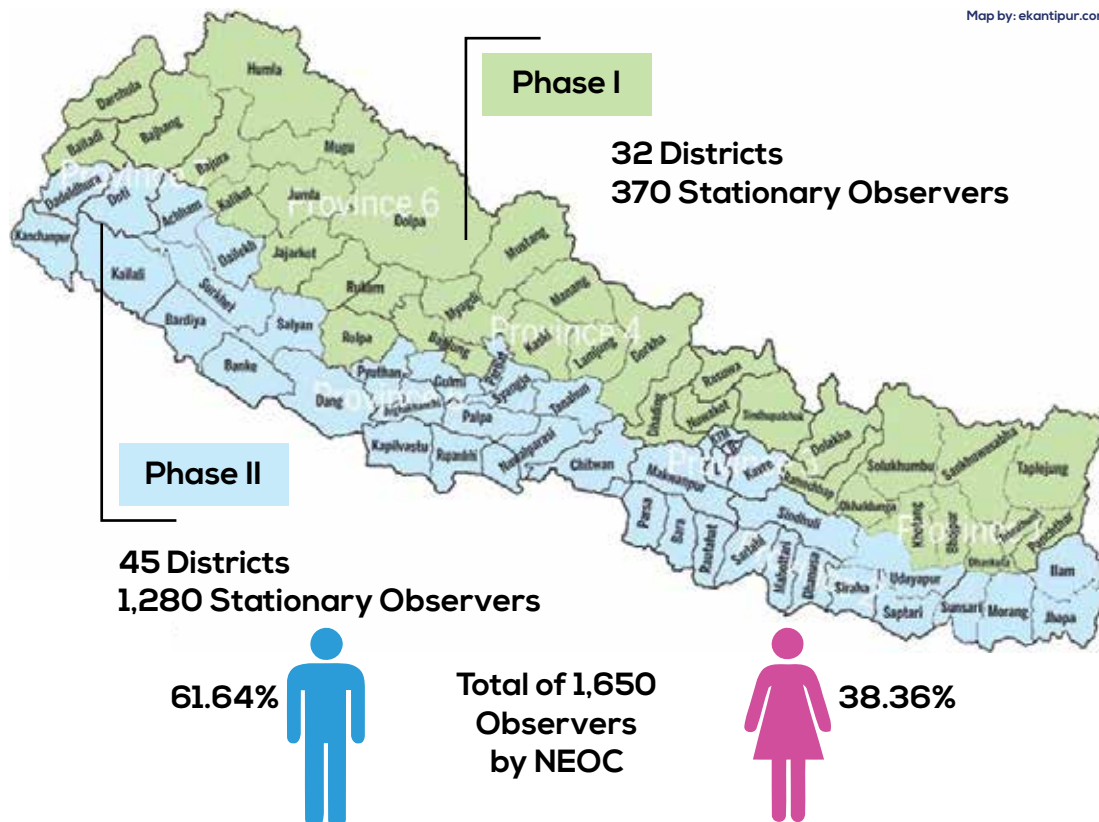
The election day observation included the three main components: opening and setup of the polling centers, the process of voting throughout the day, and closing protocols. NEOC's observation mission for the first phase of the elections comprised of 370 accredited and trained observers deployed in randomly selected polling centers covering 37 constituencies scattered in 32 districts. NEOC short-term observers (STOs) observed the election day process based on a unified checklist provided. In addition to the STOs, the election day mission also included ten mobile teams, over 100 national/provincial level observers, and 18 Call Center operators. During the second phase of the elections, NEOC's observation mission comprised of 1,280 accredited and trained observers deployed in randomly selected polling centers covering the remaining 128 constituencies

across 45 districts. In addition to these STOs, the observation mission included 30 mobile teams, over 300 national/provincial level observers and 52 Call Center operators. In total, 61.64 percent of the stationary observers were male and 38.36 percent were female.

NEOC observed the **post-election period** through LTOs and NEOC's district focal persons. Among others, NEOC's observation focused on counting of the ballots and summary protocols, activities of the election administration and complaints process. A total of 165 LTOs and NEOC's district focal persons observed the post-election period following re-polling in two polling centers in Rukum-west district. NEOC also compared the data received from observers between the two rounds of elections.

NEOC enhanced its observation coordination with other domestic observer organizations as well as with other international missions under the common banner, Election Observation Coordination Group (EOCG). With its Secretariat at NEOC, EOCG has been active since 2013 with the objective to enhance election observation in Nepal. NEOC forged a robust operational collaboration, especially with General Election Observation Committee (GEOC) and Women's Alliance for Peace, Justice, and Democracy (Sankalpa) in the election observation efforts. Coordination included the observers training, sharing of deployment plans for LTOs and STOs, integration of the observation checklist, reporting modality, and joint press conferences.

Map by: ekantipur.com





Voting in Election Day, Bhojpur District

Chapter 2: Executive Summary

The 2017 House of Representatives (HoR) and Provincial Assembly (PA) Elections in Nepal - held in two phases on November 26 and December 7 - represented the first elections of their kind held since the introduction of the 2015 Constitution, which instituted a changed federal system of government with seven PAs and a bicameral legislature composed of the HoR known as the lower house and National Assembly (NA) known as the upper house. Local elections held earlier in 2017, along with these elections, help in bringing about the end of the political transition which started following the end of a decade long internal armed conflict. While the 2017 elections were not without problems that the new government and electoral stakeholders will need to address before the 2022 elections, they represent progress and hopes for government stability and following years of frequent turnover, for the citizens of Nepal.

While the elections should be commended, the legal framework presented controversy in the delimitation of the boundaries for constituencies, and were not completed until late August 2017 before the elections. The Code of Conduct (CoC) implemented by the Election Commission, Nepal (ECN) created restrictions for electoral stakeholders, with little done to sanction those who were found to be violating it. As the government set the timetable for the elections, the ECN had less than three months to prepare for and effectively oversee the elections. This led to insufficient voter and civic education and gaps in transparency throughout every process.

While the elections were largely assessed as credible and procedures were mostly adhered to, incidents of violence, including the use of improvised explosive devices (IEDs) from election rejectionist groups, led to tensions and sought to deter voters. The government of Nepal (GoN) and ECN should be commended for ensuring sufficient security throughout the country; however, the process was costly. In addition, a counting process not held at the polling center level led to a lengthy counting process in constituency centers and added costs for ferrying, storing, and guarding polling materials. In addition, NEOF noted several cases where their own observers were prevented from fully observing the process on election day or in counting centers. Despite these issues, Nepali citizens turned out to vote, exercising their right to participate in these elections under the new Constitution.

For the 2017 HoR and PA elections, NEOF deployed mobile, eminent and stationary short-term observers (STOs) across the country for election day, as well as long-term observers (LTOs), one deployed in each constituency, who observed the campaigns of parties, the security situation, voter education and misuse of public resources in the days prior to election day. LTOs also monitored the counting process which began after the second phase of the elections. NEOF deployed ten STOs in each constituency (1,650 total) to monitor election day processes in polling centers. STOs were stationary, and remained in the same polling center to observe the opening, voting and closing procedures. NEOF also conducted its

observation in accordance with the electoral legal framework and provides a credible, fact-based, unbiased assessment of the electoral process in line with *the Declaration of Global Principles for Nonpartisan Election Observation (GNDEM)*.

Based on the analysis of observation findings, especially focusing on irregularities detected, NEOC has developed recommendations with the purpose of improving the electoral and legal framework and the environment during future elections. Therefore, the present

report provides background on the elections, key findings from the pre-election, election day and post-election observation, and introduces recommendations to key electoral stakeholders for reform and enhancements between and during electoral cycles. At the time of the release of this report, the ECN has not yet completed its resolution of electoral disputes filed during the electoral process nor made final decisions public on the status of complaints. NEOC will continue to monitor this process and post updates as they become available.

Chapter 3: Political Context

Over the last three decades, Nepal has witnessed protracted political instability marred with conflicts and violence, including a decade-long armed insurgency that hindered the country's political and economic development, forcing many abroad in search of employment and/or better opportunities. Following the restoration of democracy in 1990, the political situation began to change, with multiple elections held over a relatively short period under a centralized government system. In February 1996, the then Communist Party of Nepal-Maoist (CPN-M) engaged in armed conflict against the GoN, aiming to overthrow the Nepalese monarchy and establish a People's Republic. The conflict lasted for a decade that claimed thousands of peoples' lives and saw the arbitrary arrests and detentions and forced disappearances of many.

In 2006, the Comprehensive Peace Agreement (CPA) was signed between the Seven Party Alliance (SPA) and CPN-M, allowing two Constituent Assembly (CA) elections in 2008 and 2013, with the ultimate objective of drafting an inclusive and progressive constitution for Nepal. The new Constitution, promulgated in September 2015, substantially modified Nepal's administrative and governance structure, and introduced a federal system and bicameral parliament. The new Constitution mandated for elections at three levels - local, provincial, and national parliament - to be held prior to January 21, 2018. However, the period following the establishment of the new Constitution involved political tension, changes of government, and uncertainty over the elections, as some

Terai-based Madhesi parties, among others, threatened to boycott and disrupt any elections unless constitutional amendments were made. Following compromises, the elections process continued to move forward.

As the election date drew closer, there had been widespread hope that Nepal would hold peaceful elections that would bring about government stability and eventual economic and political development. People seemed hopeful that after the elections, parties will sideline partisan politics and focus on development. In particular, citizens expected that the seven provincial governments will tackle the problems and issues of rural areas. In drafting the Constitution, the parties determined that a federal system would be the best option for a centralized government and that with a new system and transition complete, the government would be able to tackle the most pressing issues facing its citizens. For these elections, political parties developed election manifestos focused on advancing economic prosperity and development, including commitments to create jobs to tackle growing unemployment and ensuring social security while expanding health and education facilities. The Nepali Congress (NC) promised to create half a million jobs within the next five years if a government was formed under its leadership, while the joint election manifesto of the left alliance - CPN-UML and CPN (MC) (Maoist Center) - focused on stability, good governance, and economic prosperity. They claimed that under their government, per capita income would reach USD 5,000 within five years with a massive increase in jobs for young people.

Security Concerns

Electoral violence has been an unfortunate phenomenon over the past two decades despite election codes of conduct and security arrangements, where many actors resorted to violence to fulfill their legitimate and illegitimate demands during elections. Prior to the 2017 elections, Netra Bikram Chand aka “Biplav” led CPN-M had declared their intent to disrupt the polls, claiming that the elections served no purpose. They were found looting and destroying election materials, preventing candidates from registering, threatening voters to not vote, and using improvised explosive devices (IEDs) throughout the country. Election campaigners from various political parties faced incidents of violence in different parts of the country, including the use of IEDs, raising fears for the

safety and well-being of voters as they went to the polls. Fears of violence increased after a series of IED explosions targeted candidates.

In order to mitigate and effectively respond to the risks of violence for the 2017 elections, the GoN implemented a robust three-tiered election security plan utilizing the Nepalese Army, the Armed Police Force (APF) and Nepal Police, and temporary police personnel. Nepal Police personnel and temporary cops were deployed inside the polling centers while the APF and the Nepali Army covered the second and the outermost rings, respectively. Security agencies classified constituencies and polling centers into highly sensitive, sensitive and normal in terms of their security threat; yet the security forces were challenged in preventing some forms and incidents of election violence.

Three-tiered Election Security Plan



Domestic Observation NEOC 2017 HoR & PA Elections

100%

of LTOs reported that trained temporary police were deployed in their constituency.

* Based on 105 LTOs reports

Chapter 4: Legal Framework

Electoral System

In all previous elections until 1999, Members of Parliament (MPs) were elected from single-member constituencies through a first past the post (FPTP) system. The parliament reflected the traditional division between privileged castes and ethnic groups which had been excluded from political influence for centuries. The decade-long internal armed conflict and subsequent democracy movement made it clear that Nepal needed fundamental reforms of its political structure, resulting in more inclusive representation through elections to the CA in 2008 and 2013.

Accordingly, the electoral system with the 2015 Constitution established a mixed system of proportional representation (PR) and FPTP, while also aiming to bring greater representation to historically marginalized groups and women through representation under proportional representation candidate lists.

2017 Nepalese HoR - Seats by Province

Province	FPTP Seats	PR Seats	Total Seats
Province 1	28	110	275
Province 2	32		
Province 3	33		
Province 4	18		
Province 5	26		
Province 6	12		
Province 7	16		
Total	165	110	275

2017 Nepalese PA - Seats by Province

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

A mixed electoral system, with 60 percent of seats elected in FPTP races and 40 percent elected through PR, was chosen for both the HoR and PA elections in 2017. For the HoRs' 275 members, this meant that 165 are elected through FPTP races (one member per constituency), while 110 are elected from through a closed list PR system (where the whole country acts as one constituency). The members of the HoR hold five year terms. The new electoral law also stipulated that women must account for at least one-third of members elected from each party to the parliament. For the PAs, the mixed system means that 330 members are elected through FPTP races, while 220 are elected through a closed list PR system, all also with five year terms. The number of seats in each PA varies by province.

While a combination of majoritarian and proportional systems was used in the past, the change of more seats allocated for FPTP (from 40 percent in past to 60 percent at present) rather than through the

PR system, was attributed toward allowing greater competitive electoral democracy while respecting inclusion at the same time. The PR system aimed to ensure the representation of Dalits, Janajati (indigenous) groups and minorities in the governing structures. However, with a lower percentage of PR seats than in previous elections, many claim that women and minorities were given fewer opportunities to stand and be elected. As is the case in many contexts, parties are less likely to nominate women to stand as candidates in single-mandate districts.

Legal Framework

Several acts and laws governing the election management process were passed for the 2017 HoR and PA elections, such as Election Commission Act of 2017, Electoral Roll Act of 2017, Election (Offence and Punishment) Act of 2017, Political Party Registration Act, and Other Rules and Directives. These acts were the most important legislative instruments in establishing the necessary provisions for the conduct of credible elections. However, legislative parameters were enacted in a very short span of time (less than 90 days), creating pressure on the ECN especially the logistical preparations.

The Constitutional Bench of the Supreme Court is tasked with hearing and settling cases related to HoR and PA elections under the Election (Offense and Punishment) Act 2017. However, other cases relating to elections can be settled by the relative high court. With some exceptions, essential safeguards are in place to prevent political interference and electoral fraud.

Compliance with Electoral Legislation

NEOC's analysis and observation shows that legislation generally facilitated political freedoms for all, including the right to freedom from discrimination, expression, opinion, association, movement, peaceful assembly, fear and intimidation. To a larger extent, the electoral process was in compliance with the laws of Nepal, as well as with international and regional commitments for democratic elections to which Nepal is a signatory. No restrictions on the right to stand for elections were imposed and the nomination process was largely smooth, though was disrupted by a series of violent attacks on candidates and campaign events. Hundreds occurred throughout Nepal, primarily through IEDs, and some preventive detention was used to restrict the activities of those who were perceived to be a threat to public security.

Elections and Human Rights

Compliance with human rights and legal standards help to provide a benchmark for determining if elections are credible. Elections may be assessed by whether they are inclusive, by ensuring the right to vote and be elected, whether all parts of the electoral process are transparent to voters, and whether there are mechanisms in place to hold stakeholders accountable. An assessment of these factors in elections is essential in determining an election's credibility and to instilling public confidence in an electoral process.

The Constitution of Nepal is clear that citizens of Nepal are equal, and that gender, ethnic,



religious or sexual minorities should not be discriminated against, while also including a provision for political parties' inclusion of women and minorities to file their candidacies for PR races for the HoR. The recently enacted Rights Relating to Persons with Disabilities Act of 2017 provides strong protection for persons with disabilities' rights to participation, and obliges the government to ensure that the polling process and polling materials are accessible and understandable. While these provisions ensure the participation of the disabled, the electoral law does not include a mandate for accessible polling centers or to voter education materials for persons with disabilities. In addition, there were several restrictions on universal equal franchise in these elections. There were no provisions for those abroad to vote, and several working on election day, including polling officials, security personnel and stationary observers were not permitted to vote. In addition, mechanisms for transferring voter registration from one constituency to another remained difficult, and young people who turned 18 between the cutoff date and the election days were not permitted to vote.

Despite shortcomings, the electoral process was generally conducted in an atmosphere characterized by no major incidents of intimidation and with respect for human rights and fundamental freedoms. However, in some places, the activities of poll rejectionists created an atmosphere of insecurity. Such incidents curtailed the enjoyment of the right to life, the right to personal integrity as well as the right to liberty and security. With few exceptions, incidents of intimidation and

manipulation of the electorate did not appear to be widespread. However, these incidents of insecurity hampered outreach to voter education, political meetings and rallies in some places.

Election Commission, Nepal (ECN)

The 2015 Constitution sets forth the ECN in Part 24, articles 245-247, and mandates it to "conduct, supervise, direct and control the election of the President, the Vice-President, Federal Parliament, Provincial assemblies, local bodies"¹. It also mandates that the ECN compile the voters list for elections, resolve discrepancies and disputes regarding candidate nominations and other duties as regulated by other laws set forth. The Commission can also hold referendum on subjects of national importance. It is considered as a vital institution for sustaining democracy and executing a credible electoral process.

Composition of the ECN

The ECN is comprised of five commissioners, appointed by the President on recommendation of the Constitutional Council for six-year terms. A Chief Election Commissioner acts as the Chairperson of the Commission. Article 6 of the Constitution prescribes the qualifications necessary for appointment of ECN commissioners. However, the government has appointed mostly former government secretaries and high level officials as commissioners. Past records indicate that very few representatives of civil society or other sectors have been

¹ <http://www.election.gov.np/election/en/constitutional-provision-29.html>

chosen for ECN posts. In most cases, political affiliation and loyalty tend to factor most into the appointment of high level posts of constitutional bodies, including the ECN.

The ECN appointed chief returning officers and returning officers in all 165 electoral constituencies for the HoR and PA elections, including 77 district judges as chief returning officers and other judiciary officials as returning officers. The ECN conducted a two-day orientation for returning officers and officials, and opened offices for chief returning officers and returning officers to expedite poll preparations in their respective constituencies. ECN returning officers' performance and application of procedures were found to be inconsistent, particularly on election day with regard to observers' presence in polling centers.

ECN's performance during the 2017 elections

Though there were shortcomings in regard to election management, consistent application of procedure, and voter education, the ECN is largely applauded and hailed for effectively conducting elections in an effective manner, especially given significant time constraints in preparations. However, there were several instances where the ECN did not maintain sufficient transparency throughout the entire process. Absence of frequent and coherent dialogues with political parties, civil society groups and observers and their non-disclosure of internal decisions marked the ECN's lack of transparency and accountability during the elections. ECN has failed to publish critical information on polling center turnout and

results from the election on timely manner. In addition, the ECN was criticized heavily on what many called insufficient voter and civic education, observed due to confusion of voters over how to properly mark the three ballots, and the relatively high invalid ballot rate compared to previous elections.

Constituency Demarcation

In order to determine the new boundaries under the federal system, the government established a five-member Constituency Delimitation Commission (CDC) on July 20, 2017 based on Article 286 in the Constitution. The CDC was tasked with setting up the new constituency boundaries in only a 21 day period for the HoR and PA elections¹. 165 electoral constituencies were established as single-mandate constituencies for the HoR elections.

Boundaries were determined by giving 90 percent weight to population and 10 percent weight to geography, while also considering factors like social diversity, population distribution, and laws regarding electoral constituency. Of the total 165 electoral constituencies, 78 are in 20 Terai districts, which make up 47.27 percent of the country's total population. The Madhesi-based parties had been demanding 51 percent electoral constituencies in Terai districts, saying that half of the country's population resides in the region. However, the CDC's delimitation gave the region one percentage point less constituencies compared to the number of constituencies the region had when there were 240 electoral constituencies. It was mandated that each district have at least

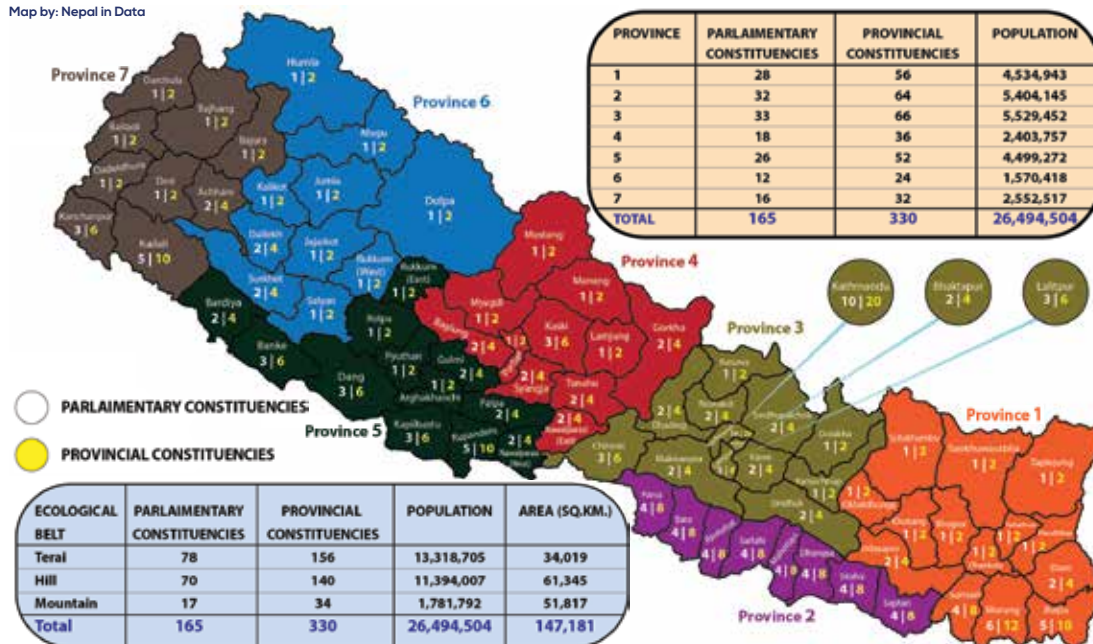
¹ <http://kathmandupost.ekantipur.com/news/2017-07-20/5-member-cdc-formed-under-former-chief-justice.html>

one constituency; as such, there are thus 35 single-constituency districts.

The new constituency delimitation gives Kathmandu the most constituencies with 10, followed by Morang with six and Jhapa, Rupandehi and Kailali with five each. Rukum

district was split with Rukum (east) in Province 5 and Rukum (west) in Province 6. Both have one constituency each. Similarly, Nawalparasi (east) and Nawalparasi (west) have two constituencies each. All eight districts of Province 2 have four constituencies each. The figure shows the number of constituencies in each province.

Map by: Nepal in Data



Fairness and Effectiveness in Demarcation

NEOC looked into the rationale and broader acceptance of constituency structure by all stakeholders, as well as the transparency and availability of information on constituencies in terms of demarcation, size and number of seats. NEOC found that the electoral constituencies were determined with minimal consultations. While the CDC was under a 21-day time constraint, contentious issues were not formally debated among stakeholders before the CDC agreed upon the

constituencies. The media also alleges that CDC members were influenced by the ruling coalition, which led to gerrymandering in some constituencies. As per the Constitution, the new constituencies carved out by the CDC cannot be altered for another 20 years, and the CDC recommendations cannot be challenged in any court of law based on Section 7 of Article 286 in the Constitution.

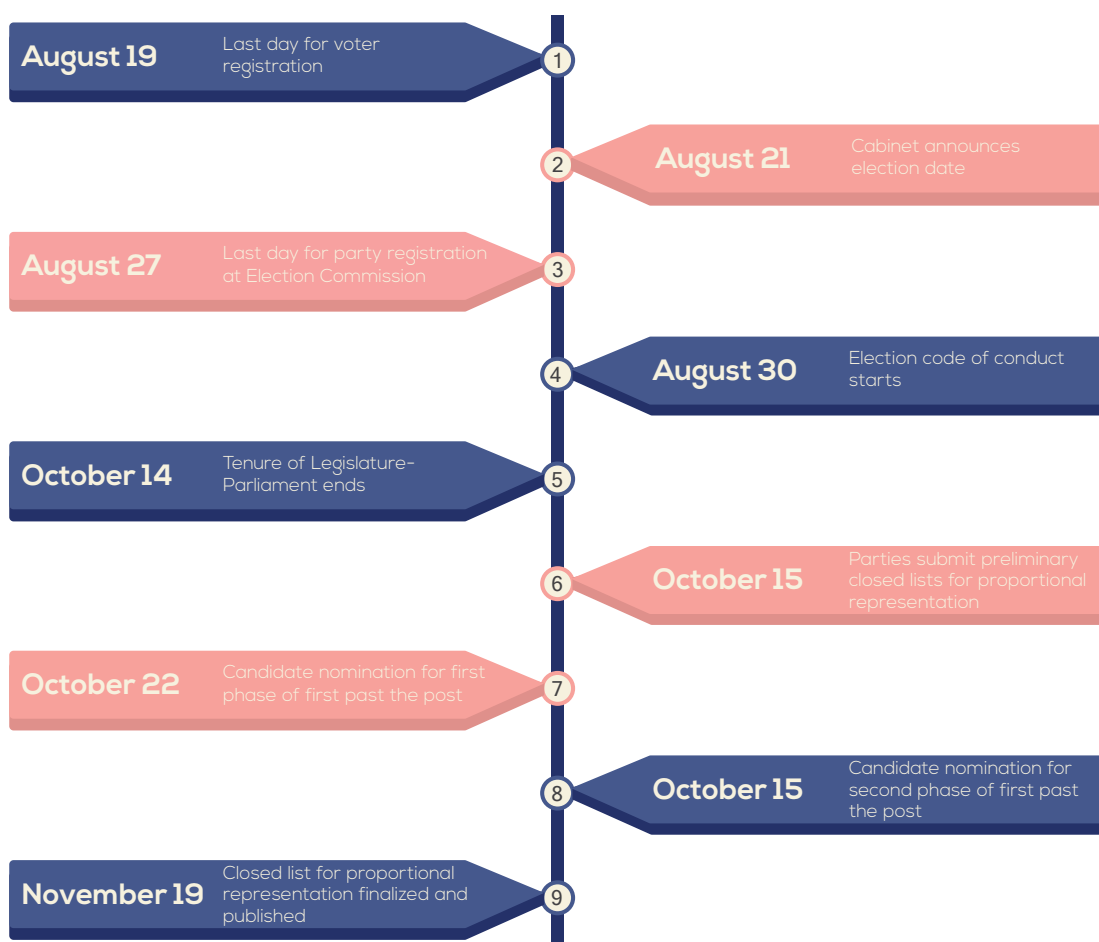
Although Madhesh-based parties agreed to take part in the elections, reservations still remain over electoral provisions and demarcation of constituencies. Madhesh-

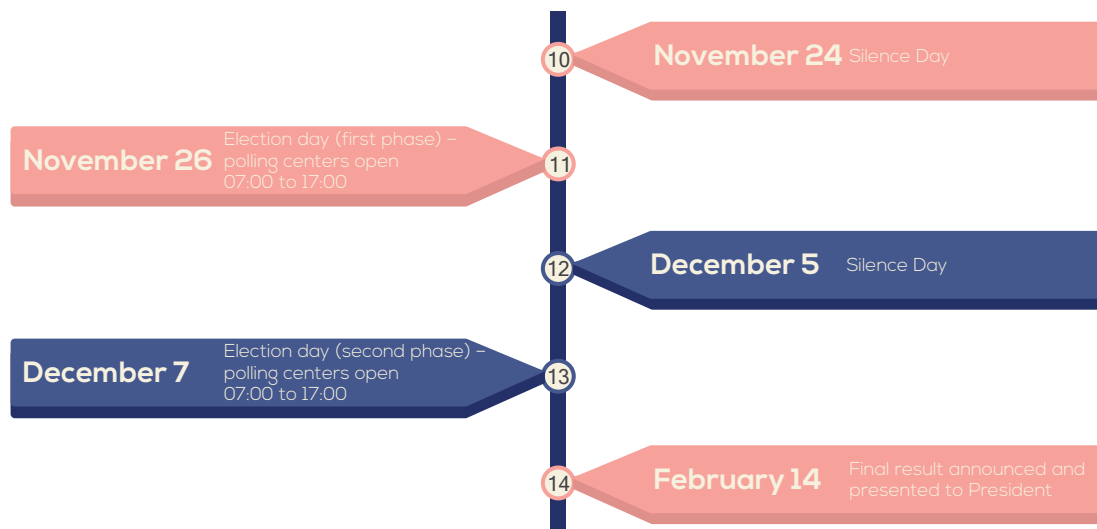
based parties have been demanding 51 percent constituencies in the 22 districts of Madhesh, proportionate to their 51 percent population. However, CPN-UML and many other voices were in favor of giving greater priority to geography. The CDC was given the mandate to give 90 percent weight to population and 10 percent to geography. It is likely that complications will continue to emerge in the future and

during future elections given allegations of gerrymandering, which NEOC will continue to observe.

Electoral Timetable

The ECN published a comprehensive electoral timetable for the two phases of parliamentary and provincial elections in 2017. The key dates of the elections were:





The election timing was in line with the country's new Constitution that required a new parliament to be in place before January 21, 2018. In a blow to the government hours after the announcement of elections on August 21, 2017, lawmakers

rejected a government proposal to amend the Constitution in order to meet some of the demands of the ethnic Madhesi minority. However, this rejection of the constitutional amendment didn't affect the election timetable.



Naitonal ToT for NEOC Provincial Coordinators, Kathmandu

Chapter 5: Pre-Election Period

Monitoring Mission & Methodology

While a cabinet meeting held on August 21, 2017 set the HoR and PA elections for November 26; the election was split into two phases at the request of the ECN - the first on November 26 and the second on December 7 - due to adverse weather conditions in the mountainous region and logistical complexities. As a result, the unofficial campaign period began from the day the elections were declared, whereas the official election timetable stated the campaign

start date as October 25 for the first phase and November 5 for the second phase.

NEOC began observing the pre-election period for the elections on November 16, but had been following electoral developments and incidents prior to that date by utilizing NEOC's district and provincial focal points, active since the beginning of 2017 for the local elections. NEOC deployed 165 LTOs in all 77 districts and in all 165 electoral constituencies to monitor the pre-election and campaign period.

Domestic Observation – NEOC 2017 HoR & PA Elections

81.73%

17.31%

0.96%



Calm

Moderate

Tense

of LTOs reported that pre-election
environment was

* Based on 105 LTOs reports

In addition to the legal framework, NEOC's LTOs were guided by international standards for domestic election observation as embodied in the GNDEM and Monitoring by Citizen Organizations, which set forth the basis for credible election observation. LTOs were trained in a day-long provincial level training of trainers (ToT) and were equipped with a standardized checklist of questions, allowing them to focus on specific election processes, and an observation passport, which provided them with valuable election observation related information. NEOC's LTOs focused on observing campaign activities from various political parties, any misuse or abuse of public or state resources from parties, the state of the ECN's preparedness in their electoral constituencies, the presence and activity of voter education, the security situation, and any incidents of violence or tensions. To supplement their LTOs, STOs and general observers, NEOC relied on election data gathered from a variety of sources, as well as reports received from other observation groups, the ECN, the media, Non-Governmental Organizations (NGOs) and citizens. NEOC district chapters and LTOs reported incidents that occurred to NEOC's National Secretariat in Lalitpur to remain vigilant about any remedies and actions that were taken in response to the incidents.

Political Parties

In accordance with the Party Registration Law of 2017, persons who are committed to a common political ideology, philosophy, and program, subject to the laws under section

(b), clause (2) of the Article (17), are entitled to form and operate political parties and to generate publicity in order to secure public support and cooperation from the general public for their ideology, philosophy and program, and to carry out any other activities for that purpose. Accordingly, the political parties formed under clause (1) are required to register their names under the ECN in accordance with procedures determined by law. Registration is a requirement for securing official recognition and contesting elections as a political party. In order to successfully be registered, political parties are required to meet specific conditions. The Constitution and internal rules of a political party itself must be democratic, and the party should be committed to provisions to promote proportional representation reflecting the diversity of Nepal, and no party's name, objective, symbol or flag may be of a character that disturbs the country's religious or communal unity or creates divisiveness.

Candidates who aspired to contest the parliamentary and provincial elections were required to produce a copy of their citizenship certificate, provide evidence of being on the voters list (such as the Voter ID Card), and provide a security deposit receipt (NPR 10,000 for HoR members and NPR 5,000 for members of PA, however, women, Dalit, and minorities or financially poor candidates were given 50% down) and formal letter signed by the party's authorized person. To register as a candidate for a PA, the aspirant needed to be listed on the voters list of the rural municipality or municipality of the same province. Anyone nominated as a candidate on a closed list in the PR system cannot also



become a candidate for the FPTP system, and cannot nominate any other candidate. A new provision instituted for these elections stipulates that one person can file candidacy from only one electoral constituency; in the past, until 2013 CA elections, a person could file as a candidate, and thus be elected, from multiple constituencies.

Over the years, political instability resulted in short-lived governments. For these elections, the two erstwhile communist rivals CPN-UML and CPN (MC) made a dramatic, surprise move to form the so-called “Left Alliance”; which ultimately resulted in an another alliance so-called “Democratic Alliance” consisting of Nepali Congress, the Rastriya Prajantanra Party, Rastriya Prajantanra Party (Democratic); and another alliance of two Madhesh based parties, Federal Socialist Forum Nepal and Rastriya Janata Party Nepal (though their competitiveness was largely limited to Province 2).

The leadership of these newly allied parties proclaimed that their alliances would enable their party to win around two-thirds of vote in the elections, and that the merger of these parties would later help bring political stability in the nation by ending the current political transition. The new polarization of politics heightened the existing level of differences among the political parties, testing the new structure of politics in Nepal as it moved to a federal system.

Candidate Nomination and Election Symbols

A total of 88 political parties were granted

ballot access under the PR system. However, only 49 political parties submitted lists of proportional candidates.

On October 22, the first phase nominations took place in 32 mountainous districts; 320 candidates registered to run for 37 seats in the HoR and 482 candidates for the 74 seats in six PAs. Of the total number of registered candidates under the FPTP system, 702 eventually contested the elections. 282 candidates, of which 16 were female, ran for a seat in the HoR, and 420 candidates, of which 20 were female, ran for a seat in the PAs.

Similarly, on November 3, the second phase nominations took place in the remaining 45 districts; 1,742 candidates under the FPTP system, of which 126 were female, filed to run for 128 seats in the HoR and 2,966, of which 209 were female, filed to run for the 256 seats in the PAs.

The ECN developed 188 types of election symbols for use on ballot papers for the HoR and PA elections. Out of the 188 symbols, 138 appeared on ballot papers for both FPTP and PR races for the HoR elections, while 50 were printed on ballot papers for the PA elections. 90 political parties registered in the ECN were allocated the same election symbol for both the HoR and PA elections, while the ECN allocated various separate election symbols to candidates running as independents for both elections. These election symbols featured in three different ballot papers used for the elections. The election symbols ranged from the images of various tools to vegetables.

Sample ballot paper for FTPT seats in HoR

मतपत्र क्रमसङ्ख्या :

प्रतिनिधि सभा सदस्य निर्वाचन, २०७४

पहिलो हुने निर्वाचित हुने निर्वाचन प्रणाली

मतदाताको लेखात्मक वा रेखात्मक सही छाप

प्रदेश नं. : ...

प्रतिनिधि सभा निर्वाचन क्षेत्र नं. : ...

जिल्ला :

गाउँपालिका/नगरपालिका :

वडा नं. :

मतदाता क्रमसङ्ख्या :

प्रतिनिधि सभा सदस्य निर्वाचन, २०७४
पहिलो हुने निर्वाचित हुने निर्वाचन प्रणालीको मतपत्र
[एउटा कोठाभित्र मात्र मतसङ्केत (X) गर्नुहोस् !]

मतदान अधिकृतको दस्तखत :

Election Code of Conduct (CoC)

Following the government's announcement of the election date, the ECN prescribed a CoC for electoral stakeholders to conduct the election in a credible, impartial, transparent, and reliable manner. The ECN developed the varying CoC (one for candidates, political parties, and concerned persons; one for the GoN, local bodies and public institutions; one for employees; and one for mass media, NGOs and observers) without significant consultations with stakeholders. The CoC was put into force on August 30. In addition to these codes, the ECN issued a 27-point directives to the GoN to make necessary arrangements for the election, as well as asking the GoN to adhere to the CoC and to sanction those found violating it¹.

In these elections, NEOC found that the CoC issued by the ECN was largely limited in its adherence and was violated. Certain violations were prevalent, especially from political parties and candidates. Though the level and frequency of violations differed, every political party violated the CoC in these elections. NEOC's observers found children were used in campaign events, and there were instances where public resources were used by parties during campaign activities. LTOs observations found that parties also produced campaign materials restricted by the ECN under the CoC such as T-shirts or caps with the party logo. The ECN itself received many complaints and acknowledged awareness of such violations through their own monitoring, yet little to no action was taken to sanction those who violated the CoC, except through warnings.

Campaign Finance

The ECN set campaign expenditure ceilings of NPR 2.5 million and NPR 1.5 million for HoR and PA candidates, respectively. However, there was little rationale behind the ceiling; the ECN claimed they were fixed considering inflation, market price, electoral constituencies and number of voters. The poll expenditures were higher for these elections than in previous. The ECN had set NPR 919,000 as the poll expenditure for a candidate contesting the elections under first past the post in 2013's CA elections. Similarly, candidates were asked not to exceed NPR 459,500 for his or her poll campaigns in the 2008 CA elections.

Data on political parties' campaign spending lacked transparency and accountability when violated. The ECN only required political parties to submit an audit report of their campaign expenditure done through official/banking methods. No proper monitoring mechanisms were introduced by the ECN to check the flow of money through unofficial channels. Without official and detailed data on campaign finance, it's almost impossible to truly know how and to what extent parties breached the expenditure limits.

CoC for Election Observers

The ECN developed a separate CoC and directives for election observation groups, aiming to ensure observation was conducted by credible groups and observers. NEOC concluded that observation directives were more restrictive than in previous elections for observers and observer groups. Some of these

¹ <http://www.uniindia.com/news/world/nepal-ecn-to-issue-27-point-directive-to-govt/1018613.html>

stipulations included barring observers under the age of 21, an educational qualification requirement of needing to have completed high school, and prohibiting observers from being deployed within his or her ward of residence. These restrictions complicated recruitment, registration, training and deployment of observers for domestic observer groups, including NEOC. In addition, the registration process for observers moved to an online system; while positive in nature, the registration process proved slow and involved uploading multiple documents, proving difficult for observers in the mountainous and high hill districts with no or poor internet access.

Voter Registration (VR)

Since 2010, the ECN developed a new VR system, a modern registration process with photography and biometric information in order to make the voter roll more accurate by removing any duplication. The system allows all eligible Nepali citizens to be registered by digitally capturing their photo, fingerprints, and signature, the previous register, which was believed to contain many mistakes like missing or misspelled names, duplicate entries of voters' names in multiple locations, and possible ineligible voters. NEOC had observed the VR process since 2010 in order to support the process, to promote confidence in the ECN and the VR process, and to contribute to the overall strengthening of the democratic process. The ECN is credited for having successfully undertaken the ambitious task of making photo-based voter identity (voter ID) cards available to all registered voters. Despite multiple challenges, the ECN's VR process is largely seen as a positive development.

For these elections, the ECN opened a VR period from July 16 to 30; this was ultimately extended until August 19, 2017. Only citizens who were not already registered needed to register; voters who had registered for the local elections did not need to re-register. Only citizens on the voters' list were permitted to vote in the HoR and PA elections, though registered voters also needed to be 18 years of age by August 21, 2017, a date set by the government, in order to vote in the elections. As of the registration deadline to vote in the HoR and PA elections, there were 15,427,938 registered voters; 7,776,628 men, 7,651,143 women, and 167 of third gender. This represents a 9.77 percent increase in registered voters, or around 1.3 million more, from the local elections held earlier in 2017.

Voter registration criteria

Voter Registration in Nepal

- Conducted continuously throughout the year until election is announced.
- Citizenship certificate is required for citizens to be added to the voters' list.
- May register to vote at age 16, but must be 18 to vote.
- Registration can be done in any district or administrative office, area administration office, or with any ECN mobile VR team.
- Preliminary voters' lists from districts are centrally integrated and de-duplicated at the ECN in Kathmandu; revised preliminary voters' lists are then distributed to district election offices.
- After the preliminary voters' list has been subject to verification, claims, and objections at the local level, the final voters' list is prepared and printed
- Photo voter ID cards are produced and distributed based on the final voters' list.

The ECN started implementing VR in accordance with the previous Interim Constitution (2007), the Voters' Roll Act (2006), and the Voters' Roll Rules (2007) and updated in accordance with the Voters' Roll Act (2017). In line with this legal framework, the ECN developed policies and procedures to govern the conduct of VR, including VR eligibility requirements and implementation measures. There is no legal obligation for citizens to register. Registrants must come in person to a registration site. Individuals are eligible to register if they are aged 16 or older and possess a Nepali citizenship certificate. In principle, citizens register to vote for the municipality or Rural Municipality (RM) listed on their citizenship certificate. If a citizen wishes to register for a different municipality or RM, he or she must present proof of migration such as a letter from the Ward office.

NEOC's observation revealed multiple challenges facing the ECN in connection with the VR drive. These included difficulties in meeting registration turnout targets; potential eligible voters unable to register due to their lack of eligibility documents, in particular citizenship certificates; political party who called for boycotting the elections obstruct the process in some areas; difficulties reaching internal migrants; limited capacity and delays on data management and technology issues; weak voter education; and minimal support from political parties to raise awareness of the registration process or encourage eligible individuals to register. The ECN conducted feasibility studies for out-of-country VR and voting in selected countries between 2010 and 2014, but the new legal framework does not provide for out-of-country voting.



Voter ID distributioin, Bardiya

NEOC appreciates the rigorous effort from the ECN to curb the incidences of multiple registrations of eligible voters with a modern computerized technology involves registration of voter with bio-metrics and photographs. We found that the agencies involved in the voter registration process were satisfactorily advancing the initiative nationwide. The extension of the timeframe and the opportunity to allow all eligible voters to register from “anywhere” is highly appreciated. The staffs of the ECN in the field were found working hard even under exceptionally difficult circumstances (geographical terrain, political tension, harsh monsoon, etc.) to accomplish the mission. This cumbersome initiative unconditionally deserves support from all quarters.

Voter ID Cards



The ECN distributed voter ID cards on November 24 and 25 to voters in provinces voting on November 26. Voters in provinces scheduled to vote on December 7 received their voter ID cards on December 5 and 6. Voters who received their voter ID cards for the recent local elections were required to show the same card at their respective polling centers in these elections.

The ECN had printed 2.2 million voter ID cards for these elections, for which 1,355,519 people had registered as new voters and those voters who's personal detailed needed, bringing the total number of registered voters to 15,427,938. Meanwhile, the ECN also liberally considered allowing people to vote with any other government-issued ID card like citizenship, passport and driver's license in order to ensure that all registered voters had the opportunity to exercise their right to vote. In many instances, the eligible voters who had their name on the voter roll did not get ID cards (if they possessed another government-issued official identification document, they were still permitted to vote) and similarly, those who received ID cards, didn't have their name on the voter roll due to minor issues in updating the voter's lists.

Voter Education

The ECN's voter education program did not integrate a broader civic education component in their overall efforts to better inform citizens on why and how to vote. Civic and voter education was largely limited to mere voter information on how to mark the ballot.

Efforts to properly inform and educate voters were in part due to the short preparation time the ECN had to administer the elections. With a complicated ballot system, in which voters would first vote on a FPTP ballot for the HoR, followed by a FPTP ballot for the PA, and lastly one ballot for PR (that voters needed to mark twice to indicate choices for HoR and PA), efforts to educate voters on how



to complete the ballots and what each ballot represented were needed, yet insufficient¹. As, the elections represented significant changes in structure from previous elections, additional voter education would have proved beneficial to voters.

Based on the ECN officials statement, ECN allocated around NPR 750 million for voter education endeavor. Around NPR 420 million was spent on social mobilizers who were trained as voter educators. The ECN deployed as many as 20,000 educators to teach voters how to cast their ballots for the elections. One voter educator covered the voters of one polling center, and each voter educator was assigned to teach at least 200 households, or about 1,064 voters, to see that the votes didn't become invalid. The volunteers were mandated not only to conduct voter education on how to cast votes properly but also to encourage them to go to their respective polling centers to exercise their right.

Apart from mobilizing voter educators, the ECN carried out various activities including providing sample ballots and holding mock elections, posters showing voters how to vote, and door-to-door campaigns, which NEOC observers monitored during the pre-election period. The ECN prepared five different types of posters, which had answers to the frequently asked questions (FAQs) related to the election, and booklets and resources for the voter education effort. The posters related to voter education contained topics such as who should abide by the election CoC and why, the different posts

to be elected in the RM Assembly and the Municipality Assembly, the way of putting the mark on the election symbol of one's choice, the way of folding the ballot paper and casting it in the ballot box. The posters also illustrated the condition of when a vote is invalid, the time polling centers are open, and how voters should queue at the polling center.

These activities, however, did not yield the expected outcomes, yet were combined and compounded with several other factors that could have confused voters or prevented them from receiving adequate information. Major political parties forged electoral alliances just ahead of the candidate nominations, and did not sufficiently educate their supporters about voting techniques, and the entire process proved to be under significant time constraints limited the outreach efforts.

Invalid Votes

Ballot papers for the proportional races proved to be long and confusing, and election officials reported that voters were confused on how to properly complete and fold the ballot papers to avoid ink-smudging². For the 2017 elections, the invalid ballot rate remained consistent with past CA elections, with an invalid rate of 5.18 percent on average across the country in FPTP races³.

More than 2.6 million votes, out of the total polled, were considered invalid. According to the preliminary report uploaded by the ECN on its website, there were altogether 2,610,968

1 <http://kathmandupost.ekantipur.com/news/2017-11-12/voters-to-be-given-fptp-pr-ballots-separately.html>

2 <https://thehimalayantimes.com/kathmandu/confusion-reigns-pr-voting-voters-lack-education/>

3 <http://kathmandupost.ekantipur.com/news/2017-12-14/invalid-votes-under-fptp-system-averaged-at-518-pc-cec-yadav.html>

spoilt votes. Earlier, the ECN had said that voter turnout was on average 68 percent between the two phases of the HoR and PA elections conducted on November 26 and December 7. Numerically, as many as 10,587,521 eligible voters had exercised their voting rights during the two rounds of the elections across the country. Among them, only 9,544,744 votes were valid under the PR system of the HoR elections. It means 1,042,777, or 9.84 percent of the votes, were spoilt under the PR system of the HoR elections. According to data, the percentage of invalid votes was higher in the PA elections compared to the HoR elections. Out of the total votes polled, 9,019,330 votes have been recorded valid. Altogether 1,568,191 votes casted for the PA were announced invalid. This is 14.81 per cent of the total casted votes for the PA; this number is 4.97 percent higher than the invalid vote percentage for the HoR elections.

Campaigning by Political Parties / Candidates

Political parties started mobilizing their cadres and supporters after the announcement of the election dates, and formal campaigning started with the filing of nominations on October 25 for the first phase of the elections, and on November 5 for the second phase. Pamphlets, motor rallies, mass meetings and even feasts were common sights in constituencies, through their intensity varied from party to party and candidate to candidate. During the early weeks of the campaign, posters, and billboards were largely absent, but as the campaign intensified they became more visible.

The election CoC served as a guiding document for candidates and political parties

Domestic Observation - NEOC 2017 HoR & PA Elections



In **11%**
of Campaign Activities
observed
5% or more
participants were
children

* Based on 105 LTOs reports

in their campaigning, while also prescribing expenditure limits. The CoC seemed stricter than in previous elections, as among other things, the CoC stipulated that election symbols should not be displayed on T-shirts and caps, and that posters and flags must be limited in size. NEOF's observers claimed that though minor restrictions were respected by political parties in comparison with the 2017 local elections and past CA elections, the more serious aspects of the CoC, such as campaign expenditure and the silence period, were not as well respected.

While parties and candidates were largely free to campaign within the confines of the CoC, the sporadic events of explosions, particularly by some poll rejectionist groups with violent attacks on candidates and their supporters, hindered a healthy campaign environment in some places. NEOF's observers generally noted peaceful relations between political parties around the country. In addition, door-to-door campaigning and "side meetings" in local communities were most common forms of campaign activity in this election. Although vote-buying is explicitly prohibited in the CoC, there were several claims of the use of cash or other goods to influence voters. Larger rallies with the top party leaders started only in the later stages of campaigning, closer to the election date.

Misuse of Administrative Resources

During the pre-election period of the HoR and PA elections, NEOF monitored the use of administrative and public resources by political parties and candidates, including the use of material, financial, and

human resources for the advancement of political purposes.

NEOC's observers found a few instances of abuse of public resources. 1 reported CPN-UML's use of public vehicles in Bajhang district, while NC, RPP, and Left Alliance and CPN-UML were reported to have used INGOs' or NGOs' vehicles in Salyan, Sunsari, and Dang districts. In one case, an LTO found a school bus being used by the CPN (MC) in Chitwan district. There were also accusations that the ruling party, NC, misused state resources, including the use of government transport during the election campaign. LTOs found that candidates of various political parties took undue benefit of their official positions during their campaign.

There were accusations that the then Prime Minister Sher Bahadur Deuba used a Nepalese Army helicopter to attend party gatherings and address the party's mass rallies, in his capacity as head of government. As the use of a helicopter for campaigning was also questionable in terms of the election CoC due to the expenditure ceiling, election authorities were found to compromise under political pressure. Nevertheless, the ECN has asked the top leaders to submit the expenditure incurred even if an army helicopter was used.

The virtual caretaker government was reportedly in the media found to have distributed a large amount of money on a number of occasions to the cadres of CPN (MC) and NC under the pretext of "financial assistance". NEOF observers found that citizens, bureaucrats and the media used to see the misuse of power and administrative resources by those in the

government as common, even acceptable. Possessing the belief that “a little bit of corruption, manipulation or irregularity is all right”, can constrain democratic advancement and a level playing field. Even the ECN’s massive expenditure on poorly carried out voter education went unquestioned, despite the number of invalid votes.

Vote Buying

The 2017 HoR and PA elections were not the first to be marred by allegations of irregularities and disregard for the CoC. The pre-election campaigning ahead of the HoR and PA elections were marked by a noticeable trend of vote buying; however, it was always difficult to provide evidence of such incidences. Many candidates were found providing money to persuade voters. Distributing cash and organizing feasts to influence voters became a normal phenomenon. Such a flow of money by political parties and candidates is attributed toward an abuse of power if elected, and to get a return on those investments was a common exercise in the past.

In larger picture, vote buying began with the commencement of the candidate nomination period. It was noticed that within political parties, candidate nomination was influenced based on the individual candidate’s financial status. In these elections, fringe and economically challenged parties and candidates openly conceded to elections being increasingly unaffordable to contest. Therefore, the spirit of equal opportunity, a level playing field and impartial and credible elections was breached from the start of the elections. Hence, “candidate buying” and “vote buying” remained

two uncommon but connected phenomenon in the 2017 elections. The ECN on a number of instances sought clarification from different candidates for allegedly distributing money to influence voters; however, it never imposed any penalty for breaching the CoC. The ECN could have been more mindful of such forms of political corruption and levy appropriate fines or punishments for the perpetrators.

Electoral Violence and Harassment, Intimidation, and Hate Speech

Nepal has witnessed electoral violence over the past two decades despite election CoC and ample security arrangements. NEOC’s observation inline with other number of studies have shown that most violence occurred during the pre-election period. Violence is one of the greatest threats to credible elections, and the risk of violence in different forms and intensity had been present in nearly every past election.

The election CoC that came into effect soon after the announcement of election dates prohibits any political party from disrupting rival parties’ election campaigns, using inflammatory language or hate speech, committing violent acts, carrying weapons, creating obstruction or disrupting rival parties or candidates, and coercing citizens into voting a certain way. Despite such legal and moral restrictions, some candidates were found making unhealthy remarks toward opposing parties or candidates. Instances of harassment and intimidation against party activists began ahead of the elections and became more and more frequent as the election days drew close.



However, there were not many instances of “hate speech” observed during the election campaign; though those who gave the loudest and most satirical speeches were covered most frequently. “Left alliance has posed a threat to democracy” was a popular line by NC leadership whereas CPN-UML leadership often threw unbearable satire to NC leadership and other top level ministers and politicians as “gone are the days of small fish”.

NEOC employed the Electoral Risk Management (ERM) tool for the first time, allowing them to map electoral violence and threats, and helping election authorities to identify and address potential risks. While the most direct threat of violence was caused by poll rejectionists, incidences of violence and intimidation were also observed among the contesting candidates. While these attacks seemed primarily designed to intimidate, a number of candidates, supporters, and others suffered injuries, and one temporary policeman was killed in Dang district. Fears of violence increased after a series of explosions by poll rejectionists targeted candidates in an attempt to disrupt the elections. Despite the government’s assurance to ensure full-proof security for the elections, candidates faced attacks in various parts of the country during electoral campaigns. Such incidents caused some candidates to fear campaigning. However, no serious disturbance in the overall election process was observed as security was tightened.

Despite calls for boycott and strikes by poll rejectionist groups, large-scale violence was averted. However, several incidents of clashes

and explosions were observed by NEOC during gatherings and assemblies convened by political parties, including during door-to-door campaigns. The candidates, along with their supporters, were tense following bomb explosions despite the tight security arrangement in the districts. Incidents of small clashes regarding placements of flags and posters were prevalent but actions meant to disrupt elections were not observed between parties, despite some clashes between supporters of the Left Alliance and the NC. Netra Bikram Chand aka Biplav-led CPN had declared their intent to disrupt elections and were found looting and destroying election materials, preventing candidates from registering, threatening voters not to vote, and using IEDs to disrupt the election environment in many parts of the country.

During the campaign period, there were hundreds of violent incidents in all of the provinces, but most were found in different districts of province 1 and 3, involving the use of IEDs on party candidates, including attacks on rallies of then Prime Minister-Deuba and the chairpersons of the CPN-UML and the CPN (MC). Other incidents included an IED attack targeting Gagan Thapa, an NC candidate, and his supporters while election canvassing in Kathmandu. A vehicle belonging to NC parliamentary candidate Narayan Bahadur Karki for Udayapur Constituency 2 was ambushed. As many as four persons, including Karki, were critically injured in the incident. Similarly, an explosive device targeting the election candidate of the Left Alliance Lal Babu Pandit of Morang Constituency 6 went off during an election publicity campaign. Likewise, a pressure

cooker bomb exploded in Krishna NC leader and candidate of HoR Prasad Sitaula's house in Jhapa district.

Activists of the Netra Bikram Chand-led CPN were also involved in attacking election officials and destroying election materials in some of the districts. An IED was found

planted at the district election office in Nuwakot while Netra Bikram Chand-led CPN activists hurled a grenade and stones on officials deployed to hold the polls at Janata Basic School in Kalika RM-1, Kalikot. However, the Nepal Army's bomb disposal team later safely defused the explosive; preventing significant damage.

A torched vehicle, Sankhuwasabha



Media Environment

The media environment during the election campaign period was generally free, balanced, and pluralistic, though a few challenges were observed. Political parties and candidates were generally able to present their programs and visions to the public in free and equal conditions. Media

provided mostly balanced coverage of campaign events and political gatherings, allowing political parties to present their messages to voters across the country. At a local level, community FM stations were found providing airtime free of charge to candidates and party leaders to share their message. NEOC's observation at the Secretariat-level took note of the coverage

made by major national dailies, radio stations and television channels, which revealed reasonably balanced coverage.

The mass media played a crucial role in the ECN's voter education campaign using audio, video, print, and social media to help spread information regarding the voting process and the importance of taking part in polls. Some journalists and informed voters were found using platforms such as Facebook and Twitter to share electoral and voter information. At the same time, social media was also widely used by political leaders to spread their message. Nearly all parties, irrespective of their size, used official accounts on Facebook and Twitter. Parties were seen to devise and implement digital media strategies for campaigning rather than only using traditional media. Top leaders of major parties used dedicated websites to help them communicate directly with supporters. During the campaign period, they were found using such platforms to update their followers about their candidates, campaigns and agenda through video, text and photo messages.

However, in multiple cases, media houses asserted that the ECN was restrictive rather than facilitative in allowing them to publish political party advertisements. Few cases of limitations on the freedom of expression and freedom of the press were observed during the campaign period. Although electoral coverage focused mainly on campaign activities of bigger parties, such as the NC, CPN-UML and CPN (MC), public and private media house also provided coverage, although to a lesser degree, to smaller political parties and independent candidates. Nevertheless, a few

private radio stations were widely perceived to be politically inclined. Misuse of social media among campaigns was largely attributed to party cadres and supporters.

The election CoC limited each party in the frequency and design of political advertisements, limiting each party to publish one advertisement (size 7'x7') per day in one newspaper, and just four advertisements or messages a day (one minute duration at most) to be aired on TV and radio stations. In this regard, most political parties and independent candidates were found to have violated the CoC. At the request of the ECN, the Press Council Nepal (PCN) monitored the media coverage during the elections by launching its special monitoring on November 12. The PCN recorded several incidents of election CoC violations by many media outlets during the campaign period as well as during the silence period. The PCN also monitored the social media platforms operated by journalists throughout the country until the elections were complete. However, no proper actions were sought or taken by the ECN regarding media-related violations.

The election was also marred by many violations of media freedom including arrests of journalists with the allegations of anti-polling activities. There had been reports that journalists were subject to police intimidation and were in some cases victims of physical attacks. There were some incidents where reporters were attacked at their houses and offices by political cadres. Media personnel had claimed that such direct acts of intimidation were accompanied by threats, including harassment by officials, letters and phone calls.

Chapter 6: Election Days - Phase I and II

Monitoring Mission & Methodology

On election day, voting was conducted in 19,809 polling centers across the country. For both election days (Phase 1 on November 26, 2017 and Phase 2 on December 7, 2017), NEOC deployed 1,650 stationary, short-term observers (STOs) to assigned polling centers within each constituency, with 10 STOs deployed per constituency. This methodology provided NEOC with more comprehensive data on the conduct of the elections throughout the country. 370 STOs were deployed in 37 constituencies for the first phase of elections, while 1,280 were deployed for the second phase. STOs, equipped with a standardized checklist of questions, arrived at their assigned polling center at 6:30 AM, and remained in the same polling centers to observe opening, voting and closing processes. Counting for both the first and second phase of elections

began in constituency counting centers following the second phase of elections. This process was monitored by NEOC's 165 LTOs.

For both phases of elections, NEOC deployed an additional 2,093 mobile and eminent observers and volunteers (669 during the first phase and 1,424 during the second phase) across the country to monitor electoral processes across polling centers. In total, NEOC deployed a combined total of 3,743 accredited observers (1,039 during the first phase and 2,704 during the second phase).

Call Center

NEOC established a Call Center in Kathmandu in order to rapidly obtain data and findings from STOs deployed in both phases. At key points throughout the day, the Call Center



Volunteers in NEOC's Call Center make calls to observers across the country to collect data on opening, voting and closing processes.

volunteers called STOs to obtain priority data from observers' checklists. The team of Call Center volunteers, mostly young people, rapidly collected responses from STOs, which were entered into online forms and further analyzed. The Call Center called STOs in the morning to collect data on opening processes, midday to collect data on voting processes and in the evening for data on the closing of polling centers.

Due to network coverage issues in Nepal, Call Center operators were not able to reach every STO during the elections. During the first phase election, the Call Center was able

to reach 276 STOs for the opening report, 269 STOs for the midday polling report and 235 STOs for the closing report. For the second phase, the Call Center was able to collect data from 1,037 STOs for the opening report, 1,017 STOs for the midday polling report and 961 STOs for the closing report. Findings from these calls were compiled into three press statements on both election days, which can be found in Annex 7.

Following the election, NEOC worked to collect completed checklists from STOs, and entered in complete data from all checklist questions into an online form for further analysis.

Domestic Observation-NEOC

2017 Elections of the HoR and PA



**CALL CENTER
VOLUNTEERS**



39%

Phase I

61%

38%

Phase II

62%

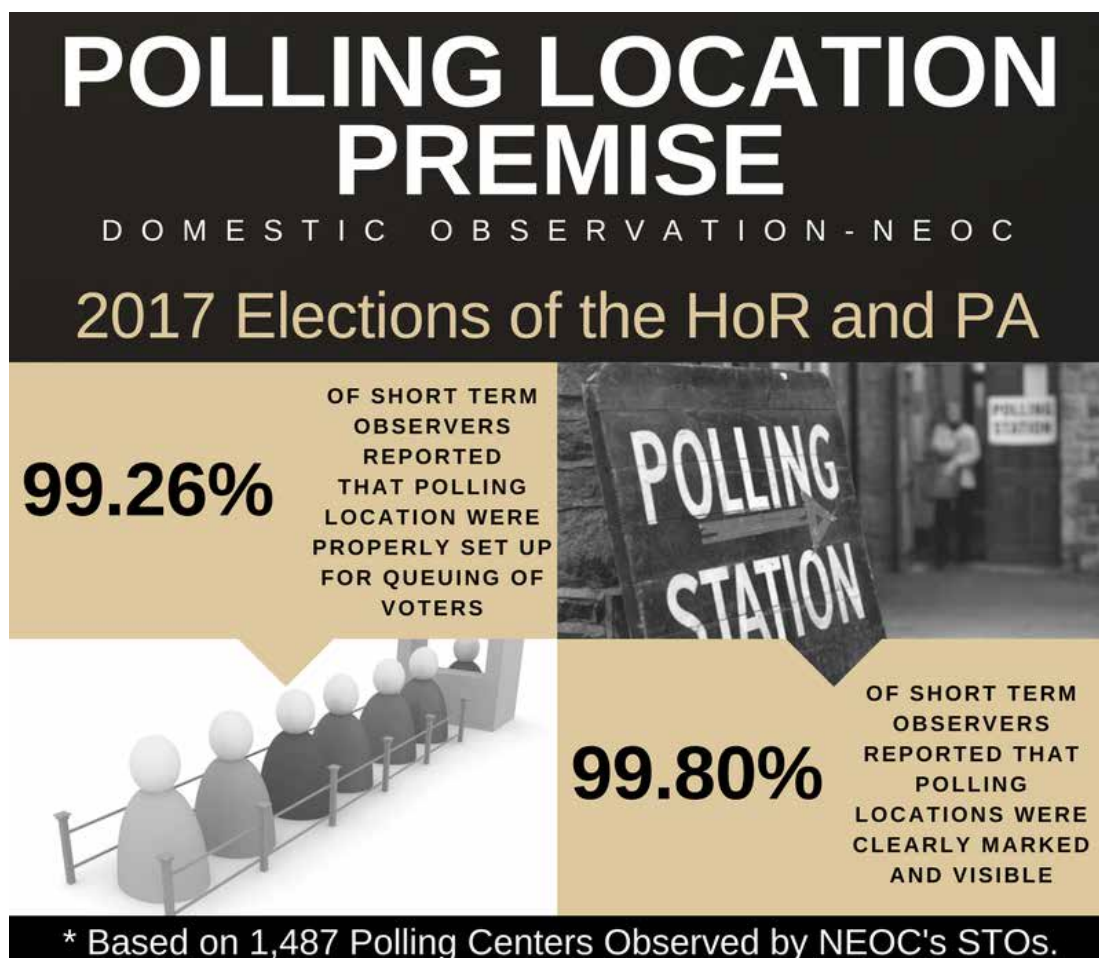
* Based on Call Center Volunteers Deployed on Election Day by NEOC

Key Findings

Ultimately, NEOC was able to collect, process and analyze data from 1,487 out of 1,650 STOs reports, collecting data on the opening, voting and closing processes from 1,487 polling centers across the country. Issues with slow courier services proved to delay the complete processing of data for this report. The findings and percentages below reflect the findings from the 1,487 polling centers from both phases of the elections, while the press statements only reflected a portion of these findings.

Opening of Polling Centers

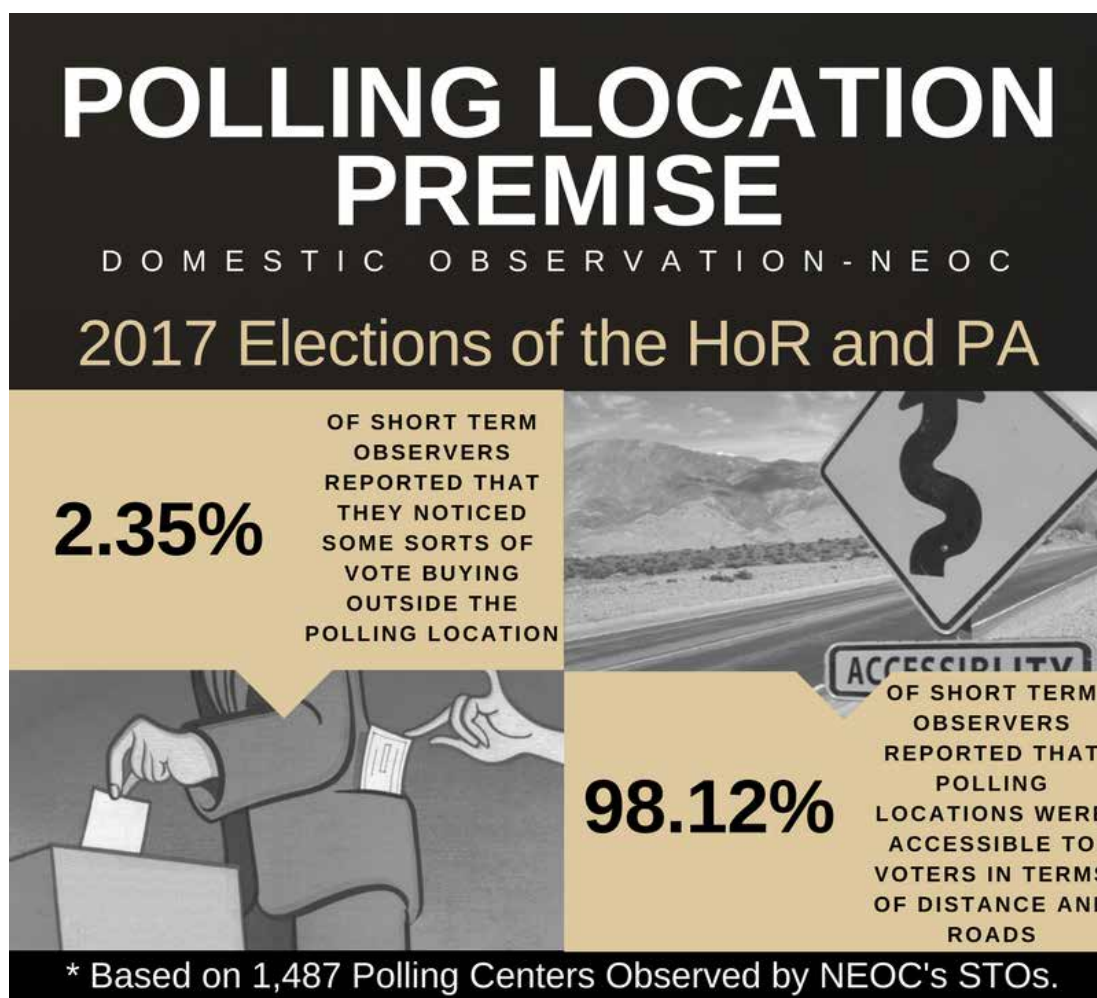
NEOC's observers were instructed to arrive at polling centers by 6:30 AM to observe the set-up and opening processes. NEOC's observers looked at the polling center set up, the accessibility of the polling center and whether polling officials adhered to the necessary opening procedures, such as whether the ballot box was shown to be empty before polling began and whether serial numbers were properly recorded. A copy of NEOC's election day checklist for STOs can be found in Annex 5.



In the 1,487 polling centers observed, NEOC's observers found that almost all polling centers were clearly marked and visible for voters (99.8%) and were set up for properly queueing voters (99.26%). The opening processes were followed precisely and accurately in most polling centers, with polling officials showing the ballot box to be empty before polling started (in 99.8% of polling centers observed) and recording seals in the appropriate book (99.87%). In 99.33% of polling centers

observed, the ballot boxes had the necessary security seals, and no polling materials were missing in most centers. STOs reported seeing vote-buying through the purchasing of food or drinks in 35 polling centers (2.35%).

92.6 percent of polling centers observed opened on time (within half an hour of the 7:00 AM opening time); figures show that the percentage of polling centers that opened on time increased from the first phase to the second.



Voting Process

NEOC's short-term observers reported seeing party agents present in most polling centers, with agents from CPN-UML and NC the most prevalent. In all but five

polling centers observed (0.34%), at least six polling officials were present. STOs found that their polling centers, women represented, on average, around 34 percent of polling officials.

VOTING PROCESS

Domestic Observation - NEOC

2017 Elections of the HoR and PA



98.79 %

No any persons or groups trying to intimidate or influence the voters



99.13 %

There were no attempts to vote more than once

* Based on 1,487 Polling Centers Observed by NEOC's STOs

VOTING PROCESS

Domestic Observation - NEOC

2017 Elections of the HoR and PA



99.30%

Voters were
always checked
on voter list



99.50%

Voters were
always checked
for voter ID
cards



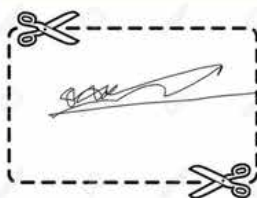
99.70%

Voters fingers
were always
inked



99.80%

Voters were
always given
signed ballots



99.60%

Counterfoil was
always signed by
voters



97.58%

Assisted Voting
was done
properly

* Based on 1,487 Polling Centers Observed by NEOC's STOs

NEOC's observers found that voting procedures were always followed in most polling centers, such as checking voters on the voter list (in 99.3 percent of centers observed), checking voter ID cards (in 99.5 percent of centers), and inking of voters fingers (in 99.7 percent of centers). STOs noted that in nearly all polling centers (99.19%), the voting booth was set up to guarantee voters secrecy of the ballot. In 92 polling centers, STOs found

that there were voters who possessed voter ID cards but were not found on the voter list, and were thus not permitted to vote, though in most cases (84 polling centers), this was only between 1-10 voters per polling center. STOs found instances in 21 polling centers, where voters were permitted to vote even if they were not on the list, though similarly, this was typically only between 1-5 voters per polling center.

PHASE I VERSUS PHASE II

Domestic Observation - NEOC
2017 Elections of the HoR & PA

355 STOs

1,132 STOs

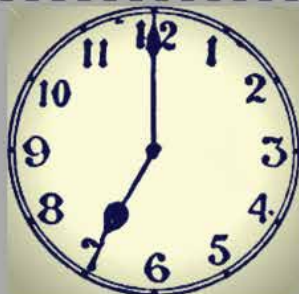
96.90%



98.50%

**POLLING LOCATION ACCESSIBILITY
(DISTANCE, ROAD)**

90.40 %



93.30%

OPENING TIME (WITHIN HALF AN HOUR)

* Based on 1,487 Polling Centers Observed by NEOC's STOs

PHASE I VERSUS PHASE II

Domestic Observation - NEOC
2017 Elections of the HoR & PA

355 STOs

1,132 STOs

2.25%



0.44%

**POLLING CENTER CLOSED AT ANY ONE
POINT DURING THE E-DAY**

2.82 %



1.24%

**ANY REPORTABLE INCIDENTS DURING
THE E-DAY**

* Based on 1,487 Polling Centers Observed by NEOC's STOs

In 18 polling centers (1.21%), STOs reported instances of people or groups attempting to influence or intimidate voters and 13 polling centers (0.87%) closed at any one point during the day. In addition, STOs noted that in 36 polling centers (2.42%), assisted voting was not done in a proper manner. While only 55 cases in the overall number of polling centers STOs observed, instances of disruption in

polling, attempts to influence and intimidate voters or misguided assisted voting are troubling, as they may prevent voters from exercising their right to vote and/or freely choosing their candidate/party of choice.

In addition, a number of STOs reported that they were not able to observe all parts of the voting process (in 17 polling centers, or

1.14% of those observed), while in 19 polling centers, STOs were able to observe but with some restrictions. Observers should have transparent access to all parts of the opening, voting and counting processes, without any restrictions placed on their open access.

Closing Process

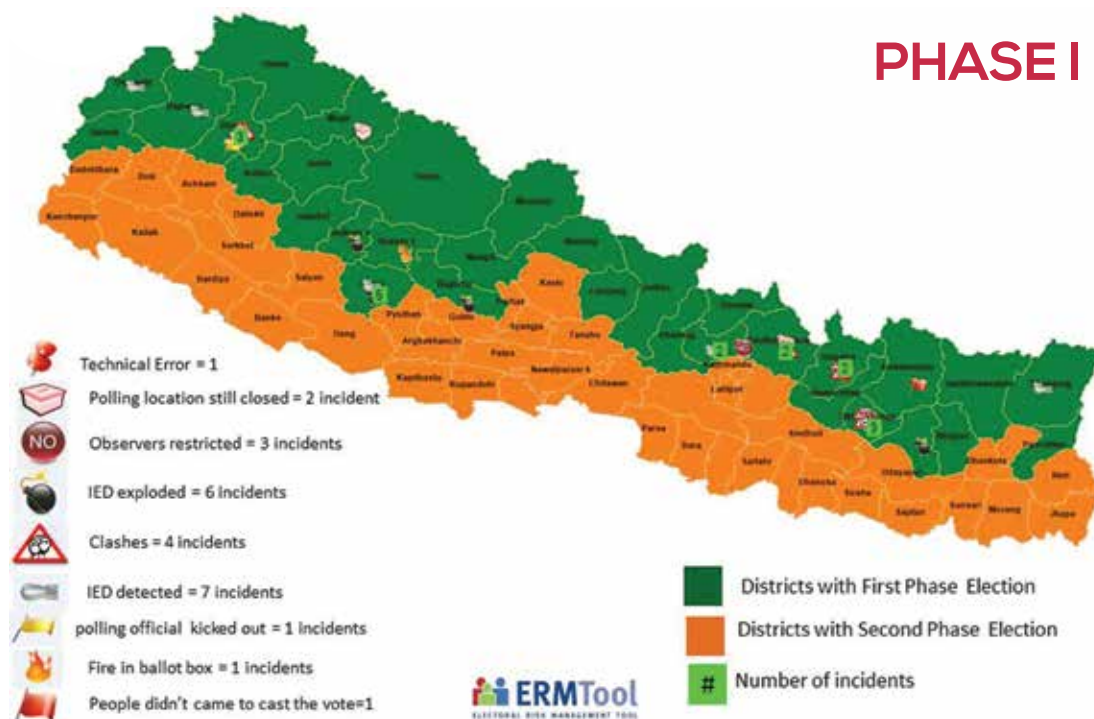
STOs found that most polling centers closed on time. Closing procedures were followed in almost all polling centers, with ballot boxes sealed after closing in 99.87 percent of polling centers and minutes in 100 percent of polling centers observed. Unused ballot papers were filed separately in 100 percent of polling centers, and spoiled ballots were also recorded properly in all but three polling centers. In almost all polling centers, observers were permitted to observe the loading

and transportation of ballot boxes, and candidates and agents were permitted to accompany the ballot box ferrying process. Ballot boxes were stored in a secure location after the first phase, as counting began for both elections following the second phase.

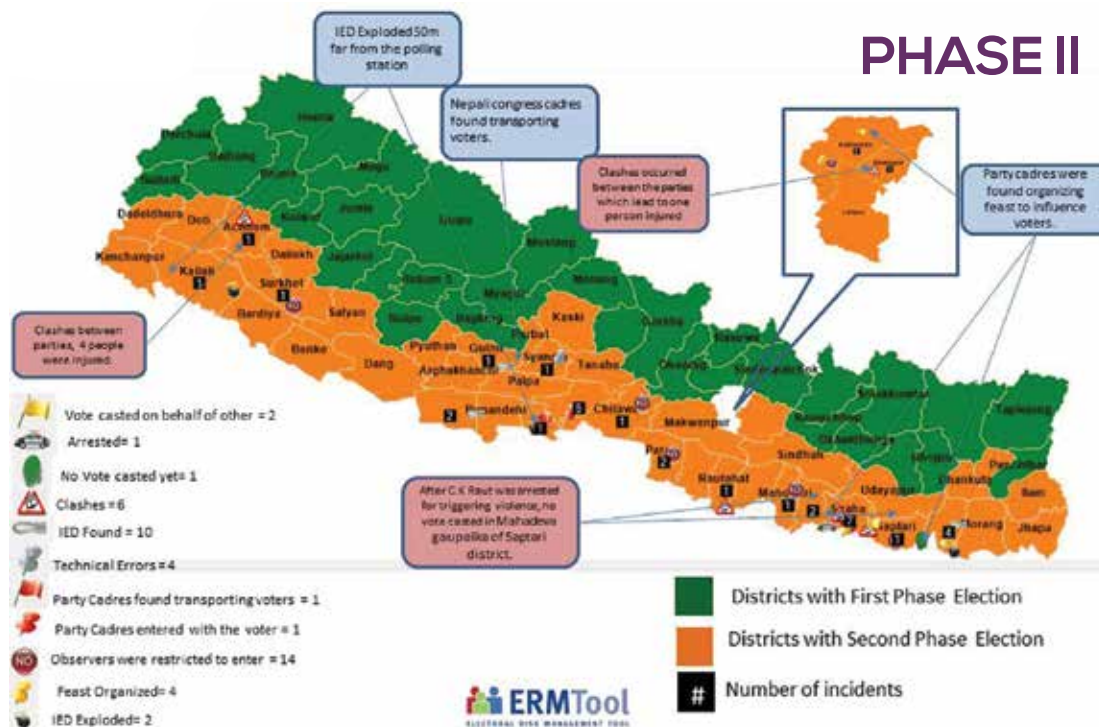
Incidents

NEOC's STOs reported a number of incidents on both November 26 and December 7. During both phases of elections, STOs reported 20 incidents of IEDs explosions or IEDs found, 15 incidents of chaos/violence, and 16 incidents of observers being prevented from observing.

The following infographs shows the incidents reported by NEOC's observers on both phases of election day from the opening of polling center till 7:00 pm on each of the election days.



PHASE II





NEOC Call Center during elections days, Kathmandu



Chapter 7: Vote Counting

The process of counting ballots for the HoR and PA elections began upon the conclusion of the second phase of elections on December 7, 2017. Ballots from the first phase of elections were transported to the constituency-level counting center and held in a secure location by the ECN until the conclusion of the second phase of the polls. Counting for the first phase of elections began upon the closing of polls for the second phase, while the counting of ballots from the second phase began the following morning. While it varied by constituency, the counting of ballots from both phases of elections took approximately two weeks in most counting centers.

Monitoring Mission & Methodology

For the counting process, NEOC deployed its team of 165 LTOs to observe the conduct of the counting process in constituency counting centers across the country. The LTOs were equipped with checklists, looking into the general environment at the counting centers, the officials and party agents present, and whether the proper procedures were followed by counting agents. LTOs were also instructed to look into there were any problems, such as violence, as part of counting processes. A copy of NEOC's checklist of counting center observation can be found in Annex 3.

Key Findings

Ultimately, NEOC was able to collect 72 counting center reports from 70 LTOs' observation in 55 counting centers across the country (some LTOs observed more than one day). The findings listed below reflect these reports from the 55 counting centers.

- Seven LTOs reported that they were not permitted to enter the counting center.
- 100 percent of LTOs reported that the counting center and surrounding area were well-managed and calm, helping to provide confidence that the overall environment, electoral stakeholders, party agents and other actors present did not contribute to a tense environment. 100% of observers also noted that the center was protected enough for the process to happen safely.
- 93 percent of observers found that counting staff was well-informed of the process, while 97.2 percent of observers found that counting was done in full view of candidates, agents and observers.
- Nearly all observers found that there were no interruptions during the counting process.

- Seven percent of observers indicated that a party/candidate agent filed a complaint during the counting process, showing their commitment to legal remedies to their complaints rather than resorting to violence.

Election Threshold and Results

The previous Legislature-Parliament, while endorsing the Bill on Political Parties, developed an electoral threshold in order for parties to receive seats in the HoR. For the 2017 elections, parties needed to gain three percent of the overall valid vote to be allocated seats under the proportional system, and in order to be recognized as national parties, they needed to obtain the three percent under the proportional system and at least one seat under the FPTP system. Lawmakers of many smaller parties protested the threshold provision, claiming that the threshold would mean that power would thus be concentrated by fewer, larger parties, while the main political parties asserted that the threshold would contribute to greater government stability. The Bill on Political Parties was stuck in the sub-committee for more than two months owing to the parties' differences over the issue of the threshold.

For the HoR elections, five political parties cleared the three percent threshold, securing PR seats, while four other parties and one independent secured one seat each through FPTP seats. CPN-UML, with the help from CPN (MC), won 80 seats out of 165 in FPTP

paces. Likewise, CPN (MC), with help from CPN-UML, won 36 seats out of 165 in FPTP races.

For the PA elections, a threshold of 1.5 percent was established for parties to meet to be allocated proportional seats. While many parties cleared the threshold to obtain seats, the Left Alliance ultimately formed provincial governments in six out of seven provinces, while the FSFN-RJPN alliance formed the provincial government in Province 2, a Madhesi majority province. In addition, three independents were elected to provincial governments through FPTP seats.

2017 Nepalese HoR Election Results

Party	FPTP Seats	PR Seats	Total Seats
CPN-UML	80	41	121
Nepali Congress	23	40	63
CPN (MC)	36	17	53
Rastriya Janata Party Nepal	11	6	17
Federal Socialist Forum, Nepal	10	6	16
Rastriya Prajatantra Party	1	0	1
Naya Shakti Party, Nepal	1	0	1
Rastriya Janamorchha	1	0	1
Nepal Workers Peasants Party	1	0	1
Independents	1	-	1
Total	165	110	275

2017 Nepalese PA Election Results

Party	FPTP Seats	PR Seats	Total Seats
CPN-UML	168	75	243
Nepali Congress	41	72	113
CPN (MC)	73	35	108
Federal Socialist Forum, Nepal	24	13	37
Rastriya Janata Party Nepal	16	12	28
Rastriya Prajatantra Party	0	3	3
Bibeksheel Sajha Party	0	3	3
Rastriya Prajatantra Party (Democratic)	0	1	1

Party	FPTP Seats	PR Seats	Total Seats
Naya Shakti Party, Nepal	2	1	3
Rastriya Janamorchha	2	2	4
Nepal Majdoor Kisan Party	1	1	2
Nepal Sanghiya Samajwadi Party	0	1	1
Sanghiya Loktantrik Rastriya Manch	0	1	1
Others	0	0	0
Independent	3	0	3
Total	330	220	550



Vote counting, Kailali District



24 November 2017



1 December 2017



12 December 2017

Joint Press Conference by NEOC, GEOC, and Sankalpa, Kathmandu

Chapter 8: Electoral Dispute Resolution

The International standards for electoral dispute resolution (EDR) framework require: the process to be transparent for all parties and stakeholders involved; processes to be clearly defined related to EDR; the involvement standards of evidence; an impartial and unbiased arbiter in resolving disputes; a system that provides for resolutions in a timely manner; effective remedies to the disputes and violations; and sufficient education to stakeholders on the dispute resolution processes and procedures.

In Nepal's framework, the ECN's provisions stipulate that any person or group can lodge written complaint(s) against any candidate or political party at the ECN's Secretariat or in its regional and district offices, as long as they also provided evidence regarding their accusation. Several complaints were filed to the ECN accusing political parties and candidates, including violating the election CoC. Complaints were also registered regarding violence and intimidation, hate speech, intimidation or manipulation, and

misuse of state resources for political campaign purposes.

Once complaints have been lodged at the ECN, the ECN is supposed to inquire about the accusation, collect evidence and, if necessary, deploy a high level team for further investigation. However, there is no time limitation set for handing of such complaint(s) and taking appropriate actions on those found guilty of violating laws or the code of conduct, if necessary.

While NEOC has worked on tracking complaints filed by various political parties and candidates, the absence of a centralized source of all complaints filed at the local and national levels prevents NEOC from analysis of a full list of complaints and tracking their investigation and resolution. The failure to proceed to full hearings of cases in a timely manner could possibly represent a denial of the right to an effective legal remedy, and an absence of comprehensive data limits oversight from civil society and citizen observers.



Voter Educations by ECN, Kathmandu

Chapter 9: Recommendations

Based on findings in the pre-election period, election day and counting process, as well as through monitoring updates since the elections, NEOC has developed several recommendations for electoral stakeholders to enhance the integrity of future elections. NEOC envisions productive discussions with electoral stakeholders during this inter-election period to ensure that legal, administrative, or procedural are debated, changed, or implemented in an inclusive and transparent manner.

The government and the new parliament should:

- Explore mechanisms that would enable Nepali citizens residing outside of the country to vote. The election law should also be amended to include provisions that would enable overseas contractual migrant laborers to more easily transfer their voter registration status for elections, allowing them to vote.
- Take steps to guarantee the right to vote for all polling officials, Nepal Army, police, and domestic observers who are working in or safeguarding the election in polling centers on election day.
- Transfer the power in determining election dates to the Election Commission, Nepal. This would the ECN has sufficient time in preparing for elections, and reduce challenges the ECN faced in administering elections.
- Take steps to prevent political parties in power from using state means and resources for political or electoral gain, especially during their campaigns. Those who are found to be abusing or misusing such resources should be held accountable and face appropriate measures as stipulated in the CoC.
- Encourage relevant electoral stakeholders in inclusive dialogue during the inter-election period and during the election period in order to mitigate potentials of violence. This should include all parties, including those who are against the polls from occurring.
- Continue to ensure that the necessary police and security forces are properly trained and deployed to mitigate violence, when possible, to ensure a peaceful election, and that electoral stakeholders are engaged in dialogue related to how to mitigate election violence.
- Develop appropriate sanctions, fines, and punishments for perpetrators of election violence or violators of the election Code of Conduct, and implement a mechanism or team to effectively investigate violent incidents or violations in a timely manner.
- Make changes and reforms to the election law in a transparent and inclusive manner, engaging all electoral stakeholders throughout the process. Changes should also be done well before the elections are to be held, to allow for all stakeholders, including parties, candidates, the ECN, civil society, election observers, and others to understand the changes and effectively implement key provisions.
- Review the representation systems from local units to the federal level, which promote greater fairness to traditionally excluded section of the society and ensure

more inclusive diversity in representation characteristics with affirmative action for underprivileged sector. It is critical to strike a correct balance between reinforcement of the aspiration of inclusion and fabric of competitive electoral democracy.

- Review constituency delimitation periodically after one electoral cycle (by avoiding election year) to ensure credibility of the delimitation process keeping in view that electoral constituencies genuinely represent the actual demographic and geographic dimensions. It is also vital to curtail possible electoral abuses such as manipulated and gerrymandered constituencies intentionally drawn to advantage one political group at the expense of others.
- Structure a legal framework as one-stop, unambiguous, plausible and transparent to address all components of the electoral process necessary to ensure democratic elections and provide effective mechanisms and remedies for compliance with the law and the enforcement of electoral rights, defining penalties for specific electoral offences.

The Election Commission should:

- In coordination with the government, take additional steps to enforce the election Code of Conduct and other regulations it places on electoral stakeholders, including political parties. This involves investigating violations of the Code of Conduct, especially on campaign expenditures and use of state or public resources. The ECN and government must also enforce the Code of Conduct by sanctioning those who are found in violation of the code, demonstrating that stakeholders must uphold the Code of Conduct throughout the electoral process.

- Make better arrangements, logistically, and timely, so that every voter is able to obtain their Voter ID, especially if the ECN does not allow other forms of ID to be presented in future elections. This includes sufficient time for voters to pick up their voter ID cards, and other mechanisms to ensure voters are able to easily access their voter ID card.
- Conduct an inclusive voter registration process, and to make the final voter list open and accessible to voters and electoral stakeholders. The voter register should be maintained in a manner that is transparent and accurate, protects the right of qualified citizens to register, and prevents the unlawful or fraudulent registration or removal of persons.
- Make data on the election process transparent, in line with international standards for open election data throughout the entire electoral process, including decisions from the ECN, meeting notes, details on boundary delimitation, candidate nomination information, the voter list, election results and electoral dispute resolution cases should be made available in a timely manner, available on the ECN's website, available in a machine-readable format and at the most granular level (such as at the polling center level for election results).
- Revise election day procedures so that counting is done at the polling center level. Counting done at the polling center level ensures party agents and observers can continue to monitor the process, and ballots are counted soon after polling centers close. This allows for a swift and practical alternative to the very time-consuming and expensive vote counting done at separate centers, and ensures greater integrity of



the ballot papers and ballot boxes, and saves resources on protecting ballot boxes between the first phase and when counting begins. Results should be made available online and to party agents and observers at the polling center level.

- Design a civic education-based comprehensive electoral education program should be launched towards educating peoples to exercise their sovereign rights with fully informed choice and at the same time reduce invalid ballot papers, through intensive outreach, orientation and demonstration in each clusters and communities, rural or urban. The ECN could explore collaboration with civil society and other NGOs to develop effective voter education strategies.
- Design more voter-friendly ballot papers, and should exclude election symbols of those individuals or parties who have not fielded candidature. Additional voter education by the ECN should include sufficient time for voters to understand the symbols for each political party, and to understand how to properly complete their ballots.
- Encourage and recruit women to serve as polling officials, and should aim for gender parity among polling officials.
- Institute new mechanisms for investigating, responding to, and resolving any complaints that arise during the pre-election and election day periods. This should include processes to expedite resolutions, with decisions on resolutions made available to the public.
- Ensure full and unhindered access to all accredited election observers, both in legislation and in practice. As non-partisan election observation has expanded to more than 90 countries on five continents, the ECN should guarantee

international and citizen observers' access and ability to monitor all electoral processes, including all election day and counting processes, without unnecessary restrictions. This includes training polling, counting and other election officials to respect accredited observers' ability to monitor processes without hindrance.

- Reconsider the rule that domestic observers may not observe election day processes at polling centers within their ward of residence, should be at least 21 years of age, must have completed higher school education and shall possess past observation experience. This is limiting to domestic observer groups who seek to deploy more number of observers, as observers would need to furnish a greater details of their work and education, need to travel a greater distance to observe in polling centers that are outside of their wards and so on. NEOF is an endorser of the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, which constitutes NEOF as an impartial, non-partisan and independent organization, as well as their observers.
- Conduct an analysis of the current constituency boundaries as they relate to population and geography, and if necessary, conduct an inclusive and transparent process to re-delineate boundaries through the constitutional amendment process. The ECN should involve all electoral stakeholders in the process and dialogue, including all political parties, local elected officials, the government and civil society.
- The ECN should guarantee observers and party agents' ability to access all parts of the electoral process to observe transparently.

Political parties and candidates should:

- Make concerted efforts to ensure that they and their candidates do not exceed the expenditure limits as fixed in the law, file reports as stipulated in the law, and comply with punitive action if actual expenditure reports are not submitted or exceed the maximum allowances.
- Do their part in ensuring they unconditionally and mandatorily uphold the requirements of the Code of Conduct. Parties could also appropriately sanction their candidates who violate the Code of Conduct.
- Continue to train and engage supporters to serve as party agents during election day and during the counting process. Ensuring oversight of all processes enables party agents to identify potential issues and file and report complaints.

Civil society should:

- Uphold the Declaration of Global Principles (for citizen observer groups) as a basis for conducting election observation in line with international norms and best practice, and remain non-partisan, independent, impartial and accurate in providing their findings and assessments of electoral processes and stakeholders.
- Make efforts to coordinate throughout the electoral process, especially domestic observers and other civil society groups involved in protecting and safeguarding the rights of women, minorities, and persons with disabilities. This ensures efforts are not duplicative, and enhances a collaborative nature between organizations. Domestic observer groups should also coordinate and cooperate with

international observer missions present.

- Undertake affirmative actions towards involving women, minorities, ethnic communities, and people with disability including those with special needs in election observation. It is imperative to ensure a comprehensive outlook of the observation mission in which the representatives of the above-mentioned section of the society are an integral part of the endeavor.
- Continue to engage and coordinate with electoral stakeholders, including informing them of their observation methodology, observation activities, and ensuring the ECN understands the importance of providing observers with full, transparent access to the polling and counting process.

The international community should:

- Support the efforts of local civil society to provide effective oversight of electoral reform processes.
- Support civil society, political parties, parliament, the ECN and other electoral stakeholders in their activities to ensure integrity of electoral processes.
- The international election observation mission present in the country should work in cooperation with domestic observation groups as per the 2005 declaration of principles for international election observation.

The media should:

- Ensure all political parties and candidates have equal access to the media, without unreasonable restrictions on their right to free expression. Media should remain unbiased in its presentation of election-related content.

Chapter 10: Conclusion

Following a protracted attempt, the Constitution-drafting process moved ahead in the CA and concluded in 2015, resulting in three tiers of elections in the country, including the long-due local elections with a fast-track approach. The numerous elections held in 2017 represent a landmark moment for Nepal in its continued pursuance of democratic governance. Following the 2017 House of Representatives and Provincial Assembly elections, elections for the 59-member National Assembly were conducted (56 members are elected from an electoral college of members in each province, while three are appointed by the president), and the federal bicameral parliament began its first session on March 4, 2018. While the 2017 elections and subsequent formation of government have provided key points of progress in the implementation of the federal system and new Constitution, there are several areas the government will need to address to further ensure integrity in future electoral processes in 2022 and to ensure stability of government between elections. By ensuring elections are inclusive and transparent, and that stakeholders are held accountable, Nepal will move forward in further consolidation of democracy and stabilization of the government.

The post-election political scenario demonstrates that implementation of the 2015 Constitution appears to be on correct track, as all three levels of government envisaged by the new Constitution are now in place. Since the transition to state restructuring is new to Nepal, the exercise of power, resources and authorities may invite challenges that require collaboration with multiple stakeholders. NEOC witnessed that in the course of federalization, the functions of a decades-long centralized, unitary state is still hesitant

to delegate constitutionally mandated power and resources to the local units. Failure of leadership to fully implement and operate under the three-tiered government in the federal structure would not result in stability in government.

The electoral process has produced a relatively stable, strong and promising government, which is likelier to last for a full five-year term. The scenario reveals that the emergence of two dominant alliances, one on the right and one on the left, could indicate the formation of a stable two-party system at least for next five years.

The long-cherished inclusion and reservation policy for traditionally marginalized populations and under or misrepresented sections of society in electoral representation is a welcome approach. Mainstreaming of excluded groups in electoral politics is likely to ensure Nepal's diversity if celebrated. However, while inclusion has proven to be advantageous in some regards, there are still those who are excluded based on social standing, financially, or based on literacy.

The transition toward consolidation of the federal structure and the building up of new democratic institutions is a work in progress toward ensuring appropriate representation and inclusion. Nepal is still at the crossroads of its socio-political transition and consolidation of electoral democracy, and thus, civil society actors and the electoral community have a vital role to play to ensure a smooth transformation and transition of government so that a democratic, human rights friendly, and equitable state will function effectively.



A Polling Center, Dhangadhi - 4, Kailali District

Annexes

Annex 1 - NEOC District Focal Person

	Name	District
1	Madan Gautam	Taplejung
2	Sushan Rai	Panchthar
3	Man Kumar Baraili	Ilam
4	Umesh Basnet	Sankhuwasabha
5	Roshan Shrestha	Terhathum
6	Bidur Subedi	Dhankuta
7	Kiran Rai	Bhojpur
8	Bimal kaji Shrestha	Khotang
9	Nutan Shrestha	Solukhumbu
10	Rita Shrestha	Okhaldhunga
11	Ajay Kumar Sah	Udaypur
12	Lal Raj Subedi	Jhapa
13	Mausam Rai	Morang
14	Bijay Limbu	Sunsari
15	Janga Bahadur Singh	Saptari
16	Dilip Kumar Singh	Siraha
17	Raj Kumar Mahaseth	Dhanusha
18	Manoj kumar Baitha	Mahottari
19	Rohit Bhattarai	Sarlahi
20	Kopila Kumari Timalisina	Rautahat
21	Hari Shanker Ram	Bara
22	Kamal Mohan Pokhrel	Parsa
23	Bharat Bdr Shrestha	Dolakha
24	Dipak Bhatta	Ramechaap
25	Dipak Prasad Koirala	Sindhuli
26	Bhoj Raj Timalisina	Kavrepalanchowk
27	Padam Bahadur Ghale	Sindhupalchowk
28	Hem Nath Khatiwada	Rasuwa
29	Sarmila Thapa	Nuwakot
30	Rohit Bhandari	Dhading
31	Deepak Babu Shrestha	Chitwan
32	Dipendra Kumar Pathak	Makawanpur
33	Aakur Prasad Neupane	Bhaktapur
34	Nanda Tamrakar	Lalitpur
35	Moti Ram Phuyal	Kathmandu
36	Basu Babu Khatri	Gorkha
37	Sarala Adhikari	Lamjung
38	Prakash Chandra Bhattarai	Tanahun
39	Kunjani Pariyar	Kaski

	Name	District
40	Min Kashi Gurung	Manang
41	Durga Prasad Sharma	Parbat
42	Min Bahadur Thapa	Syangja
43	Ghanshyam Khadka	Myagdi
44	Sabitri Khadka	Baglung
45	Chuda Bdr. Ale	Nawalpur
46	Aite Lal Thakali	Mustang
47	Sudarshan Panta	Nawalparasi West
48	Pashupati Mani Tripathi	Kapilvastu
49	Sabita Acharya	Palpa
50	Sobhakar Panthi	Arghakhanchi
51	Rishi Raj Bhusal	Gulmi
52	Bhim Kumari Bishwokarma	Rolpa
53	Hira Thapa	Pyuthan
54	Tekan Prasad Kandel	Dang
55	Hem Raj Bhatta	Banke
56	Ram Lakhan Tharu	Bardiya
57	Damodar Gautam	Rukum (Rukumkot)
58	Jib Narayan Adhikari	Rupandehi
59	Tek Bahadur B.k	Rukum (Musikot)
60	Nar Bahadur Bantha	Salyan
61	Dil kumari bhudha	Dolpa
62	Krishna Maya Rawal	Mugu
63	Bharat Nepali	Jumla
64	Parbat Sunar	Humla
65	Mani Raj Pandey	Kalikot
66	Sojan Shakya	Jajarkot
67	Chandra Prasad Sharma	Dailekh
68	Govinda Khatri	Surkhet
69	Krishna Oli	Bajura
70	Narendra Bohora	Bajhang
71	Ram Hari Ojha	Doti
72	Man Bahadur Kunwar	Achham
73	Narendra Singh Karki	Darchula
74	Nagendra Prasad Maha	Baitadi
75	Mahendra Bd Shahi	Dadeldhura
76	Komal Niranjana Bhat	Kanchanpur
77	Om Nath Pyakurel	Kailali

Annex 2 - NEOC Long Term Observers

District	Name
1 Taplejung	Ambika Hangbang
2 Panchthar	Prem Prasad Ojha
3 Ilam	Gyatri Thegim Rudra Bahaur Thebe
4 Jhapa	Tika Ram Nepal Dr Nabin Chapagain Kabita Bastola Dhananjay Baskota Dhurba Raj Rijal
5 Sankhuwasabha	Indra Kumar Giri
6 Terathum	Mahendra Prasad Kafle
7 Bhojpur	Shyam Krishna Dahal
8 Dhankuta	Saroj Kumar Bhujel
9 Morang	Bishnu Kumari Tamang Deepak Kumar Yadav Gauri Shankar Mandal Laxmi Niraula Sarbadhan Tamang Indira Kattel Acharya
10 Sunsari	Kabita Neupane Radhika BK Sajeet Kumar Meheta Shanta Neupane
11 Solukhumbu	Bhoj Raj Karki
12 Khotang	Raj Kumar Rijal
13 Okhaldhunga	Bhala Man BK
14 Udaypur	Sharda Khadka Brajesh Kafle
15 Saptari	Gopal Prasad Gupta Prabha Kumari Shah Raj Narayan Yadav Raj Hans Singh
16 Siraha	Arati Kumari Mahat Ashok Shah Deepak Bhattarai Sunil Kumar Shah
17 Dhanusa	Pradip Kumar Yadav Bhagendra Jha Bishnu Mani Upadhaya Khanal Ram Chandra Shah
18 Mahottari	Shalender Yadav Hamila Khatun Jitendra Paswan Mukesh Kumar Yadav

District	Name
19 Sarlahi	Sikender Pd Yadav Raj Narayan Shah Binod Kumari Karki Lalita Bishwokarma
20 Bara	Kanaiya Thakur Rajkapur Prasad Yadav Pawan Kumar Yadav Anshu Barma
21 Parsa	Naresh Prasad Jaiswal Hare Ram Sarraf Shambu Kumar Suman Amar Bh. Gautam
22 Rautahat	Bimala Devi Dhakal Bimala Sapkota Bisun Dayal Ray Suresh Yadav
23 Nuwakot	Baikuntha Mishra Nawadip Shrestha
24 Rasuwa	Sushma Neupane
25 Dhading	Keshab Adhikari Rajendra Pratap Shah
26 Sindupalchowk	Anita Bomjon Bhuwanimai Shrestha
27 Dolakha	Bhakta Lala Shrestha
28 Ramechhap	Badri Nayaghare
29 Sindhuli	Lok Hari Acharya Ruk Mani Pokhrel
30 Makwanpur	Khush Raj Dahal (Rajan) Krishna Thapa
31 Chitwan	Sita Ram Silwal Kashi Ram Giri Madhu Sudhan Dawadi
32 kavrepalanchowk	Ganga Dong Tamang Subin Ulak
33 Lalitpur	Sanjay Timalisina Narendra Dangol Dipana Sharma
34 Bhaktapur	Sarita Koju Punya Kumari Koju
35 Kathmandu	Devi Khadka Sunil Dhakal Puspa Bhandari Gita Nepal Ujjwal Koirala

District	Name
35 Kathmandu	Narayani Rijal
	Apsara Khatri
	Jaganath Pant
	Uddav Raj Bhattarai
	Bijay Dawadi
36 Mustang	Samjhana Rana Thakali
37 Myagdi	Hari Prasad Paudel
38 Baglung	Ram Narayan Subedi
	Dil Bahadur Thapa (Shrees)
39 Manang	Purna Bahadur Gurung
40 Lamjung	Krishna Prasad Adhikari
41 Gorkha	Rishi Khanal
	Ramesh Adhikari
42 Nawalparasi (East)	Uttam Bhujel (PritamBhujel)
	Rim Bahadur Darai
43 Tanahu	Purna Bh BK
	Soni Khaniya
44 Kaski	Keshab Prasad Paudel
	Parbati Ku. Poudel Regmi
	Bishnu Prasad Paudel
45 Syangja	Prem Kumari Pun
	Rudra Bahadur Thapa
46 Parbat	Kamana Kumari Regmi
47 Rukum (East)	Prachandra Malla
48 Rolpa	Chandra Kala Buda Magar
49 Nawalpasari (West)	Indrajit Prasad Harijan
	Ram Krishna Paudel
50 Palpa	Krishna Pokhrel
	Bindu Sharma
51 Argakhachi	Ram Prasad Paudel
52 Gulmi	Rekha Parajuli
	Bhagawati Siris Thapa
53 Rupandehi	Tilak Bhusal
	DR Ghimire
	Srijana Neupane
	Sabitra Bashyal
	Krishna Rokka
54 Kapilvastu	Bhanu Prasad Chaturvedi
	Prabin Kumar Shrevastab
	Parwati Acharya

District	Name
55 Dang	Saraswati Nepali (Chaudhary)
	Niraj Shrestha
	Bibek Khadka
56 Pyuthan	Kamala Khadka Pandey
57 Banke	Prabhakar Bhattarai
	Lok Bahadur Shah
	Namaskar Shah
58 Bardiya	Rajendra Prasad Dhital
	Bindu Kumari GC
59 Rukum (West)	Yakka Bahadur Pandey
60 Jajarkot	Raj Kumar Shakya
61 Humla	Ganesh Mahatara
62 Mugu	Ganesh Sejuwal
63 Jumla	Megh Raj Neupane
64 Kalikot	Tula Ram Pandey
65 Dolpa	Youbraj Thakali
66 Salyan	Balika KC
67 Surkhet	Man Kala Kumari Sharma
	Lalit Bahadur Khatri
68 Dailekh	Bhabana Shahi
	Devdarsan Parajuli
69 Darchula	Rajendra Singh Dhami
70 Bajhang	Dirgha Raj Upadhayay
71 Bajura	Madan Raj jaishi
72 Baitadi	Tarka Raj Bhatta
73 Kailali	Ram Prasad Chaudhary
	Yekindra Pr Gaise
	Shanti Kumari Kafle
	Karunakar Bhatta
	Mani Raj Bhatta
74 Kanchanpur	Prabhu Nidhi Panta
	Sushma Ghimire
	Ku Mamta Singh
75 Dadeldhura	Tek Raj Pandeya
76 Achham	Kalpa BK
	Khamma Khatri
77 Doti	Dil Bh Singh

Annex 3 - Observation Form for Poll Counting

Province		LTO Name		
District		LTO phone #		
Constituency		Arrival Time		
Counting Center		Departure Time		
General Environment				
1	Were the observers allowed to enter the counting center?	Yes	No	
2	Were the required and pre-determined process and methods followed when the counting started?	Yes	No	
3	Was the counting center and nearby environment calm and well managed?	Yes	No	
4	Was the counting center protected enough for the counting process to happen safely?	Yes	No	
5	Were the counting staffs of ECN well informed and aware on the counting process?	Yes	No	
Officials and Personnel Present				
6	Was there enough counting staff to conduct the counting process in an efficient manner?	Yes	No	
7	Indicate which political party/candidate agents were present during counting: None Nepali Congress (NC) Communist Party of Nepal - Unified Marxist Leninist (CPN-UML) Communist Party of Nepal - Maoist Center (CPN-MC) Rastriya Prajatantra Party (RPP) Rastriya Janta Party (RJP) Sanghiya Samajwadi Forum (SSF) Others: _____			
8	Indicate which international observer groups attended the counting: None Carter Center EU ANFREL ANKAWA Other(s): _____			
9	Indicate which local observer groups attended the counting process: None GEOC Sankalpa Other(s): _____			
Counting Process				
10	Is the counting center adequate for the counting of ballots?	Yes	No	
11	Did the Returning Officer or the counting officials conduct the process in full view of the candidates agent and observers?	Yes	No	
12	Did the Returning Officer or the counting officials complete a recognizance deed on the commencement of the counting process?	Yes	No	
13	a. Were the ballot boxes examined before they were opened?	Yes	No	
	b. Total Number of Ballot Boxes FPTP HoR			
	c. Total Number of Ballot Boxes FPTP PA			
	d. Total Number of Ballot Boxes PR HoR & PA			
	e. Number of ballot boxes opened or broken FPTP HoR			
	f. Number of ballot boxes opened or broken FPTP PA			
	g. Number of ballot boxes opened or broken PR HoR & PA			
	h. Number of ballot boxes on which polling center name and serial number were not recorded			
14	Did the Returning Officer or the counting officials complete a recognizance deed on the examination of the ballot boxes?	Yes	No	N/A
15	Did the Returning Officer or the counting officials commence the counting of votes of all three ballot boxes at the same time at the place, date and time set forth in the notice?	Yes	No	N/A
16	Were ballot boxes from different polling centers counted together?	Yes	No	N/A
17	Did the Returning Officer or the counting officials prepare a recognizance deed indicating the total number invalid and total valid votes?	Yes	No	N/A
18	Did the Returning Officer or the counting officials prepare a vote counting table after the completion of counting of votes from all polling centers in the concerned election constituency?	Yes	No	N/A
19	After the completion of counting, did the Returning Officer or the counting officials prepare and sign a recognizance deed of completion of counting	Yes	No	N/A
20	Did the Returning Officer or the counting officials ask candidates, representatives or polling agents, present at the counting station to sign the recognizance deed?	Yes	No	N/A
21	Were you sufficiently able to observe all aspects of the counting process?	Yes	No	
Problems During the Counting Processes				
22	Did anyone attempt to disrupt or unduly influence the process?	Yes	No	
23	Were any of the following unauthorized persons present <u>inside</u> your assigned counting station during the counting WITHOUT AN AUTHORIZATION BADGE or without the permission of the returning officer? (Check all that apply) Police Army Candidates / Candidate agents Observers Media Others: _____			
24	Did anyone attempt to harass or intimidate observers, agents or counting staff?	Yes	No	
26	Did you witness any of the following problems? (check <u>all that apply</u> , leave blank if none) Overcrowding Tension/unrest Procedural Violations Observers/agents denied access Misconduct of security officials Other problems			
26	Did anyone report a serious election violation to you?	Yes	No	
27	Did any candidate/party agents file a <u>complaint</u> with the Returning Officer during the counting process?	Yes	No	

Election Phase: _____ Date (period of reporting): _____
Name of observer: _____
Province No.: _____ District: _____ Constt No.: _____

Campaign Activities

In order to fill the form below, you must observe campaign activities of the parties in your constituency.

1. How many campaign activities (rallies, public gatherings, door-to-door campaigning, have you visited this week? _____)

2. Which party activities? Place, name of the party and (date) _____(_____)_____ (_____)_____ (_____)_____

3. Which campaign activities had 5% or more of the participants that were children? (write place, party name and date)
_____ (_____)_____ (_____)_____ (_____)_____ (_____)_____

4. Did anyone at the campaign activities direct insult, offend, or use hate speech against
the leaders or candidates of another party? Yes No

If yes, please elaborate who, against whom, when and what was said.

5. How many billboards and posters are posted in your constituency by party?

NC & Candidates	Billboards _____	Posters: _____
UML & Candidates	Billboards _____	Posters: _____
Maoist & Candidates	Billboards _____	Posters: _____
RPP & Candidates	Billboards _____	Posters: _____
RJP & Candidates	Billboards _____	Posters: _____
Other Parties: _____	Billboards _____	Posters: _____
Other: _____	Billboards _____	Posters: _____

6. Was there any use of public resource in the campaign activities? (give party name and date)

Public vehicles	_____ ()	_____ ()	_____ ()
Corporations vehicles	_____ ()	_____ ()	_____ ()
INGOs Vehicles	_____ ()	_____ ()	_____ ()
NGOs Vehicles	_____ ()	_____ ()	_____ ()
Public Servants	_____ ()	_____ ()	_____ ()
Corporations Employees	_____ ()	_____ ()	_____ ()
INGOs Employees	_____ ()	_____ ()	_____ ()
NGOs Employees	_____ ()	_____ ()	_____ ()
Other	_____ ()	_____ ()	_____ ()

Preparations of the local ECN

In order to fill the form below, you must meet and interview the local ECN officials in your constituency.

7. What election material has arrived at the constituency ECN office so far?

None Ballot Box Ballot Papers Voter Lists Stamps InkPad

8. What is the situation with Voter ID Cards?

How many Voters have registered in your constituency? _____

How many ID Cards have been distributed so far? _____

When are the rest of the ID Cards expected to be distributed? _____

9. How prepared (in your opinion) are the local ECN official, in terms of training and knowledge of procedures? _____

In order to fill the form below, you must meet and interview the local ECN officials in your constituency.

10. Are there any ECN posters in public places in your constituency that instruct people how to vote? Yes No
 If yes, how many locations _____

11. Have there been any Sample Ballots or Mock Elections performed by ECN in your constituency? Yes No

12. Have you heard of any door-to-door information campaign by ECN volunteers in your constituency? Yes No

13. Have the security police been hired and trained in your constituency? Yes No

14. How well prepared do the temporary police seem?

15. What three areas (polling locations) are hot-spots in your constituency?

Name of village/city _____	Name of Polling Center: _____
Name of village/city _____	Name of Polling Center: _____
Name of village/city _____	Name of Polling Center: _____

Potential incident and violence
 In your opinion, after field observation.

16. Have there been any election related incidents in your constituency?
 Damage of Campaign Materials Damage in Vehicles
 Uneasiness/Debates among supporters Use of arms and ammunitions
 Wounded people Fights/Clashes Other: _____

17. How would you describe the general pre-election atmosphere in your constituency?
 Calm Minor Incidents Tense but under control
 Tense Violent Other: _____

18. Please elaborate on the general atmosphere if not completely calm: _____

19. Any other comments:

Annex 5 - Election Day Observation Form

Election Phase:

Name of observer:

Province No:

District:

Ward No.: Polling Location Name:

Observer ID No.:

Constitute No.:

Local Body Name:

Polling Center Letter:

* If you check one of the boxes with this sign * next to it, please fill in an Incident Report Form and Report to the NEOC Call Center.

POLLING LOCATION PREMISE

1. Are all the campaign material (posters, billboards etc) removed within 300m from polling location? Yes No
2. Is the Polling Location clearly marked and visible for voters? Yes No
3. Is the Polling Location set-up for proper queuing voters (markings, ropes etc)? Yes No
4. Have you noticed any vote buying outside the Polling Location (through food, drinks etc.)? Check this throughout the day? *Yes No
5. Is the polling location generally accessible to voters (distance, road etc)? Yes No
6. Do the polling location have suitable facilities for people with special needs? Yes No

Rail

Yes

No

||

Ramp

Yes

No

BEFORE OPENING OF POLLING CENTER

7. The empty ballot box shown before voting started? Yes No
8. Do all the ballot boxes have the security seals? Yes No*
9. Are the serial numbers of seals recorded in the appropriate book? Yes No
10. Are there at least 6 polling officials present at the center? Yes No
11. Number of polling officials (write number below) Total: Women: *
12. Party agents at the Polling Center? UML NC Maoist Center RPP Other (write party names):
13. Which of the following items are missing, if any? (Tick all that apply) *Ballot Box *Ballot Papers *Voter Lists *Stamp *InkPad
14. Are there all the ballot boxes in the polling center and marked properly? Yes No
- Green ballot box (HoR FPTP) Yes No
- Black ballot box (Provincial Assembly FPTP) Yes No
- Red Proportional Representation Yes No
15. What is the number of ballot papers in the Polling Center when the voting began? (write number)
- House of Representatives (FPTP) Provincial Assembly (FPTP) Proportional Representation

VOTING PROCESS

16. What is the total number of voters in the voting list of your polling center? _____
17. What time did the polling center open for voting? (tick one)
- 07:00 – 07:15 07:16 – 07:30 07:31 – 08:00 After 08:00*
18. Voters are checked on Voter List: Always Most times Rarely Never*
19. Voters are asked for voter ID Cards: Always Most times Rarely Never*
20. Voters fingers are inked: Always Most times Rarely Never*
21. Voters are given signed ballots: Always Most times Rarely Never*
22. Counterfoil was signed by the voters: Always Most times Rarely Never*
23. Is the Voting Booth/s where voters mark the ballot Indoors Outdoors
24. Are the Ballot Boxes where voters cast the vote Indoors Outdoors
25. Voting booths ensures secrecy of ballot: Yes No
26. How many voters voted by 12:00 (noon)? _____
27. How many voters with Voter ID cards are turned away because they were not on the voter list?
- No-one 1-10 11-25 26-50 More than 50
28. How many voters are allowed to vote even though they were NOT on the voter list?
- No-one 1-5 6-20 * 21-50 * More than 50 *
29. Did "booth capture" occur in your polling center? *Yes No
30. Did anyone try to vote more than once or any proxy voting? *Yes No
31. Were there any persons/groups trying to intimidate/influence voters? *Yes No
32. Was the polling center closed at any one point during the day? *Yes No
33. Were there any reportable incidents during the election process? *Yes No
34. Was assisted voting done in a proper manner? Yes No
35. Any of the election material (ballot box, ink, stamps, seals etc.) tempered with? *Yes No
36. Were you able to sufficiently observe all aspects of the voting process? Yes No
- Yes Yes, but with some Restrictions No
- Explain: _____

CLOSING OF POLLING CENTER

37. Were there people on queue to vote at 17:00? Yes No
38. Were people in the queue, at 17:00, allowed to vote? Yes No
39. When was your Polling Center closed? (tick one)
- Before 17:00* 17:01 – 17:30 17:31 – 18:00 After 18:00
40. How many voters voted when the polling center closed? _____
41. Were you allowed to observe the closing procedure? Yes No
42. Was the sealing of the ballot box done after closing? Yes No
43. Were the minutes of voting procedure done properly by polling officials? Yes No
44. Were the unused ballots filed separately? Yes No
45. Were the spoiled ballots recorded? Yes No
46. Were you allowed to observe the loading and transportation of the ballot boxes? Yes No
47. Was transportation done by the designated body (i.e. police, polling officials)? Yes No
48. Were party/candidate agents allowed to accompany ballot box ferrying? Yes No

Signature of Observer _____ Print name of Observer: _____



INCIDENT REPORT

Fill out this if there was an Incident or to explain more the voting process in your polling center.

X.1 What time did the incident occur?

--	--	--	--	--

(circle one or more of answers)	
X2. What was the type of incident? c 1 Violence c 2 Vote Buying c 3 Missing material(s) or tempering c 4 Polling center did not open c 5 Significant delays/Voting suspended c 6 Irregularities in Voting Procedures	c 7 Voting on behalf of another person c 8 Booth Capturing / Ballot box stuffing c 9 Voter Intimidation or Influencing c 10 Chaos that affected the process c 11 Observer(s) prevented from observing c 12 Other _____
X3. Affiliation of perpetrator(s): (check all that apply if multiple people): c 1. Polling official c. 2 Voter c 3. Security force c 4. Candidate c 5. Party/Candidate agent (name of party: _____) c 6. Other : _____ c 7. Don't know	
x. 4 Gender of Perpetrator: Male Female Unclear, more than one	
X5. Affiliation of victim(s): c 1. Polling official c. 2 Voter c 3. Security force c 4. Candidate c 5. Party/Candidate agent (name of party: _____) c 6. Other : _____ c 7. Don't know	
x. 4 Gender of Victim: Male Female Unclear, more than one	

Describe a bit of what happened?

NOTE: You may add extra sheet if more than once incident occurred. Do not forget to report with brief details the incident to the Call Center at the mobile numbers given to you.

Annex 6 - NEOC Executive Committee/Secretariat/Volunteers/Collaboration

Executive Committee		
	Name	Designation
1	Surya Prasad Shrestha	Chairperson
2	Prof. Kapil Shrestha	Vice-Chairperson
3	Kedar Khadka	Vice-Chairperson
4	Charan Prasai	Vice- Chairperson
5	Stella Tamang	Vice- Chairperson
6	Prof. Dr. Kusum Shakya	Vice- Chairperson
7	Dr. Gopal Krishna Siwakoti	Secretary General
8	Tej Sunar	Dty. Secretary General
9	Bhawani Prasad Kharel	Treasurer
10	Dr. Gauri Shankar Lal Das	Member
11	Bishnu Pukar Shrestha	Member
12	Rana Bahadur Thebe	Member
13	Krishna Subedi	Member

National Secretariat Team		
	Name	Designation
1	Bikal Shrestha	Program Director
2	Deepa Luintel	Admin & Finance Manager
3	Pramod Bhattarai	Program Officer
4	Roshma Rai	ICD Officer
5	Akriti Gautam	Program Officer
6	Sonia Shrestha	Logistic & Finance Associate
7	Bhim Prasad Neupane	Program/IT Assistant
8	Binda Kumari Nepali	Programme Assistant
9	Parbati Poudel	Office Assistant

Volunteers		
	Name	Designation
1	Navraj Basnet	Observation Coordination
2	Pragya Pudasaini	Card Section
3	Ajay Phuyal	Program Support
4	Nirmala Chudal	Card Section
5	Yagya Khatri	Logistic Support
6	Manoj Sharma	Logistic Support

Collaborating Organizations:

1. INHURED International
2. National Human Rights Foundation (HURFON)
3. Rural Reconstruction Nepal (RRN)
4. Child Workers in Nepal Concern Center (CWIN)
5. South Asia Partnership (SAP) Nepal
6. Child Nepal (CN)
7. National Senior Citizens Federation (NASCIF)
8. Good Governance Foundation (GoGo Foundation)
9. Resource Centre for Primary Health Care (RECPHEC)
10. Institute of Human Rights Communication Nepal (IHRICON)
11. Joint Forum For Human Rights (JFHR)
12. Human and Natural Resource Development Forum
13. Jagaran Nepal
14. YUWA
15. Concern Nepal
16. Beyond Beijing Committee (BBC Nepal)
17. SOJUP Nepal
18. Option Nepal
19. Nepal Leprosy Relief Association (NELRA)
20. Center for Victims of Torture (CVICT) Nepal
21. Hamro Abhiyan Nepal
22. Bikalpa Nepal
23. Women's Rehabilitation Center (WOREC) Nepal
24. Social Environment Welfare Association Society (SEWA Society)

NEOC also collaborated with over 5,000 other civil society and human rights organizations at the provincial and district level throughout the country.

Annex 7 - Press Statement



**National Election Observation Committee (NEOC), General Election Observation Committee (GEOC) and
Inclusive Women Network for Peace, Justice and Democracy (Sankalp)**

Observation of House of Representatives and Provincial Assembly Elections – 2017

Review of First and Second Phase

December 12, 2017

Press Statement

Based on the new electoral model prescribed for the recently restructured state as per the new constitution, the first and second phase of the elections for the members of the House of Representatives and the Provincial Assemblies were held on November 26 and December 7, respectively. Despite a few incidents of irregularities, tension and violence as a part of attempts to influence the elections, the first phase was held in 37 electoral constituencies of 32 districts of 6 provinces and the second phase was held in 145 electoral constituencies of 45 districts of 7 provinces. We take this occasion to congratulate the Election Commission of Nepal (ECN) and related agencies, on behalf of all three organizations involved in the observation, for the successful holding of elections despite short period provided for preparations.

Despite incidents aimed at undermining the independence of election, the political parties, general voters and citizens enthusiastically participated in the elections. During these elections, the presence and participation of senior citizens, women, as well as differently-abled people were equally encouraging.

● **NEOC Campaign**

The National Election Observation Committee (NEOC) deployed 1039 trained observers at district, province and central level to observe elections in all 37 constituencies of 32 districts in the first phase. Similarly, in the second phase it deployed 2704 observers to all 128 constituencies of 45 districts. Furthermore, it also deployed mobile observer team in sensitive polling centers and mobilized team of election experts as Eminent observers to the centers to ensure that the observation was, as in the past, objective, factual and scientific. Likewise, in order to carry out data-based observation of all the phases of elections, it mobilized 165 long term observers. NEOC operated observation Call Center in Kathmandu to streamline & systematize the information exchange on the Election Days.

● **GEOC Campaign**

The General Election Observation Committee (GEOC) mobilized a total of 800 trained observers to observe elections in 30 districts in both the first and second phase at local, district and central level. These apart, it also mobilized mobile observer team including expert observers from the center. In order to record and inform about the incidents that take place in course of polling, the GEOC operated a call center at its secretariat. The center recorded and documented details of incidents in districts on daily basis.

● **Sankalp Campaign**

Sankalp deployed 160 observers covering 10 districts of 5 provinces in the first phase and 750 observers covering 35 districts of 7 provinces in the second phase. It also involved district and central level team in the observation.

On the basis of the information received from the observers of NEOC, GEOC and Sankalp, and information received in the NEOC call center during the first and second phase of the elections, following are the details regarding voters participation, security arrangement and overall management of the elections that were observed before, after and on the election days.

Overall Situation of Polling

Early situation of Polling

In most of the polling centers that were observed, polling started between 7.00 am and 7.30 am. Most election processes were smoothly and peacefully carried out. Despite some violent incidents and very cold temperature in hilly and mountain regions, the participation by voters was encouraging.

- In the polling centers observed by NEOC, 967 polling centers opened between 7.00 am and 7.15 am (73.70%),
- 229 polling centers opened between 7.16 am and 7.30 am (17.50%)
- 108 polling centers opened between 7.31 am and 8 am (8.20%)
- 8 polling centers opened after 1 hour (0.60%)

Electoral Rolls and Polling

Due to errors in the electoral rolls, many voters, once again, were unable to cast their votes even though they had voters' ID card. Many voters' ID had some mistakes like repetition. Likewise, the serial number in the voters' ID did not match with the number in the list of voters. It led to problems for election staff as well as voters.

- In the polling centers observed by NEOC, it was found that name of voters were cross-checked with those in the list in 1271 centers (98.80%).
- In the polling centers observed by NEOC, 1-10 eligible voters could not vote in 113 polling centers (8.79%) and 11-25 eligible voters could not vote in 7 polling centers (0.54%).
- In 6 polling centers (0.47%), some individuals or groups attempted to influence voters.
- In 9 polling centers (0.70%), voters were found to be voting more than once.

Voter Education

It was found that not all voters were fully aware that they need to put stamp on four symbols in three ballot papers. Voters were found confused particularly with the ballot paper for the proportional representation system. There could be larger number of invalid votes due to these reasons.

Polling Management

There were separate queues for men and women voters. Likewise, priority as well as assistance were accorded to senior citizens and those voters who needed help. The coordination between election staff and security personnel was generally good.

- In 1307 (99.60%) of polling centers observed by NEOC, there were at least 6 election staff as per the commitment by the ECN.
- In 1301 (99.20%) polling centers, ballot boxes were properly and clearly marked.
- In 5 polling centers (0.40%), all necessary election materials were not available.
- In 6 polling centers (0.50%), there were information that secrecy in the polling was not fully observed.
- In almost all polling centers observed by NEOC (99.70%), ink marks were put on fingers of voters.



Adherence to Election Code of Conduct

The false promises by candidates, parties in neighborhoods, excessive use of campaign materials continued during these elections as well. In many places use of pamphlets and campaign materials were found to be in violation of the code of conduct.

- In 82 (6.30%) of polling centers observed by NEOC, campaign materials found within the 300 meter perimeter of the polling centers.
- In 12 (0.90%) of polling centers observed by NEOC, there were activities aimed at influencing voters outside the polling centers.

Security Arrangement and Incidents Observed during the Polling

Even though the security arrangement was largely effective, there were few incidents of violences in some places.

- In ward no. 5 VDC building polling center of Gaurishankar Rural Municipality in Dolakha district, there were attempts by the workers of left alliance to chase away workers of opposing parties and capture the booth. Likewise, in 1, 6 and 7 wards, too, such attempts were made. In Baityewhare Rural Municipality, ward no. 7 Kalika school booth, workers of opposing parties pelted stones after workers of leftist alliance tried to capture it. Police resorted to 4 rounds of firing in the air and the situation was brought under control with the help of army personnel.
- In the Jafe booth of ward no. 3 of Tamakoshi Rural Municipality, workers of Nepali Congress tried to take the booth under their control. But after minor clashes, their attempts were thwarted by the strong presence of security personnel.
- Police resorted to firing in the air after two sides clashed in the Deurali primary school polling center of Sunkoshi Rural Municipality of Sindhupalchowk district. Likewise, there were minor clashes between workers of democratic and left alliance in Kalidevi primary school polling center of Balefi Rural Municipality-8. The polling resumed shortly afterwards.
- Polling started a bit late in Bandidevi polling center of Jharlang of Khaniyabas Rural Municipality in Dhading district when workers of democratic alliance tried to stop representative of left alliance from entering the center.
- In Nawalparasi (East of Susta), a bomb planted underground exploded at 10.10 am near the Gaudima polling center of Divyajyoti lower secondary school. This scared the voters and election staff and two voters injured when they tried to flee after explosion. Only after an hour polling resumed.
- At the polling center in Mathura lower secondary school of Sandhikharka municipality-5, Arghakhanchi, the polling had to be suspended after following the disputes over unsigned ballots given to voters. The area saw re-polling after two days.
- After polling closed in the second phase, counting of votes collected during the first phase elections in 32 districts began after 5 pm. Vote counting also started immediately in other districts. The security arrangement in counting centers were tight and representatives were not allowed to touch the ballot papers.

The ECN need to further improve its performance in areas such as distribution of voters' ID cards, establishment of polling centers, management of voter queues, voter education program and controlling of campaign styles by candidates and parties. Voters will be assured if the Government of Nepal identifies and takes action against the individuals and groups responsible for explosions and violence aimed at affecting the election. This will result increase in voter participation in coming days.

Suggestions and Recommendations:

1. Election Code of Conduct

In the context that not all political parties, candidates and the government honestly adhered to the election code of conduct this time, they should fully abide by the codes in the future elections to safeguard the independence and fairness of elections, and the ECN should leave no stone unturned to ensure full enforcement of the codes.

2. Voters Education

Since voter education was inadequate and ineffective in this election, voter education should be regarded as an integral part of any future election, and should be carried out comprehensively and effectively.

3. Inclusion in Election

As per the spirit of the constitution, there is need to ensure the inclusion of all sections of society like women, excluded and backward groups in the election processes.

4. Non-discriminatory Adult Franchise

Based on the principle that no one should be excluded from voting, the right to vote by all eligible voters including election staffs, security personnel and observers must be upheld and arrangements should be made in future elections to ensure that they are all able to vote.

5. Vote Counting

Given the confusion and complications owing out of lack of coordinated vote counting, there is a need to make the counting process further scientific, transparent, easy and coordinated.

Note: The above findings is just based on the Election Day(s) observation. Comprehensive report analysing the overall election environment, data and details of incidents will be made public in near future.

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Ms. Shobha Basnet
 Secretary
 Sankalp

NEOC trainings in Province 3



NEOC trainings in Province 1



NEOC trainings in Province 4



NEOC trainings in Province 2



NEOC trainings in Province 7



NEOC trainings in Province 5



Caucus Program, Dang District



NEOC trainings in Province 6



NATIONAL ELECTION OBSERVATION COMMITTEE (NEOC)

National Election Observation Committee (NEOC) is heterogeneous domestic coalition consisting of human rights groups, civil society organizations (CSOs), and distinguished individuals committed to the values and principles of universal and equal suffrage as enshrined in the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR). Established in 1991, NEOC has since continued its mandate of observing elections through deployment of trained observers throughout the country. With its National Secretariat in Lalitpur, NEOC has seven provincial and 77 district chapters active year round. In addition to observation during elections, NEOC's local chapters are engaged in regular dialogues and advocacy work concerning electoral reform, campaign finance, good governance, and state restructuring, among others. NEOC promotes the equal participation of women in all its programs and activities and respects inclusion for marginalized and minority groups.

NEOC is a founding member of the Asian Network for Free Elections (ANFREL) and has participated in many international observation missions in Asia and beyond. Among others, NEOC is also engaged as a democracy watch flagship organization primarily focused on research and study, lobbying and advocacy, review of electoral legal framework, rights-based civic/voter education, right to information, gender equality and empowerment, social inclusion, local self-governance, and others. NEOC is also entrusted to coordinate with all like-minded domestic and international organizations dedicated to electoral education, election observation and other related programs in the country.

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