

# NEPAL'S LOCAL ELECTIONS 2017

## FINAL OBSERVATION REPORT



**DEMOCRACY**  
**RESOURCE CENTER**

**OBSERVATION OF NEPAL'S LOCAL ELECTIONS 2017**

**FINAL REPORT**

**NOVEMBER 2017**



Observation of Nepal's Local Elections 2017

Final Report, November 2017

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The DRCN election observation was led by Sudip Pokharel, and coordinated by Nayan P. Sindhuliya. Alok Pokharel, Maxim Shrestha, Nayan P. Sindhuliya, Sudip Pokharel and Namrata Jha authored the report. Anubhav Ajeet and Shreya Paudel from DRCN's Political Violence Monitoring Project provided valuable inputs. Caroline Vandenabeele, Shalini Tripathi, John Tyynela and Ajay Das from the Governance Facility provided useful suggestions and valuable guidance throughout. Elijah Lewien, Elena Swartz, Prawin Adhikari and Iona Lidell provided useful contributions.

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## List of Acronyms

DRCN	Democracy Resource Center Nepal
LLRC	Local Level Restructuring Commission
GON	Government of Nepal
CPN-MC	Communist Party of Nepal- Maoist Center
NC	Nepali Congress
CPN-UML	Communist Party of Nepal- Unified Marxist Leninist
RJPN	Rashtriya Janata Party Nepal
FSFN	Federalist Socialist Forum Nepal
UDHR	Universal Declaration of Human Rights
ID	Identification Card
ICCPR	International Covenant on Civil and Political Rights
CA	Constituent Assembly
IED	Improvised Explosive Devices
CPN (Biplav)	Communist Party of Nepal

## Executive Summary

One major feature of the new constitution promulgated on September 2015 was the restructuring of Nepal's local government, including devolution of power to newly created provinces and local units. After much deliberations and contestations, the constitutionally mandated Local Level Restructuring Commission finalized 743 local units. On February 20, 2017, the Government of Nepal announced the local elections for May 14, 2017 which was later broken into three phases due to political reasons. The first phase elections in provinces without Tarai districts (Provinces 3, 4 and 6) were held on May 14, second phase elections in rest of the provinces except province 2 was held on June 28. The province 2 election across eight Tarai districts was held on September 18. Democracy Resource Center Nepal (DRCN) observed all three phases of the local elections conducted for the first time in nearly twenty years, and the first one under the new constitution and new local structures.

Across all three phases of the local elections, DRCN observers consistently reported a severe lack of voter education. This was particularly problematic given the complicated nature of the ballot paper and the voting process for these elections. DRCN observers frequently reported that the educators themselves were not clear about how to vote correctly. DRCN observers also heard from election officials in certain regions that there were delays in arrival of educational materials, which further compromised their efforts toward voter education.

While most voter lists at the local level were reasonably updated, a sizable number of people were still excluded across the country. Most commonly heard reason from people who were excluded was lack of awareness concerning the deadline for voter registration. Another was the uncertainty surrounding whether the elections would happen at all. Election authorities themselves conceded that high rates of internal and international migration – mainly for employment – led to many eligible voters being left out of the register. There were also repeated grievances about people who had voted in the last CA elections excluded from the voter rolls for the local elections.

Elections were scheduled just over a week after the official campaign period started. The tight schedule disproportionately disadvantaged independent candidates and candidates from smaller political parties. Distribution of election symbols for smaller parties – other than from the parties represented in the Parliament – and independent candidates was also delayed in many observed locations.

Polling day processes were largely normal with some exceptions reported. Clashes involving major political parties, including Nepali Congress, CPN-UML and CPN-MC were reported in Dolakha in the first phase. CPN-UML boycotted polling halfway in several polling locations of the district accusing NC of booth-capture, which resulted in the temporary disruption of polling. In Melung, police fired on party members allegedly attempting to conduct booth-capture resulting in one death. The issue of proxy voting created major challenges and tensions across Province 2 with the process reported as being confusing for many and resulting in both the consensual and non-consensual casting of votes by people, including by election and security officials.

Counting in all three phases of elections was reported to be chaotic, time consuming and often leading to tension between party representatives. During the first phase, vote counting was suspended in Bharatpur Metropolitan City, Chitwan after CPN(MC) cadres allegedly

destroyed 90 ballot papers from Ward 19. Counting process improved during the second and third phases, despite notable delays and confusions reported.

Inadequate voter education and complicated ballot paper have been widely reported as potentially causing high invalidation by multiple stakeholders. The ECN is yet to make the detailed invalidation data public for all three phases. DRCN teams have however seen results for some local units and they show a very high rate of invalidation.

Inter-party clashes were the leading cause of security-related and violent incidents. Boycotting and dissenting political parties like CPN (Biplav) and some Madheshi parties were identified as the biggest threats. The first phase saw the highest number of party clashes. The second phase was characterized by high number of IEDs planted, discovered and detonated in 19 districts across Provinces 1, 5, and 7. During the third phase, contrary to speculations and predictions, the number of clashes and violence was at a minimum with only 11 incidents reported from the onset of silence period until the end of election day on September 18.

Participation of women and minority groups was high, but limited to mandatory positions and leaning towards tokenism. Very few women were elected outside of the reserved seats and most women were fielded for positions of deputy chief. However, significant women's participation was observed during campaigning as well as on election day. In many districts official statistics showed a higher women turnout than men's, although they were attributed to high rates of male out-migration from certain districts.



## 1. Introduction

### *1.1. Background and DRCN overview*

Democracy Resource Center Nepal (DRCN) was established in 2014 with the objective of producing robust independent research around Nepal's important political transition. In the initial days, DRCN conducted localized research in the build up to the drafting of the new constitution and pointed to the possibility of widespread contestations and violence if the major parties failed to address the anxieties and aspirations of marginalized groups, most notably the Madheshis.<sup>1</sup> DRCN also carried out field research on the restructuring process of the local units after a new constitution was adopted in February 2015.<sup>2</sup> DRCN conducted long-term and short-term observations of the electoral and political climates before, during, and after the election day in all three phases of the Local Level Elections in 2017.<sup>3</sup> DRCN is currently in the process of planning for a nationwide long-term research and observation of the political process and implementation of the new constitution, starting in January 2018.

### *1.2. Accreditation to Observe Local Elections*

DRCN received official accreditation from the Election Commission of Nepal (ECN) in April, 2017 to observe all three phases of the local elections as a national observer organization. Despite minor delays, the ECN issued accreditation cards for all DRCN observers before the 'campaign silence period' in all three phases. However, the delays in issuing observer accreditation cards presented DRCN with additional challenges associated with conducting important aspects of pre-election observation without formal accreditation. While DRCN observers faced no major issues regarding access, some district and local unit level officials seemed unaware about the rights and responsibilities of national observers. One of the largest challenges that DRCN observers faced in the field arose from the officials' failure to distinguish between short-term and long-term observation.

As required, DRCN submitted a summary findings report with recommendations to the ECN fifteen days after all three phases of the elections were completed. DRCN also submitted a cumulative report based on findings and recommendations from the first two phases of the elections thirty days after the conclusion of the second phase.

### *1.3. DRCN Observation Methodology*

DRCN focuses on localized independent research and uses both qualitative and quantitative analytical tools. For election observation, DRCN has devised two separate sets of methodologies for its long-term and short-term observations. For long-term observation, observers conduct key-informant interviews, citizen interviews, focus-group discussions, direct observation, and analysis of local media to understand the larger electoral and political contexts before, during, and after the election day. The long-term outputs are recorded by observers in district-specific observation forms designed to provide a broader electoral and

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<sup>1</sup> See DRC Nepal's "Political situation and mobilizations around the January 22, 2015 political commitment to promulgate the constitution" [http://democracyresource.org/wp-content/uploads/2017/04/Political-Situation-and-Mobilizations-around-the-January-22-2015-Political-Commitment-to-Promulgate-the-Constitution\\_March-2015.pdf](http://democracyresource.org/wp-content/uploads/2017/04/Political-Situation-and-Mobilizations-around-the-January-22-2015-Political-Commitment-to-Promulgate-the-Constitution_March-2015.pdf)

<sup>2</sup> See DRC Nepal's "Preliminary Findings on Local Body Restructuring at the Local Level" [http://democracyresource.org/wp-content/uploads/2017/04/Preliminary-Findings-on-Local-Body-Restructuring-in-Nepal\\_September-2016.pdf](http://democracyresource.org/wp-content/uploads/2017/04/Preliminary-Findings-on-Local-Body-Restructuring-in-Nepal_September-2016.pdf)

<sup>3</sup> See DRCN's election observation reports from all three phases: <http://democracyresource.org/election-observation/>

political overview of the district based on observation and research in at least two local units. Local units are selected to include both the urban centers and the more remote and less accessible regions within the district.

DRCN's short-term observation methodology is more technical and is designed to observe the key electoral processes against the legal framework guiding the elections. Short-term observers are equipped with separate checklists to observe the opening, polling, and closing during the election day, and a separate checklist to observe counting. All the forms and checklists are developed by DRCN's core team, with the help of election experts. The outputs from each location observed during the election day, and the counting checklist, are submitted online into an election software. The outputs are then summarized and analyzed by the DRCN core team. DRCN's election observation findings and analysis are also bolstered by regular media monitoring, as well as DRCN's Political Violence Monitoring project which tracks and analyzes incidents around elections.

All DRCN observers are provided adequate training by DRCN core team members and consultant experts on observation methods, electoral laws, international best practices, and election codes of conduct.

## 2. Political Overview

Nepal adopted a new constitution on September 20, 2015, which requires that the local, provincial and parliamentary elections be completed by January 2018.<sup>4</sup> The new constitution and the process through which it was adopted were highly contested. Several minority and marginalized groups across Nepal protested to demand that the constitution be amended to better represent them. The protests, which included a several months long blockade by the protesting Madheshi parties, resulted in over 50 deaths.<sup>5</sup>

One major feature of the new constitution was the restructuring of Nepal's local government, including the devolution of power to newly created provinces and local units. The Local Level Restructuring Commission (LLRC) was formed on March 15, 2016, and was tasked with proposing new local units within a year. The local level restructuring process was rushed in order to facilitate the upcoming local elections, and happened amidst protests, particularly by Madhesh-based parties who demanded the revision of provincial boundaries before the creation of local units.<sup>6</sup> On January 6, 2017, the LLRC proposed 719 local units when it submitted its report to the Government of Nepal (GoN).<sup>7</sup> Following widespread dissatisfaction and contestations, especially by the protesting Madhesh-based parties, the GoN added 25 more local units that came into effect on March 15, 2017.<sup>8</sup> The government proposed 22 additional units in certain Tarai districts between the first and second phases of local elections in an attempt to bring the Madhesh-based parties onboard for the second-phase

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<sup>4</sup> Article 296 (1) of the Constitution of Nepal 2015: "The Constituent Assembly existing at the time of commencement of this Constitution shall *ipso facto* be converted into the Legislature-Parliament after the commencement of this Constitution, and the term of such Legislature-Parliament shall exist until January 21, 2017."

<sup>5</sup> "End of the Madheshi blockade: What it means for Nepal" <http://www.hindustantimes.com/opinion/end-of-the-Madheshi-blockade-what-it-means-for-nepal/storyJixO1gsdWLprj8Lc6G0hQL.html>

<sup>6</sup> For details on contestations around the local body restructuring, see: [DRCN Preliminary Findings on Local Body Restructuring](#)

<sup>7</sup> See: [Country to have 719 village and municipal councils](#)

<sup>8</sup> See: [Number of local units reaches 744](#)

election. The decision was stayed by the Supreme Court of Nepal on May 26.<sup>9</sup> However, on August 10, 2017, the Supreme Court vacated the previous order, paving the way for nine local units to be added in Province 2, thus creating 753 local units nationally.

On August 3, 2016, a new government was formed under Prime Minister Pushpa Kamal Dahal (also known as ‘Prachanda’). The coalition government comprising Communist Party of Nepal-Maoist Center (CPN-MC) and Nepali Congress (NC) received support from Samyukta Loktantrik Madheshi Morcha (Madheshi Morcha). The government and the Madheshi Morcha reached an agreement that the constitution would be amended to address the Madheshi Morcha’s demands before local, provincial and parliamentary elections were held. Prime Minister Dahal’s government worked to pass a constitutional amendment but was unable to gain the necessary support in parliament. The main opposition party, Communist Party of Nepal-Unified Marxist Leninist (CPN-UML), put up continuous opposition against the constitutional amendment. The first attempt to amend the constitution led to violent protests in Province 5, as the proposed amendment, which included the redrawing of its boundary, would separate Tarai and hill districts in the province.

After several unsuccessful attempts to amend the constitution, the government decided to move forward with local elections, saying it would pass the constitutional amendment as election preparations were already underway. On February 20, 2017, the government announced that it would hold local elections on May 14, 2017, triggering violent protests in the Tarai. On March 3, CPN-UML launched its ‘Mechi-Mahakali’ political campaign, despite significant concerns that the Madheshi parties would actively oppose it. On March 6, a clash between Madhesh-based party cadres and security forces in Saptari district during a CPN-UML Mechi-Mahakali event led to the killing of five Madheshi protesters, triggering widespread protests across the Tarai.<sup>10</sup> On March 15, the Madheshi Morcha withdrew its support from the government and said it would boycott and disrupt the scheduled May 14 elections unless its demands were met through a constitutional amendment.

The Madhesh-based parties’ withdrawal of support to the government raised concern that the political environment in the Tarai was not conducive for holding successful elections there. The protests also prevented the ECN from making necessary preparations for conducting polls in certain districts in the Tarai. On April 22, the government decided to hold local elections in two phases; the first phase on May 14 in provinces 3, 4 and 6, provinces without Tarai districts; and the second phase on June 14 in provinces 1, 2, 5 and 7.

On April 26, 2017, six Madhesh-based parties unified to form the new Rashtriya Janata Party Nepal (RJPN). On June 6, Nepali Congress Chairman Sher Bahadur Deuba replaced CPN MC’s Pushpa Kamal Dahal (Prachanda) as the Prime Minister, in accordance with the agreement previously reached between the two major coalition partners. RJPN participated and voted to elect Deuba, in anticipation that the new government would amend the Constitution before the second phase of elections. On June 11, 2017, the newly-formed RJPN announced that they would boycott and disrupt the second phase of elections across the Tarai because the April 23 agreement on constitutional amendment had not yet been implemented

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<sup>9</sup> See: [Supreme court stays decision to add local units](#)

<sup>10</sup> The killings in Maleth, Saptari triggered further protests in the Tarai, including vandalism of public offices and the Chief Election Commissioner’s house, attacks on a National Human Rights Commission delegation, and continued clashes between CPN-UML cadres and Madheshi and Tharu activists. For more details on the Saptari incident, see DRCN’s Analysis Update 2- Impact of the Saptari Incident on the Electoral Environment at [http://democracyresource.org/wp-content/uploads/2017/04/Analysis-Update-2\\_English.pdf](http://democracyresource.org/wp-content/uploads/2017/04/Analysis-Update-2_English.pdf)

by the GoN. The polls were postponed until June 23, 2017, in order to ensure RJPN participation. The date was changed once more to June 28, 2017, in consideration of the Muslim communities celebrating Ramadan around June 23. The GoN failed to meet RJPN demands for a constitutional amendment, and thus could not ensure their participation in the second phase. The elections in Province 2 were postponed to a third phase of local elections on September 18, 2017. This decision was made despite reservations from ECN and the main opposition party, CPN-UML.<sup>11</sup>

One of the leading Madhesh-based parties, the Upendra Yadav-led Federalist Socialist Forum Nepal (FSFN) announced on May 26, 2017, that it would participate in the second phase of local elections.<sup>12</sup> The FSFN had also participated in the first phase elections – which covered Provinces 3, 4 and 6 and did not include any district in the Tarai – after forming an electoral alliance with Naya Shakti Nepal.<sup>13</sup> The alliance, which was expected to result in the unification of two parties, dissolved after the second phase following poor results and increasing differences within the top leadership.

RJPN warned that it would actively boycott and disrupt the second phase of elections. A major incident occurred at an anti-election rally in Ramgram, Nawalparasi, on June 17, 2017, where senior RJPN leaders encouraged cadres to protest the candidate nomination process that would be taking place the following day. Toward the end of the event, a group of RJPN supporters burned campaign T-shirts and flags belonging to CPN-UML and vandalized furniture outside the nearby transportation office. Police fired teargas and rubber bullets in response, injuring at least four protesters. The police arrested some protesters, but the number of arrests was not independently verified. In contrast, various individuals who had planned to run for elections as RJPN candidates filed their candidacies as independent candidates in districts like Rupandehi and Nawalparasi. Security was heightened across the Tarai districts and there were widespread arrests of RJPN cadres to prevent them from disrupting the election process. There were no reports of RJPN cadres attempting to actively disrupt polling on election day.<sup>14</sup>

On August 11, after several rounds of dialogue, the ruling parties and the RJPN agreed to put the constitutional amendment bill to vote in the House of Parliament. The bill was registered with an understanding that RJPN would take part in elections regardless of the result of the vote. The bill failed to secure the required two-third of the votes, and on August 23, 2017, RJPN formally announced its decision to participate in the third phase of local elections, as well as in the provincial and parliamentary elections.<sup>15</sup>

### 3. Electoral Legal Framework

#### 3.1 Constitutional Framework

The Constitution of Nepal provides three levels of government in order to institutionalize federalism: local, provincial, and federal. As part of the implementation of the new constitution, local elections were held across Nepal in three phases under the new structure

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<sup>11</sup> See: [Govt postpones polls in Province 2](#)

<sup>12</sup> See: [Six Madhesh-based parties unite to form a new Rashtriya Janata Party](#). See: [Upendra Yadav-led FSFN to contest local polls](#)

<sup>13</sup> See: [Forum, Naya Shakti form alliance; to contest local polls with common symbol](#)

<sup>14</sup> For summary of security incidents and arrests made by the police prior to the second phase elections, see: [DRCN Campaign Period Incidents Prior to Second phase \(June 28\) Local Elections](#)

<sup>15</sup> The constitution amendment bill was put to vote in the parliament on August 21, 2017. The amendment fell short of 48 votes. See: [Constitution Amendment Bill fails to get through House](#).

recommended by the LLRC. The Constitution requires the formation of an assembly at all rural municipalities and municipalities with legislative powers, and grants executive power to rural municipalities and municipalities through rural municipal executive bodies or municipal executive bodies duly constituted under Articles 214, 215 and 216.<sup>16</sup> In all three phases, each voter was provided with one ballot paper to elect seven representatives for a ward and a municipality or rural municipality. Voters elected five ward-level representatives (one ward chair, one female ward member, one female Dalit member and two open ward members); one local unit chief (mayor or chairperson), and one deputy (deputy mayor or vice chairperson) to form the local assembly.

A municipal assembly is composed of a mayor, deputy mayor, ward chairs, and members from all wards, as well as three members representing the Dalit or other minority communities elected by its assembly.<sup>17</sup> A village municipal assembly is composed of a chairperson, vice-chairperson, ward chairs and members from all wards, as well as two members representing Dalit or other minority communities elected by its assembly.<sup>18</sup>

A municipal executive consists of a mayor, deputy mayor, ward chairs from all wards, five women ward members, and three members representing Dalit or minority community elected by its assembly.<sup>19</sup> A village municipal executive consists of a chairperson, vice chairperson, ward chairs from all wards, four women ward members, and two members representing Dalit or minority community elected by its assembly.<sup>20</sup> The newly-elected local unit chiefs (Mayors or Chairpersons) head the local unit assemblies and local unit executive bodies.

Elections for local executive bodies were held in all units within 15 days of the official announcement of election results.<sup>21</sup> All three phases of the elections were conducted by the ECN, exercising its constitutional mandate. The constitution recognizes the ECN as the constitutional organ to conduct, supervise, direct, and control the elections.<sup>22</sup>

### *3.2 Electoral Laws*

The acts, regulations, directives, policies, orders, and codes of conduct governing the local elections were either enacted by the Parliament or issued by the ECN, as per the general framework provided by the Constitution of Nepal, 2015.<sup>23</sup>

The Election Commission Act and the regulations provide the ECN the authority to conduct and manage elections. Voter registration was carried out in accordance with the Act Relating to Electoral Rolls, 2017. The Act outlines the requirements for voter eligibility under which an individual has to be: (a) A Nepali citizen, (b) At least 18 years old on the date prescribed

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<sup>16</sup> See: Article 221 to Article 227 of the Constitution of Nepal 2015

<sup>17</sup> Article 223 of the Constitution of Nepal 2015

<sup>18</sup> Ibid. Article 222

<sup>19</sup> Ibid. Article 216

<sup>20</sup> Ibid. Article 215

<sup>21</sup> Village Executive and Municipal Executive Directives 2017

<sup>22</sup> Art. 246 (1) of the Constitution of Nepal 2015

<sup>23</sup> Election Commission Act 2017, Local Level Election Act 2017, Act on Determination of the Number of Wards of Village Municipality and Municipality 2017, Act Relating to Electoral Rolls 2017 and, Act on Election Crime and Punishment 2016) were passed by the parliament. Election Commission Act 2017 delegates power to the ECN to make laws (Regulations, Directives and, Orders) necessary for the elections. Election Commission Regulation 2017, Local Level Election Regulation 2017 and, Electoral Rolls Regulation 2017 were also enforced. The ECN issued directives (Local Level Election Directive 2017, Local Level Elections Offences and Punishments Directive 2017, Local Level Election Observation Directive 2017 and, Rural Municipal Executive and Municipal Executive Election Directives 2017), Local Level Election Code of Conduct 2017 and, orders to manage entire aspects of the elections.

by ECN, and (c) A permanent resident in a concerned ward of a municipality or rural municipality. Section 4(2) of the Act states that voter registration closes upon the announcement of the election date.

The ECN held elections following geographic divisions of the local units on the basis of the Act on Determination of the Number of Wards of Village Municipality and Municipality 2017. Local level election laws (Act, Regulation and, Directives) include provisions on overall election program, electoral system, qualifications of candidates, candidate nomination process, independent candidates, management of polling locations, ballot paper and ballot box, polling procedures, proxy voting, vote counting, and declaration of election results.

Section 64 of the Local Level Election Act, 2017, authorized the ECN to set limitations on, and to monitor, the campaign ceiling expenses. Separate sets of election codes of conduct were formulated for political parties, the government and its departments, the media, election observers, election officials, and non-government organizations. The ECN also issued additional directives and orders during the entire election cycle.

### *3.3 Findings on Electoral Legal Framework*

DRCN has analyzed the electoral legal framework and legal arrangements, comparing them with nationally and internationally-recognized principles.

#### *(A) Right to Vote*

The Universal Declaration on Human Rights (UDHR) 1948, and the International Covenant on Civil and Political Rights (ICCPR) 1966, guarantees citizens the basic right to vote. In all three phases, the ECN issued orders to allow listed voters to cast ballots on the basis of other national identification cards, in the absence of a voter ID.

The ECN's decision to allow voters to reject candidates following a Supreme Court order was overruled by the government.<sup>24</sup>

#### *(B) Voter Registration*

Section 4(2) of the Act Relating to Electoral Rolls 2017 stipulates that no new voters may be entered into the voters' roll upon announcement of the election date. The ECN can direct, inspect, and control voter registration but cannot decide its closing date. Previous laws on electoral rolls - for Constituent Assembly elections, for example - had authorized the ECN to set the closing dates, which had allowed the ECN to complete the voter registration despite abrupt announcements and postponements of election dates.<sup>25</sup> International practices on voter registration require that sufficient time be provided for voter registration, and that the public be informed about the overall process for registering.<sup>26</sup>

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<sup>24</sup> See: 'Some Decisions of the Supreme Court of Nepal 362 (2014),' Volume VI5, 2013, Eds. Poudel, S. and Ghimire, B, and the case "Bikash Lakai Khadka and others v. Office of the Prime Minister and the Council of Ministers and others". Following this decision, the ECN drafted a provision to have "None of the Above" as an option in ballot papers for the local-level elections.

<sup>25</sup> See: Act Relating to Electoral Rolls 2007 that governed two rounds of Constituent Assembly elections

<sup>26</sup> OSCE/ODIHR, Handbook for the Observation of Voter Registration and, Election Obligations and Standards, A Carter Center Assessment Manual, Carter Center.



### *(C) Authority on Declaring Election Day*

It is an international practice to allow an independent constitutional electoral management body to manage elections, with the authority to set the election dates and the electoral calendar.<sup>27</sup> In Nepal, the government announces the election date.<sup>28</sup> DRCN's observation showed that abrupt announcements of election dates and frequent changes to the electoral schedules by the government for political reasons significantly affected the ECN's logistical and technical preparations - most notably on voter registration, voter education, officials' trainings, and deployment.

### *(D) Late Enactment of Laws*

The ECN has regularly maintained that essential electoral laws need to be passed at least 120 days before the election date in order for them to be able to make adequate preparations.<sup>29</sup> The delay in submission of LLRC's final report meant that laws related to local elections were not enacted until mid-December 2016. The ECN was not able to fully prepare for elections due to uncertainty on numbers, areas, and locations of local bodies.<sup>30</sup>

### *(F) Restrictive Laws*

Section 26 (6) and (7) of the Local Level Election Act, 2017, allowed only parties represented in the existing Parliament to have their unique election symbols on the ballot paper. Parties with no representation in the Parliament had to participate in elections with their members registered as independent candidates, each candidate potentially being assigned a symbol different than other candidates from the same party. While the ECN explained that this law was made because it would be impossible to accommodate all party symbols on the ballot papers, the law was widely perceived as favoring larger political parties and being unfair towards independent candidates and smaller parties.

Rules related to campaign financing were also considered overly restrictive. The Local Level Election Directive 2017, allowed a candidate for the position of mayor to spend a maximum of NPR 750,000 for the entire campaign, an amount that was reported by many to be largely inadequate.

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<sup>27</sup> For further readings, please refer to: General Comment 25, Para 20: 'The right to participate in public affairs, voting rights and the right of equal access to public service' on International Covenant on Civil and Political Rights (1966), UN Human Rights Committee (1996); Election Obligations and Standards, A Carter Center Assessment Manual, Carter Center; OSCE Office for Democratic Institutions and Human Rights (ODIHR), Guidelines for Reviewing a Legal Framework for Elections, Second Edition, OSCE, ODIHR, 2013, Available at: <http://www.osce.org/odihr/elections/104573?download=true> ; Council of Europe, Using International Election Standards, Council of Europe handbook for civil society organizations, 2016, Available at: <https://rm.coe.int/168059798a>

<sup>28</sup> Section 3(1) of Election Commission Act 2017: "Unless federal law provides otherwise, the Government of Nepal shall fix the date of election. However, before fixing such date of election, the Government of Nepal shall consult with the Commission."

<sup>29</sup> Available at: <http://kathmandupost.ekantipur.com/news/2016-05-12/ec-officials-skeptical-of-govt-poll-plan.html> (Accessed on May 17, 2017); Available at: <http://kathmandupost.ekantipur.com/news/2016-12-13/lack-of-election-laws-puts-ec-in-a-fix.html>

<sup>30</sup> Democracy Resource Center, Preliminary Findings on Local Body Restructuring at the Local Level, September 8, 2016. Available at [http://democracyresource.org/wp-content/uploads/2017/04/Preliminary-Findings-on-Local-Body-Restructuring-in-Nepal\\_September-2016.pdf](http://democracyresource.org/wp-content/uploads/2017/04/Preliminary-Findings-on-Local-Body-Restructuring-in-Nepal_September-2016.pdf)

### *(G) Lack of Adequate Training on Electoral Laws*

DRCN observation noted that election officials did not receive adequate training and orientation on the legal framework and electoral processes. Officials in many polling locations in all three phases allowed people other than immediate family members to cast proxy votes. Section 38 of the Local Level Election Act 2017 only allows immediate family members to cast votes on behalf of elderly voters and people with disabilities. The DRCN team in Garuda municipality of Rautahat noted a polling officer inaccurately stating that proxy voting was prohibited by law. Polling and security officers were seen assisting people in marking ballot papers in various locations of Bardiya, Saptari, Parsa and Mahottari districts.

In many districts, counting officials expressed confusion about rules governing the counting and ballot invalidation process. Counting officials in several locations did not start the counting process until party representatives were present. This prompted the ECN to issue a last minute order to all counting officials during the second phase which, in accordance with Section 60 of the Local Level Election Act 2017, required officials to begin counting even if candidates/counting agents were absent in the counting center.

### *(H) Election Dispute Hearing*

Depending on the nature of election-related disputes, polling officers, returning officers, the ECN and the courts have the right to settle disputes. A returning officer adjudicates disputes over forged documents during nomination, and the ECN oversees disputes relating to a political party accepting financial assistance from the government. The constitution also authorizes any individual to file official complaints related to violation of election laws at the courts.<sup>31</sup> Providing polling and returning officers the jurisdiction over settling complaints allowed prompt decisions and settlement of disputes locally.

### *(I) Representation of Women, Dalit and Minority communities*

One of the main features of the new constitution is the mandatory representation of women, Dalit and minority communities at the assembly and the executives of the local bodies ensuring 40.4 % of women and 18.7% of Dalit candidates to be elected at local levels.

### *(J) Amendment to the Existing Laws*

Amendments were made to the Local Level Election Act 2017 and the Political Parties Act 2017 to facilitate RJPN's participation in the election. The Parliament amended Section 18 of the Local Level Election Act 2017 to extend the party registration deadline to allow RJPN to register with the ECN. Section 10(7) of the Political Parties Act 2017 was also amended to allow RJPN to use an election symbol and flag of one of its constituent parties.

In addition to these amendments, the ECN issued additional directives to counting officials to establish the total number of ballot papers inside the ballot box as the actual numbers of votes cast. This was done to avoid disputes over the discrepancy in numbers of ballot papers recorded at the closing from those tabulated at the time of counting.

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<sup>31</sup> Any Nepalese citizens could file a writ petition at the High Court or the Supreme Court claiming a violation of electoral right. A candidate could file a writ petition alleging that the nomination officer did not register their name on nomination day because of an ill motive. See: Article 133 and 144 of The Constitution of Nepal, 2015 for details.



## 4. Pre-Election

### 4.1. Voter Education

**Insufficient and inadequate voter education was reported across all three phases.**

Across all three phases of the local elections, DRCN observers consistently reported a severe lack of voter education. Voters met by DRCN observers in all districts complained that both the reach and effectiveness of voter education was very poor. This was particularly problematic given the complicated nature of the ballot paper and the voting process for these elections.

The ECN's decision to deploy one voter educator per polling location resulted in an insufficient number of voter educators, given the tight schedule, the number of voters at each polling location, as well as the geographical and cultural and linguistic diversity across the regions. DRCN observers frequently reported that the educators themselves were not clear about how to vote correctly. Complaints that voter educators were biased towards particular parties were also common.



*Voter education posters in Gulmi. Photo by DRCN*

DRCN observers also heard from election officials in certain regions that there were delays in arrival of educational materials, which further compromised their efforts toward voter education. The fact that voter educators did not always have knowledge or command of local languages also made it difficult for them to effectively educate people. It did not help either that education materials were not adequately available in languages other than Nepali.

## **Voter Education**

DRCN observation noted major examples of voter education being inadequate and inefficient across all three phases. In Jajarkot, election officials told DRCN that voter education materials arrived two weeks after the scheduled date for mobilization of voter educators to polling locations. In Sindhuli, election officials and voters complained of voter educators being biased along political party lines, with one educator said to have been the daughter of a candidate. It was also reported that educators were teaching voters to cast their votes for the entire 'panel' of a particular party, discouraging cross-voting, and giving the wrong impression that anything other than panel voting would be considered invalid. In Solukhumbu, Parsa and Rautahat, many voter educators lacked command of local languages and dialects which significantly compromised the effectiveness of voter education. In Saptari, one voter educator told DRCN that he himself did not fully understand how to vote properly in all the races, and what combinations of cross-voting would be considered valid.

### **Political parties and their cadres were the most successful voter educators.**

Most people across the country mentioned that they learned about how to cast their ballots from political party representatives and cadres. This was usually done as part of the election campaign activities. Local-level cadres in many parts of the country also had the added advantage of knowing the local language and therefore were more effective. Political parties also printed sample ballot papers at their own cost to distribute to and educate voters.

Voter education conducted by candidates, cadres and party representatives was, however, never neutral. Voters were encouraged to mark their votes for the candidates' respective symbols and to *panel vote* - wherein a voter would cast their ballot for the same party across all seats being contested. To what extent this kind of voter education affected the results and voting patterns, as well as minimized total invalidation of ballots, is difficult to ascertain.

#### *4.2. Voter Registration and Voter ID*

**While most voter lists at the local level were reasonably updated, a sizable number of people were still excluded across the country.**

A number of reasons were cited and observed during the local elections for the absence of fully updated voter rolls. The first and most commonly heard reason from people who were excluded was lack of awareness concerning the deadline for voter registration. Another was the uncertainty surrounding whether the elections would happen at all. A large percentage of eligible citizens who were unable to vote, as well as election authorities themselves, mentioned that high rates of internal and international migration, mainly for employment, lead to many eligible voters being unable to register in the voter rolls.

There were also repeated grievances about people who had voted in the last CA elections not being included in the voter rolls for the local elections, and thus being barred from voting. In some districts like Sunsari and Mustang, observers found that a large number of people who had participated in the registration exercise prior to the announcement of elections did not find themselves in the final voter list. There were further complaints about voters' details on the voter roll, including, in some instances, their photographs being wrong.

## Voter Registration

An official in Mustang told DRCN observers that the election office identified major errors in the voter register. Reportedly, 150 voters who had voted in the 2013 CA elections were excluded from the current list, while the names of 117 people who had their photos taken for the new voter register did not appear in the final list. The official reported the issue to the ECN. The ECN revised and included these names and sent back a new list with 244 names. However, on the new list, only 198 names had accurate details. Some names were repeated three times while others were still missing.

**Voter IDs were distributed prior to the elections. However, extremely brief period over which the distribution was conducted made it ineffective, and therefore voting with secondary national IDs had to be allowed.**

A two-day period before Election Day was allocated for the collection of voter IDs. This gave voters extremely little time to collect their IDs, especially for those voters who lived relatively far away from their designated polling centers. There was also little to no information on whether anyone else could collect the IDs on their behalf and, if that was a possibility who was allowed to do so, which led to confusion for many voters. The situation was not helped when political cadres and representatives collected voter IDs en-masse on behalf of people in their respective constituencies. There was also one incident reported by observers where more than a hundred voter IDs were stolen or misplaced from a distribution center.

### *4.3.Candidate Nomination*

**The candidate nomination filing process was mostly haphazard, cumbersome, highly bureaucratic and time-consuming due to a lack of proper training, management of election officials, and clarity of process.**



*Candidate nomination process in Pokhara-Lekhnath Metropolitan City, Kaski. Photo by Sapana Sanjeevani DRCN*

Most candidate nomination processes at the local level took much longer than had been originally anticipated. In an overwhelming majority of the places where nominations were filed by candidates, the process only ended at the earliest on the following day, with some cases taking even longer. Given that the filing process is the first order of business on the nomination schedule, delays caused at this stage often resulted in delays in reviews, in the publication of the final candidates list, and in the distribution of election symbols to candidates.

In many nomination-filing offices observed, there was a clear shortage of officials necessary to complete the registration of all nominations on time. Many of the officials themselves were also confused and unsure about the process, indicating a lack of proper training.

**Most major political parties distributed their candidacy tickets at the last minute, sometimes just a day before the nominations day. As reported by party cadres and citizens, a majority of tickets were given on the basis of personal connection to party leaders and to those who could prove their ability and means to spend on election campaigning, rather than based on their service to a party.**

The fact that major political parties took last-minute decisions in announcing their candidates resulted in confusion and intra-party tensions. One reason given for such late announcements was that the timing was strategic, in order to minimize the time that disappointed or dissatisfied individuals who had hoped to be candidates would have to file nominations as independent candidates. Most decisions on candidacy and nominations to represent major parties were made mainly by the top leadership of the respective parties in at the central level, and not at the local, district or provincial levels.

#### *4.4.Campaign Environment*

**Breaches of code of conduct regarding campaigning were observed and reported across the country.**



*A local tailor making campaign flags in Bardiya. Photo by Chiran Manandhar DRCN*

ECN issued clear guidelines on code of conduct for political parties and campaigning, including campaign financing. These were, however, consistently flouted by all major political parties in most local constituencies across the country. Although door-to-door meet and greet was the most popular form of campaigning used, there were still numerous rallies,

often involving the use of vehicles like motorcycles, buses and lorries, which was in direct violation of the code. It was also observed that a large amount of money was spent by candidates and parties to purchase and distribute political party merchandise. Such merchandise included T-shirts, caps, flags, and banners. Though the ECN tried to control such activities by revising their guidelines to cover these breaches, the new guidelines could not be enforced. Some election officials also mentioned that since the code of conduct was not legally binding they were not able to enforce the code against such breaches.

### **Campaign Financing**

The actual amounts spent by candidates and political parties during these elections were difficult to verify, but DRCN observation noted excessive spending across all three phases. Vehicles, promotional materials like flags, t-shirts, hats, and pamphlets; food and snacks for cadres and volunteers; fuel for their vehicles; and organizing rallies involved major expenses. There were widespread reports in urban centers like Kathmandu, Birgunj and Nepalgunj of mayoral candidates spending in excess of 50 million rupees. Candidates for position of ward chair in such centers reportedly spent in excess of three to five million rupees. DRCN heard serious concerns from many stakeholders, including from leaders of major political parties, about how running for public office was getting beyond the reach of ordinary citizens.

### **The rushed nature and tight schedule of the local elections disproportionately disadvantaged smaller parties, especially the independent candidates.**

Elections were scheduled just over a week after the official campaign period started. This was an extremely short campaigning period for most candidates, especially given the limitations on the use of motor vehicles as specified in the campaigning code of conduct. The new local constituencies are also geographically much larger than the former wards or VDCs, making it even more challenging for candidates to reach all voters in time.

For a number of reasons, the tight schedule disproportionately disadvantaged independent candidates and candidates from smaller political parties. Firstly, whereas voters were well aware of the more established larger political parties, the smaller parties and independent candidates needed to introduce and establish themselves before the voting population. Secondly, given the often-delayed nomination filing process, the distribution of election symbols for smaller parties and independent candidates who did not already have election symbols was also delayed in many observed locations. This further limited their time for campaigning.

Major political parties could start campaigning and reach out to voters immediately after filing their nominations. On the other hand, smaller parties and independent candidates could not do so until their symbols were finalized, sometimes three to four days later, despite the fact that the smaller party and independent candidates clearly needed more time than established party representatives to engage voters.

#### *4.5.Silence Day*

### **The silence period was observed mostly peacefully, with only a handful of reported incidents.**

In Dolakha district, the death of a UML cadre in an inter-party clash one day before the enforcement of the silence period led to protest rallies in the district during the silence period.



Although technically a violation of the code of conduct, there was no official action taken against the rally or the political party organizing the rally.

In many other districts across the country, it was rumored and sometimes reported in the press, that political parties were still holding private campaigning functions and organizing feasts to influence voters. Many observers across the country also reported rumors of political parties distributing cash to voters or to households during the silence period, especially on the day before elections. However, DRCN observers could not independently verify such allegations and rumors.

## **5. Election Day**

### **Voters turned out in impressive numbers in all three phases to elect representatives for newly-restructured local units.**

Local-level elections were held in three phases for 753 local units – 283 in the first phase, 334 in the second phase and 136 in the third phase – across all 77 districts in Nepal. The first phase elections were conducted on May 14 in Provinces 3, 4 and 6 covering 34 hill and mountain districts; the second phase took place on June 28 in Provinces 1, 5 and 7 with 35 districts; and the third and final phase was concluded on September 18 in Province 2 covering 8 Tarai districts. The 753 newly-created local units comprised six metropolitan cities, 11 sub-metropolitan cities, 276 municipalities, and 460 rural municipalities. According to ECN, a total of 148,981 candidates contested these elections for 35,221 available positions to be elected under the first-past-the-post electoral system.

14,054,482 people were eligible to vote in all three phases, with ECN putting the average voter turnout at 74.56%; 73% in first phase; 73.69 in second phase; and 77% in third phase. Each voter was provided with a single ballot paper, and had to mark one stamp each for seven seats being contested – each corresponding to a unique column on the ballot paper.<sup>32</sup> The ECN printed district-specific ballot papers based on political parties registered at the ECN in each district. Despite pre-election uncertainties around the electoral calendar and longstanding contestation over constitutional amendments, all three phases of the election saw impressive voter turnout. DRCN's observation of different aspects of polling day in all three phases – including opening, polling, and closing – showed that the elections were conducted largely peacefully, barring a few significant incidents. Deployment of security was high in all three phases but there was no election day patrolling by Nepal Army in the locations visited by DRCN teams in the first phase. Patrolling around major urban centers, highways and some polling locations were reported during the second phase in a few districts, while army deployment was reported as commonly visible across Province 2 during the third phase of the elections.

### **Inter-party clashes were the leading cause of election-day violence.**

The first-phase election day saw some major inter-party violence, the most notable of which resulted in the death of an individual in Melung, Dolakha. Cadres of the boycotting CPN-Biplav stole ballots and burned them in one polling location in Naraharinath rural municipality in Kalikot district, leading to re-polling. There was no incidence of violence leading to deaths in the second and third phase of the elections, although election-day scares involving improvised explosive devices (IED) were reported in various districts in the second

phase. Although major casualties were averted during the election day in all three phases, DRCN findings showed significant procedural inconsistencies, chaotic situations arising from poorly-trained and insufficient election officials, and widespread voter confusion due to poor voter education and a complicated ballot paper.

### *5.1. Opening*

**Polls generally opened on time but procedural inconsistencies were commonly noted.**

Barring some technical inconsistencies and procedural uncertainties on the part of election officials, there were no major delays in the opening of the polls in locations observed by DRCN's observer teams throughout all three phases. Across the observed locations, enthusiastic voters had been standing in queues well ahead of the scheduled opening of the polls at 7am. Delays that did occur were attributed to unfavorable weather conditions, forcing some election officials to change the locations of their local polling booths on the morning of the polling day, and causing some polling agents from different political parties to not show up on time.



*An elderly woman being assisted after casting her vote in Surkhet. Photo by Chiran Manandhar DRCN*

### *5.2. Polling*

**Procedural inconsistency was commonly reported across all three phases, with officials failing to follow polling protocols, leading to widespread confusion and chaos. Confusion around proxy voting was particularly prevalent during the third phase.**

Procedural uncertainties leading to delays and confusion were common occurrences across the districts in all three phases. Polling location management was also inconsistent due to the nature of the physical spaces of the polling locations and the lack of clarity on the part of the polling location officials and voters. Polling location spaces sometimes contributed to a lack of privacy for voters. The lack of informed polling location officials contributed to interpersonal and group disputes and scuffles, as well as inefficient voting practices. Several DRCN teams also noted a lack of female police and polling officials to manage female

voters. Furthermore, DRCN observers in numerous locations reported that political party officials were standing too close to polling locations, raising concern over potential voter coercion. The polling officials' often limited knowledge about the voting process and the local voters also posed issues. DRCN observers noted election and security officials not being able to communicate properly with voters in their local languages on the second and third phase election days.<sup>33</sup>

DRCN observers reported re-polling in a number of districts; two polling locations in Kalikot (due to the looting of a ballot box by CPN (Biplav), and the sealing of ballot boxes before all votes were cast respectively); two in Kavre (due to the death of a ward member candidate, and the killing of a local by the police on May 13 respectively); one in Bhaktapur (where ballot papers meant for a different district were wrongly dispatched); one in Sindhupalchok (due to disagreements regarding ECN directives); one in Dolakha (due to the looting of the ballot box and the killing of one individual by the police); one in Chitwan (due to the death of a candidate by lightning); and one in Humla (where a ward member candidate had died of pneumonia).



*DRCN noted privacy lacking in various polling locations. Photo by DRCN*

**Polling was largely peaceful with some notable exceptions in the first and second phases; there was a high level of deployment of security forces in all three phases, with the presence of Nepal Army visibly higher during the third phase.**

As the government had identified the potential attempt to disrupt polling by CPN (Biplav) as one of the major security risks, high security was present at many polling locations to mitigate this risk during the first and second phases. CPN (Biplav)-related incidents did interfere with polling in several places, but did not lead to significant interruption of polling

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<sup>33</sup> Such language barriers were reported in Awadhi-speaking regions in Banke and Bardiya districts in the second phase, and in Bhojpuri-speaking regions in southern Bara district in the third phase.



across the country. Most of the major incidents during the first-phase polling were attributed to inter-party clashes, with Dolakha district recording eight major election day incidents, including the death of an individual in Melung rural municipality.<sup>34</sup> All of these clashes and violent incidents involved the major political parties, including Nepali Congress, CPN-UML and CPN-MC. CPN-UML boycotted the polling process when it was halfway through in several polling locations of Baiteshwor, Melung, and Tamakoshi rural municipalities, accusing NC of *booth capture* – a term commonly used to indicate ballot stuffing- which resulted in a temporary disruption of polling. In Baiteshwor rural municipality, all CPN-UML candidate representatives walked out of the polling location, temporarily accusing NC of attempting to loot the ballot papers. In Melung rural municipality, police fired on party members allegedly attempting to conduct ‘booth capture’, resulting in one death.

In the second phase, inter-party skirmishes and clashes occurred in all provinces on the election day, with some individuals involved sustaining injuries. DRCN teams reported such incidents in Achham, Arghakhanchi, Bajhang, Dang, and Kanchanpur districts. Polling was temporarily halted in Mellekh rural municipality – 6 of Achham district after a fight broke out between CPN-UML and CPN (MC) cadres. Polling was suspended in Rolpa municipality –10 after a voter was accused of pouring acid into the ballot box. In a significant protest against the restructuring of the local units, nearly 2,500 voters boycotted voting in the former Tingla VDC in Solukhumbu. DRCN team also observed nearly 500 voters boycott polls in Bhujhawa, Nawalparasi district.

### Grievance on Local Body Restructuring



Protesting against the local unit restructuring, a community of about 6000 people – with 2,476 registered voters – boycotted local elections in Tingla, Solukhumbu. Formerly a village development committee (VDC) on its own, Tingla is now a ward in Necha-Salyan Rural Municipality. Geographically closer to Solu-Dudhkunda Municipality, which is also the district headquarter, Tingla was merged with remoter VDCs into Necha-Salyan which has its administrative center much further away. The entire community has been protesting the decision since the proposed new local units and their boundaries were announced in January 2017, alleging that the restructuring process was politically motivated. As part of their protest, no votes were cast in five polling locations in Tingla and thus the ward remains without any elected representatives. According to recent media reports, they have warned to boycott the upcoming provincial and parliamentary elections.

<sup>34</sup> See: <http://kathmandupost.ekantipur.com/news/2017-05-14/man-dies-in-dolakha-police-firing.html>

In the third phase, clashes were not widespread like in the previous two phases, and occurred only intermittently. Police fired a warning shot in Maulapur, Rautahat, where members of rival political parties clashed following a disagreement over the number of party agents allowed inside the polling location. Minor scuffles also occurred and were contained without major use of force. The issue of proxy voting created major challenges and tensions across Province 2 with the process reported as being confusing for many and resulting in both the consensual and non-consensual casting of votes by people on behalf of voters.<sup>35</sup> Observers noted polling officials and others in numerous locations casting proxy votes or accompanying voters and then marking their ballot papers for them.<sup>36</sup>



*An elderly woman being assisted to cast her vote. Photo by Prabhat Jha DRCN*

### 5.3.Closing

**Inconsistencies were noted while following closing procedures; transportation of ballot boxes to the counting center was described as chaotic in some locations.**

Polling centers closed around the scheduled time of 5pm at all locations observed by DRCN teams across all three phases, barring some minor delays. All voters who had entered the polling locations before 5pm were allowed to cast their votes in all locations. Procedures were largely followed during the closing of the polls, but inconsistencies were noted among different locations in the holding of all-party meetings, and the packing of the sensitive

<sup>35</sup> At a location in Tilathi Koiladi - 1, Saptari voters and polling officials alike were confused about the proxy voting process for differently-abled people. A visually impaired voter was allowed to use a proxy voter and then a number of voters also claimed to be visually impaired to obtain proxy voters. An election official then announced that he would personally test the voters' eyesight to determine if they were differently-abled

<sup>36</sup> In Bramhapuri - 3, Sarlahi, a political party agent was observed asking a policeman to vote for an elderly person and the policeman complied.

materials, including ballot boxes. There were reports of large crowds following ballot boxes to counting centers. DRCN teams were denied access by security personnel in some locations during the collection of ballot papers at counting centers. There were also notable confusions regarding the procedural requirements of preparing for counting.



*A ballot box being sealed after closing of the polls. Photo by DRCN*

## **6. Post-election**

DRCN observed the counting and post-election political climates in selected districts in all three phases.

### *6.1.Counting*

**Counting was slow and cumbersome with frequent interruptions. Lack of clarity on counting guidelines, disagreements among party agents on vote invalidation, and large, complicated and low-quality ballot papers made the entire process chaotic and complicated.**

The first-phase counting was confusing and chaotic across all districts and the entire process was reported by DRCN observers as cumbersome and extremely time-consuming. A complicated ballot paper, frequent disagreements among party agents about invalid votes, and insufficient counting officials were cited as the main reasons for slow counting of votes in the early stages. Counting was interrupted multiple times in Pokhara-Lekhnath and Lalitpur Metropolitan cities due to disagreements between two major political alliances: NC and CPN-MC versus CPN-UML and Rastriya Prajatantra Party (RPP). Recounting of ballots occurred in Ward 5 of Pokhara-Lekhnath after it was found that 98 ballots were left out in the first round of counting. One counting officer in Surkhet district told DRCN observers that the counting officials did not have adequate orientation and information about the detailed



counting procedures. He said that they did not anticipate the counting process to be as complicated, and said that small issues like the ballot paper and the stamp being the same color, and the poor quality of the ballot paper, made the counting process long and cumbersome. On May 28, vote counting was suspended in Bharatpur Metropolitan City, Chitwan, after CPN(MC) cadres allegedly destroyed 90 ballot papers from ward 19. The ECN decided to conduct re-polling in ward 19 according to the Local Level Election Act 2017. On June 4, a case was filed at the Supreme Court of Nepal against this ECN decision. After putting off the hearing several times, on July 30 the Supreme Court upheld the ECN's decision to conduct re-polling in the contested ward.

### **Counting Incident in Bharatpur**

On May 28, vote counting was suspended in Bharatpur Metropolitan City, Chitwan after CPN(MC) cadres destroyed 90 ballot papers from ward-19. In a hotly contested mayoral race that caught the national attention, the incident led to a long legal battle and delay in announcing the final results. The ECN decided to conduct re-polling in ward-19 according to the Local Level Election Act 2017. On June 4, a case was filed at the Supreme Court of Nepal against the ECN's decision. After putting off the hearing several times, the Supreme Court on July 30 upheld the ECN's decision to conduct re-polling in the contested ward. As a consequence of this incident, security was visibly enhanced in and around the counting locations in the third phase with physical barriers separating the party agents from ballots and counting officials.

Although more efficient than the first phase, counting was still lengthy during the second phase. Noticeable delays were caused by the large size and complicated nature of the ballot paper, a lack of proper protocols for reviewing votes, lack of sufficient officials to run multiple counting stations, as well as a need to recount different wards due to differences in numbers recorded by ECN officials and political party agents. Some confusion and delays were also reported to have occurred when the total number of ballot papers in the ballot box and the official number of votes cast in the respective polling centers differed. In some instances, lack of clarity on whether the presence of all party agents was necessary for counting to move forward led to delays.



*Physical barriers were set up and security enhanced for the counting in third phase. Photo by DRCN*

While counting was concluded slightly faster than in the previous two phases, various technical and procedural challenges continued in the third phase. Security was significantly heightened in and around the counting centers, with many locations using physical barriers to separate the counting officials from the party agents. Vote counting was obstructed in four local units of Bara district due to dispute among party representatives and mistakes from the election officials. In Kolhabi municipality of Bara, election officials reported that the UML mayoral candidate had received 500 more votes than was actually correct. In Baragadi rural municipality, CPN (Maoist Center) obstructed vote counting for two days, claiming that the ballot box had been opened in their absence. Vote counting was delayed due to logistical issues in some local units. Election officials were reported to be managing and ensuring the security of counting centers by installing CCTV cameras, which delayed vote counting in Birgunj Metropolitan City. In many counting centers, vote counting did not start because political parties failed to send counting representatives on time. In Pipra rural municipality, Mahottari district, counting did not start until 3pm the following day. In Rajbiraj municipality, Saptari district, counting was obstructed for two days and resumed only after counting representatives of political parties and ECN officials made an agreement to resume counting.

## 6.2. *Vote Invalidation*

**ECN is yet to make the details for vote invalidation public for all three phases. Data that DRCN has obtained for a few local units shows very high invalidation rates in individual races.**

DRCN has observed and consistently reported the potential for high vote invalidation in all three phases. Inadequate voter education and complicated ballot paper have been widely reported by the multiple stakeholders met by DRCN as the issues potentially causing such high vote invalidation. The ECN is yet to make the detailed invalidation data public for all three phases, and DRCN has been unable to obtain the complete data. However, DRCN teams have seen invalidation results for some local units and they show a very high rate of invalidation. For example, in Nawalparasi district, complete ballot invalidation in Pratappur rural municipality was 10.38% of total ballots cast. However, some individual vote races had an invalidation rate of up to 69.99%.<sup>37</sup>

### **Vote Invalidation**

In Pratappur Rural Municipality, Nawalparasi, complete ballot invalidation was 10.38% of total ballots cast. However, some individual races had an invalidation rate of up to 69.99%. The 69.99% invalidation rate reported was for the Dalit woman member race in ward – 8 where only 479 of 1596 total votes cast were valid. In the same Rural Municipality, 28.57 % of the ballots cast for chairperson and 31.81 % cast for vice chairperson were invalid.

<sup>37</sup> The 69.99 percent invalidation rate reported was for the Dalit woman member race in Pratappur rural municipality, ward No. 8 where only 479 of 1596 total votes cast were considered valid. In the same rural municipality, 28.57 percent of the ballots cast for chairperson and 31.81 percent of ballots cast for vice chairperson were invalid.

### *6.3. Complain and Adjudication*

**There were no major contestations of official results; most of the election-related complaints were resolved locally.**

DRCN's observation of the post-election climate in selected districts in all three phases showed that officials were able to resolve complaints regarding counting and results locally. There was no indication of major contestation of results leading to post-election conflicts. However, elected officials met by DRCN after the first two phases of the elections expressed lack of clarity regarding their specific roles and responsibilities. This was largely due to the failure of the Parliament to pass on time the Local Self-Governance Act – which details the specific roles and responsibilities of local governments.



*A newly elected representative receiving her winner's credentials in Mugu. Photo by Chiran manandhar DRCN*

## **7. Cross-cutting Issues**

### *7.1. Security and Violence*

**The largest election-related security and violent incidents were inter-party clashes. Boycotting and dissenting political parties like CPN (Biplav) and some Madheshi parties were identified as the largest threats.**

In terms of notable trends, the first phase saw the highest number of party clashes. The second phase was characterized by a high number of IEDs planted, discovered and detonated in 19 districts across Provinces 1, 5, and 7. During the third phase, contrary to many expectations and predictions, the number of clashes and violent incidents in Province 2 was at a minimum, with only 11 incidents reported from the onset of the silence period until the end of Election Day on September 18.

The most notable security incident in the pre-election period occurred in Maleth, Saptari district, on 6 March, 2017. At least five people were killed, and several others injured, after



security forces opened fire on Madheshi protesters. Protestors had been demonstrating outside a CPN-UML rally being organized as a part of the party's Mechi-Mahakali campaign. Security forces claim, and some reports state, that security forces opened fire at protesters as they tried to enter the UML rally. However, as of March 7, there are multiple and contesting reports about the sequence of events that led to the security forces taking action, as well as about the number of deaths and injuries.

During the course of these elections CPN-(Biplav) was considered the largest security threat, followed by boycotting and protesting political forces such as RJPN and its supporters and sympathizers of C.K. Raut in the Tarai.<sup>38</sup> Pre-emptive arrests of CPN-(Biplav) cadres, as well as dissenting groups and parties, were reported and observed by DRCN. Likewise, many local units in the Tarai, especially ones along the Nepal-India border, were classified as extremely sensitive, and security forces were deployed accordingly.



*Nepal Army patrolling before the election day. Photo by DRCN*

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<sup>38</sup> CK Raut leads a non-violent movement with an objective of seceding southern plain districts from Nepal, and was arrested on several occasions on subversion charges. He had called for active boycott of local elections appealing voters to vote outside the ballot

**CPN (Biplav)-related incidents:**

- Started from the period April 1 - 21, 2017.
- April 22 - May 10, the campaign period before the May 14 elections: 20 ‘anti-election’ activities; 11 pre-emptive arrests by police.
- May 22 - June 11, prior to second phase elections: 11 incidents related to the Communist Party of Nepal (CPN) - either its cadres conducting ‘anti-election’ activities or the police pre-emptively arresting its cadres.
- June 12 - 25, campaign period of second phase elections: 15 incidents involving CPN.
- The third phase had a single incident related to CPN, which was an arrest made by police because of an ‘anti-election’ activity.

**Incidents related to Madhesh-based parties:**

- Madhesh-based protests started because of constitutional grievances from February 20, 2017, immediately after the announcement of local-level elections. The protests were further aggravated by the March 6 incident in Maleth, when five protesters were killed by police.
- Between April 22 and May 10, the campaign period before the May 14 elections, the number of Madheshi protests fell to just one, as election preparations in Provinces 1, 2, 5 and 7 were halted until after the first phase of elections.
- Madheshi parties resumed protests between May 22 – June 11, prior to the second phase of the elections: 15 incidents were related to Rashtriya Janta Party Nepal (RJPN) protesting against elections.
- During the June 12–25 campaign period of the second phase of the elections, 40 incidents were related to RJPN’s protests against the elections.
- The third phase saw a much smaller number of incidents caused by Madheshi parties. The parties did not cause a single incident during the campaign period.

There was also the recruitment and deployment of close to 100,000 temporary police and security personnel for the elections. This temporary force ensured basic security before, during and after the elections. However, this was only applicable for the first two phases of the elections. Security personnel were not deployed for the third phase, since the third phase was only for Province 2, which comprised just eight districts.

The total number of violent incidents between each of the silence periods and the election days stood at 162 (66 in Phase 1; 85 in Phase 2; and 11 in Phase 3), with 3 deaths (all in Phase 1).



## 7.2. Women and Minority Participation

**Participation of women and minority groups was high, although in terms of actually being elected, and therefore power-sharing, it was underwhelming, mostly symbolic and leaning towards tokenism.**

As per the Constitution of Nepal 2015, approximately 40 percent of the seats were reserved for women. Out of the seven seats contested, three had to have women candidates (one for either the post of Mayor/Deputy Mayor or Rural Municipality Chair/Deputy Chair, and two out of the five seats at the ward level). However, very few women were elected outside of the reserved seats. Therefore, it seems that women's participation in terms of candidacy and contesting of elections was more or less tokenistic. It is hoped that this trend will change in subsequent local elections.

There was however significant women's participation observed and noted during the campaigning phase as well as on election days. In many districts, official statistics revealed that there were more women voters than men, though high rates of male migration from certain districts was seen as a major factor in such cases.

### **Women representation in numbers**

Total number of local representatives elected in Local Elections 2074: 35,041

Mandated reservation for women in the local elections

Expressed as a percentage: 40.4

Actual number elected: 14,339

Percentage of Mayor/Chairperson (top local unit position, total: 753) seats with women representatives: 2

Percentage for Deputy Mayor/Deputy Chairperson: 91

Percentage for Ward Chair seats (total: 6742): 1

Percentage for non-quota ward member seats (total: 13,484): 2

## **8. Conclusion and Recommendations**

### *Conclusion*

All three phases of the local elections were conducted without widespread violence or extensive contestation of official results, barring some notable exceptions. This is a positive and laudable accomplishment, especially given the less-than-ideal conditions in which these elections were conducted. DRCN commends the efforts of the ECN in concluding the three phases of the Local-Level Elections 2017. The Government of Nepal, political parties, civil society, the media, and observer groups all played important roles in assisting the ECN's efforts to complete the three phases of the elections. DRCN lauds the enthusiasm shown by the people across all provinces in all three phases to choose their own local representatives –

as reflected in a high average voter turnout of over 74% – and congratulates the newly-elected representatives. DRCN considers the conclusion of these local elections to be an important step forward in Nepal’s political transition.

All three phases of elections were, however, fraught with technical and procedural shortcomings, and raise important concerns for future elections. The failure of the GoN and the major political parties to address the longstanding contestations around some key provisions in the new constitution led to the breaking down of the election into phases, with the participation of a major Madhesh-based party – the RJPN – uncertain until after the conclusion of the second phase of elections. These uncertainties led to frequent changes of the election dates and the electoral calendar and greatly compromised the ECN’s ability to carry out crucial electoral preparations. The rushed electoral calendar was particularly unfavorable to the independent candidates and smaller parties who had less than two weeks to campaign with their election symbols after candidate nomination.

DRCN’s observation of all three phases found key problems in vital electoral processes: major concerns with voter registration included common complaints about a significant number of eligible citizens being left out of the register; voter education was dismal both in outreach and effectiveness, leading to widespread confusion during polling, and potentially leading to high levels of vote invalidation; under-trained officials conducting electoral procedures inconsistently led to chaos and delays during important processes, notably during the candidate-nomination process, polling, and vote counting; large and complicated ballot papers created serious confusion for voters during polling in all three phases; and many election officials spoke of the challenges they faced due to the delayed drafting of requisite electoral laws and conflicting directives sent at the last minute.

DRCN’s observation found the roles of political parties particularly concerning throughout all the three phases of the elections. Inter-party clashes involving major parties were the leading cause of electoral violence in the first two phases, and disrupted polling in various locations. Although not independently verified, both the media and observer groups reported widespread breaches of the election codes of conduct, especially with regards to excessive campaign financing. Stakeholders met by DRCN in all three phases expressed serious concerns about how becoming elected was increasingly beyond the reach of the common citizen. Despite reports of such rampant breaches, the ECN was unable to enforce the codes of conduct and take legal action, with their actions therefore limited to occasional warnings and public statements.

Based on its long-term and short-term observation findings, DRCN urges all stakeholders to learn important lessons from these three phases of local elections to ensure that future elections are not limited to a procedural formality, but create a robust democratic practice to safeguard every citizen’s right to free and fair participation. DRCN makes the following specific recommendations to the relevant stakeholders to improve future elections:

## *Recommendations*

### **To the Election Commission of Nepal:**

- Provide election officials and other relevant stakeholders with timely and adequate training and orientation on democratic standards, legal processes, and electoral procedures related to the elections, to ensure their effective communication of the laws guiding the elections.
- Provide adequate and timely resources to election offices and officials to enable them to better prepare for elections.
- Arrange for more effective voter education by providing adequate training to voter educators, increasing their duration of deployment, making education materials accessible and available to them on time, and making resources available to them in local languages and dialects.
- Coordinate with relevant stakeholders and partners to make electoral processes, including voter registration and voter education, more effective and accessible to voters on time.
- Periodically update and properly maintain the voter register, and verify it at the local level to avoid technical errors.
- Ensure swift counting by deploying a sufficient number of well-trained officials, who are also trained in conflict mitigation, to prevent confusion and delays.
- Review the counting procedures to find ways that can best respect the will of the voters by ensuring adequate transparency and security of the process.
- Review the laws and codes of conduct relating to campaign financing to make it realistic, and ensure its strict compliance.
- Make the data for vote invalidation public, including full and partial invalidation, as well as the invalidation percentage of individual vote races.
- Ensure observer access to all electoral processes, and communicate the roles and responsibilities of observers to officials at the local level, in accordance with the observers policy.

### **To the Government of Nepal**

- Ensure that all electoral laws are in place, and that the requisite preparations by the ECN are complete before announcing the election date.
- Consider the duration between the nominations day and the day of polling to ensure a sufficient time period for campaigning, keeping in mind the disadvantages faced by small parties and independent candidates.
- Create a political and electoral environment conducive to conducting an election in a single phase. Avoid breaking an election into multiple phases for political reasons.

### **To the political parties**

- Strictly follow and abide by the election codes of conduct. Instruct cadres to assure citizens' their right to participate in peaceful elections by refraining from use of coercion and violence.

### **To the security forces**

- Exercise maximum restraint while providing security at the polling locations, especially in areas with history of protests and violence.
- Ensure adequate security, but not over-deployment of personnel that may lead to voter intimidation.

## **Annex A: List of Long Term and Short Term Observers**

### **Long Term Observers**

1. Bhabasagar Ghimire
2. Bimala Chaudhary
3. Chandrashekhar Parajulee
4. Chiran Manandhar
5. Indu Chaudhary
6. Ishwari Bhattarai
7. John Karki
8. Maxim Shrestha
9. Narayan Neupane
10. Pallavi Payal
11. Peshal Rai
12. Poonam Limbu
13. Puspa Paudel
14. Radha Gurung
15. Sapana Sanjeevani
16. Sena Bahadur Shrestha
17. Shreya Sharma

### **Short Term Observers**

1. Abesh Adhikari
2. Ankalal Chalaune
3. Anubhav Ajeet
4. Ashmita Khanal
5. Basanta Rai
6. Binod Aryal
7. Dwarika Thebe
8. Jugdish Adhikari
9. Kiran Usha Pun Pratikshya
10. Nikita Tripathi
11. Prabhat Ranjan Jha
12. Sambid Ghimire
13. Shanta Thapa
14. Shikha Kiran Yadav
15. Shreya Poudel
16. Sishir Lamichhane
17. Subhash Lamichhane

## **Annex B: List of Districts Visited by DRCN Observers**

### **Province 1:**

1. Dhankutta
2. Jhapa
3. Morang
4. Panchthar
5. Taplejung
6. Terathum
7. Solukhumbu
8. Udayapur

### **Province 2:**

1. Bara
2. Dhanusha
3. Parsa
4. Saptari
5. Sarlahi
6. Siraha
7. Mahottari
8. Rautahat

### **Province 3:**

1. Bhaktapur
2. Chitwan
3. Dhading
4. Lalitpur
5. Kathmandu
6. Kavre
7. Nuwakot
8. Sindhuli
9. Sindhupalchowk
10. Rasuwa

### **Province 4:**

1. Kaski
2. Lamjung
3. Myagdi
4. Mustang
5. Nawalparasi East
6. Parbat
7. Syanja
8. Tanahu

### **Province 5:**

1. Argakhachi
2. Banke
3. Bardiya
4. Dang
5. Nawalparasi West
6. Rukum West
7. Rupandehi

### **Province 6:**

1. Dailekh
2. Kalikot
3. Jajarkot
4. Jumla
5. Mugu
6. Surkhet

### **Province 7:**

1. Achham
2. Bajura
3. Darchula
4. Dadeldhura
5. Doti
6. Kailali
7. Kanchanpur



### **General Observation Form – Local Level Elections, 2017**

**Team Number/Province:**

**Observer Names:**

**District:**

**Municipality (DHQ):**

**Rural Municipality:**

**Reporting Period:**

#### **How To Use This Form**

For each district visited, teams are expected to interview relevant district-level officials, one municipality (DHQ), and one remote rural municipality. In order to complete this form, your team will need to meet with relevant district-level stakeholders (District Election Officer, Chief Returning Officer, security officials, CDO, etc.), relevant municipality stakeholders (Returning Officer, political parties, media, etc.), and rural municipality stakeholders (Returning Officer, election commission officials, parties, etc). Questions in the form are for observers to fill out and only guide them during interviews.

#### **Summary of Findings**

*Include a summary of the most important political and electoral findings from the visit to the district, in either one to three paragraphs or bullet points.*

#### **District Headquarters Visit**

1. How is this district different from others you have observed in terms of political environment and electoral preparations? (Compare hills vs Tarai, districts visited in previous phases, and/or or any other (regional, political historical, ethnic) dynamics.
2. How are preparations (political and technical) for elections ongoing across the district? Do stakeholders believe there is conducive political, security and electoral environment for elections?
3. What are the main activities of political parties/candidates across the district? What parties are most/least active?
4. How has campaigning been across the district (if applicable compare with districts visited previously)?
5. Has the district been impacted by recent disasters (earthquake/floods/landslide)? What are their impacts, if any, during the elections?

6. What is the state of infrastructure like roads/schools/community buildings in the areas of the district affected by disasters? Do respondents think this could impact the preparation for upcoming elections?
7. Have there been any significant complaints or incidents in the build up to the elections in the district?
8. What are the major security concerns in the district related to the election? Are there any particular groups that could try and boycott or disrupt the elections?
9. How updated is the voter register? What are major complaints regarding voter registration?
10. How satisfied are different stakeholders with the voter education? What are the major issues and challenges raised?
11. What are general perceptions of citizens regarding the upcoming elections? Do they express any reservation or skepticism? If yes, who and of what kind?
12. What are the perceptions of citizens on breaking the election into multiple phases?
13. Do key respondents and citizens warn/foresee any problematic regions or trends in the district? If yes, identify the region and explain the trends.
14. Do key respondents and citizens warn/foresee violence before and during the elections in the district? If yes, explain.
15. Anything else important on the political and electoral environment not captured above?

### Observation Findings from Municipality/Rural Municipality

*Please answer the following set of questions separately for at least one municipality and one rural municipality.*

#### **Municipality/Rural Municipality Background**

1. What important information should we know about the local unit being observed (i.e.: urban vs. rural, demography, ethnic makeup, main economic activities, any other important details)?
2. What do respondents think about the composition of the new local unit? Are there outstanding complaints and grievances regarding the recent restructuring? If grievances exist, please explain.
3. Is there anything important DRCN should consider about this local unit for future research?

## **Election Administration**

1. What is the level of the election preparation by the ECN in the local unit? Did you observe any significant challenges and shortcomings?
2. Are all materials required to hold elections present (ballot boxes, ballots, ink, stamps, etc.)?
3. Do election officials identify any significant or potential administrative/logistical challenges?
4. Do election officials think that they have received enough training and orientation to conduct all aspects of the elections?

## **Voter Registration/ Voter Identification Cards**

1. How updated is the voter register? What are major complaints on voter registration?
2. Are there any specific groups (e.g. ethnic minorities, women, dalit communities etc.) who have been left out from the voter register?
3. When are voter IDs expected to be distributed? What are the main concerns raised by both officials and the citizens regarding the voter ID?
4. Will voters be allowed to cast their votes with secondary identification?

## **Voter Education**

1. When did voter education start? What forms of voter education are being conducted/have been conducted in the local unit?
2. Who is providing the voter education (distinguish between the ECN volunteers, media and party/candidate – initiated campaigns)?
3. What are general qualifications, training or orientation of the ECN volunteers providing voter education?
4. How satisfied are citizens with the access and effectiveness of voter education?
5. What are the major concerns and challenges identified by election officials and volunteers regarding voter education?

## **Political Party Activity/Campaigning**

1. What is the overall campaign environment like in the local unit? How are parties campaigning (rallies, town halls, vehicles, etc.)?



2. How are:
  - (a) inter party relations,
  - (b) relation between political parties and government administration/security,
  - (c) intra-party relations?
3. Which parties have been most active? Have independent candidates been campaigning? How does their campaign compare with campaigns of major political party candidates?
4. Do any parties/candidate believe they have been restricted from campaigning, either by the law or other groups?
5. Have there been any serious incidents/campaign violations in areas visited? [If the incident is major, please fill the separate Incident Report Form].

### **Complaints and Adjudication**

1. Have any complaints related to the elections been officially filed? If yes, who/how were they reported and settled?

### **Security Threats**

1. Do key respondents identify any significant security risks/threats in the local unit? Have there been notable security incidents in the build up to the elections? If yes, provide a brief explanation.
2. Are there any particular groups that could try and boycott or disrupt the elections?

### **Participation of Women and Minority Groups**

1. What is the general perception of overall participation regarding women and minority groups in the election process?
2. How effective do respondents think is the mandatory inclusion of women and minority groups?
3. Have there been issues of gender related violence/harassment of women candidates/campaigners/voters?
4. Are there any other significant groups of marginalized people in the local unit (Eg. Tharu, Muslim, Dalit, other highly marginalized groups)? Describe any other relevant dynamics involving marginalized groups.

### **Media Environment and Freedom**

1. How well are the election issues being covered by the local media? Is the media allowed to report freely?
2. Do respondents believe that all party/candidate have been covered fairly? Are there

any significant complaint regarding media coverage of election?

### **Domestic Observation and Civil Society**

1. Are any observer groups present in the local unit? Which ones?
2. Are there any civil society groups actively working on the elections in the local unit?

### **Organizations and Individual Interviewed (with contact details as appropriate):**

Please complete the table as necessary with the contact information of organizations and individuals with which your team has met.

<b>Contact Information (Ph/Email)</b>	<b>Contact Person/Organization</b>	<b>Date of Meeting</b>



## Candidate Nomination Observation – Local Level Elections, 2017

**Team Number/Province:**

**Observer Names:**

**District:**

**Municipality (DHQ)/ Rural Municipality:**

**Nomination Date(s):**

### Observation Questions for Candidate Nomination

1. Where did the nomination take place?
2. How many local units (and/or wards) were allocated for the location?
3. Were all the required officials present during the nomination?
4. Were all candidates able to file their nomination? If not, what were the main reasons (lack of documents, not included in the voters roll, etc.)?
5. Did the candidates affiliated with political parties have political party nomination letters to accompany their nomination? If no, did any of them file independent nominations?
6. How did independent candidates file their nominations?
7. If there were any complaints made against a candidate, who filed the complaints and on what grounds?
8. If there were any complaints, how were they addressed? Were any candidates disqualified by election officials?

Number of nominations filed	Number of complaints filed	Number of disqualifications made by election officials	Number of voluntary withdrawals	Number of final candidates

9. Did the election office prepare a list of candidates and make it public?
10. Did any candidates withdraw their names? If yes, what were the reasons?

11. Did the election officer issue identity cards to the candidates?
12. Was any candidate declared unopposed? If yes, what were the reasons?
13. When were the election symbols distributed?
14. How was election symbols distributed to candidates? Explain.
15. Were any candidates dissatisfied with the nomination and symbol distribution process? If so, why?
16. Briefly describe the nomination and symbol distribution process, explaining important findings not captured in the form elsewhere.

**OPENING CHECKLIST**

<b>PROVINCE:</b>	<b>OBSERVERS:</b>	
<b>MUNICIPLITY/RURAL MUNICIPALITY NAME:</b>	<b>WARD:</b>	
<b>POLLING LOCATION NAME (Name of School/or other) :</b>	<b>POLLING CENTER #:</b>	
<b>TEAM ARRIVAL TIME:</b>	<b>TEAM DEPARTURE TIME:</b>	
<b>Was the station Urban or Rural? (Circle)</b>	<b>Urban</b>	<b>Rural</b>
<b>Was the station on the Highway Belt or the Interior?</b>	<b>Highway</b>	<b>Interior</b>
<b>Were you allowed to observe the entire opening process? (Circle)</b>	<b>Yes</b>	<b>No</b>

<b>Checklist Questions</b>	<b>YES</b>	<b>NO</b>		
<b>1. Did the polling start at 7 AM?</b>				
<b>2. Did the polling station have all the required materials at the time of opening?</b>				
<b>3. Were the party/candidate agents present at opening?</b>				
<b>4. Was the ballot box shown as empty before voting?</b>				
<b>5. Was the ballot box sealed after it was shown as empty?</b>				
<b>6. Were all required polling staffs present?</b>				
<b>7. Were there any significant problems at opening?</b>				
<b>8. Overall Assessment of Opening (Circle)</b>	<b>Very Good</b>	<b>Good</b>	<b>Fair</b>	<b>Poor</b>
<b>9. Level of Security presence (Circle)</b>	<b>Very High</b>	<b>High</b>	<b>Moderate</b>	<b>Low</b>

**10. If no to questions 1-6, please describe below:**

**11. If yes to 7, please describe below:**

**12. Anything else important or notable about the opening at this station?**

## **POLLING CHECKLIST**

<b>PROVINCE:</b>	<b>OBSERVERS:</b>	
<b>MUNICIPLITY/RURAL MUNICIPALITY NAME:</b>	<b>WARD:</b>	
<b>POLLING LOCATION NAME (Name of School/or other) #:</b>	<b>POLLING CENTER #:</b>	
<b>TEAM ARRIVAL TIME:</b>	<b>TEAM DEPARTURE TIME:</b>	
<b>Was the station Urban or Rural? (Circle)</b>	<b>Urban</b>	<b>Rural</b>
<b>Was the station located on the Highway Belt or Interior?</b>	<b>Highway</b>	<b>Interior</b>
<b>Were you allowed to observe the entire polling process? (Circle)</b>	<b>Yes</b>	<b>No</b>

<b>Checklist Questions</b>	<b>YES</b>	<b>NO</b>
<b>1. Did polling start on time?</b>		
<b>2. Was the environment outside polling station calm?</b>		
<b>3. Were party cadres camped at a proper distance from the station?</b>		
<b>4. Were voters queuing in an orderly manner?</b>		
<b>5. Was the voter list posted outside the station?</b>		
<b>6. Were all necessary polling officials present at the station?</b>		
<b>7. Did the polling station have all the necessary materials?</b>		
<b>8. Were security personnel present at the station?</b>		



<b>9. Were voters' identity cards being appropriately checked?</b>		
<b>10. Were voters being marked on the voters' list once checked?</b>		
<b>11. Was every voter's thumb being checked for indelible ink?</b>		
<b>12. Were all voters at the station able to cast their votes?</b>		
<b>13. Did polling happen without disruption from any political parties?</b>		
<b>14. Were voters allowed to vote with secondary identification cards other than voter IDs?</b>		

<b>15. Overall Assessment of Polling (Circle)</b>	<b>Very Good</b>	<b>Good</b>	<b>Fair</b>	<b>Poor</b>
<b>16. Level of Security presence at the polling station (Circle)</b>	<b>Very High</b>	<b>High</b>	<b>Moderate</b>	<b>Low</b>

**17. If NO was an answer to any question, please provide further explanation:**

**18. Anything else important or notable about the polling at this station?**

## **CLOSING CHECKLIST**

<b>PROVINCE:</b>	<b>OBSERVERS:</b>	
<b>MUNICIPLITY/RURAL MUNICIPALITY NAME:</b>	<b>WARD:</b>	
<b>POLLING LOCATION NAME (Name of School/or other) :</b>	<b>POLLING CENTER #:</b>	
<b>TEAM ARRIVAL TIME:</b>	<b>TEAM DEPARTURE TIME:</b>	
<b>Was the station Urban or Rural? (Circle)</b>	<b>Urban</b>	<b>Rural</b>
<b>Was the station located on the Highway Belt or the Interior?</b>	<b>Highway</b>	<b>Interior</b>
<b>Were you allowed to observe the entire process? (Circle)</b>	<b>Yes</b>	<b>No</b>

<b>Checklist Questions</b>	<b>YES</b>	<b>NO</b>
<b>1. Did the station close on time?</b>		
<b>2. Were all voters in queue at the time of closing allowed to vote?</b>		
<b>3. Was the seal on the ballot box intact at closing?</b>		
<b>4. Was the ballot box visible to everybody? How many ballot boxes were there?</b>		
<b>5. Were ballot boxes sealed as required before being transported to the counting center?</b>		
<b>6. Was the Record of Election Operation filled out by polling officials before being transported to the counting center?</b>		
<b>7. Were sensitive and non-sensitive materials packed appropriately?</b>		

<b>8. Did party agents and/or observers follow the ballot boxes from the Polling Center to the Counting Center?</b>		
<b>9. Was everybody satisfied with the closing process?</b>		

<b>10. Overall Assessment of Polling (Circle)</b>	<b>Very Good</b>	<b>Good</b>	<b>Fair</b>	<b>Poor</b>
<b>11. Level of Security presence (Circle)</b>	<b>Very High</b>	<b>High</b>	<b>Moderate</b>	<b>Low</b>

**12. If NO was an answer to any question, please provide further explanations:**

**13. Anything else important or notable about the closing at this station?**

## **COUNTING CHECKLIST**

<b>PROVINCE:</b>	<b>OBSERVERS:</b>	
<b>MUNICIPLITY/RURAL MUNICIPALITY NAME:</b>	<b>WARD:</b>	
<b>COUNTING CENTER NAME:</b>		
<b>TIME/DAYS SPENT AT THE COUNTING CENTER:</b>		
<b>Was the center in a? (Circle)</b>	<b>Municipality</b>	<b>Rural Municipality</b>
<b>Was the center located in the Highway Belt or the Interior?</b>	<b>Highway</b>	<b>Interior</b>

**At what date and time did the counting start?**

<b>Checklist Questions</b>	<b>YES</b>	<b>NO</b>
<b>1. Were all political party/candidate agents present at the counting center?</b>		
<b>2. Did counting proceed without any problems/complaints by political party/candidate agents at the counting center?</b>		
<b>3. Were you able to observe all aspects of the counting process?</b>		
<b>4. Were all ballot boxes received and processed before the counting started?</b>		
<b>5. Did the counting staff count all the ballots face down to confirm the total number of ballots in the box?</b>		
<b>6. Did the counting staff read and separate the ballots into groups by category of valid ballots, void/invalid ballots, blank ballots, and contested ballots?</b>		
<b>7. Did the Counting Officials fill the counting form and sign it?</b>		

<b>8. Were the decisions to invalidate ballots made in accordance with the rules?</b>		
<b>9. Were disputed ballots put aside for verification?</b>		

<b>10. What was the official percentage of invalidated ballots at the station? If official data was not made public, what is your estimated percentage of invalidated votes?</b>	
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<b>11. Overall Assessment of Counting Process (Circle)</b>	<b>Very Good</b>	<b>Good</b>	<b>Fair</b>	<b>Poor</b>
<b>12. Level of Security presence (Circle)</b>	<b>Very High</b>	<b>High</b>	<b>Moderate</b>	<b>Low</b>

**13. If NO was an answer for question 1-9, please provide further explanations:**

**14. If there were there any official complaints lodged while you were at the center please explain them below:**

**15. Please describe any issues with invalid ballots, verification and the dispute process:**

**16. If there were a high number of invalid ballots, what were the main reasons?**

**17. Did the election office publish official results? Did it include details like votes obtained by each candidate, total valid and invalid votes for each race, etc? If yes, how and when was it published?**

**18. Did election officer certify winner candidate? If yes, when was it done?**

**19. Did election officer secure all election related materials, ballot paper, ballot box, ink, stamp, voters name list etc. safely at the conclusion of counting?**

**20. Anything else important or notable about the overall counting process?**



### **Incident Form – Local Level Elections, 2017**

**Team Number/Province:**

**Observer Names:**

**District:**

**Municipality (DHQ):**

**Rural Municipality:**

**Date of Incident:**

#### **How To Use This Form**

This form is to be completed when a team observes or hears about a significant incident during observation. The form can also be used for monitoring campaign rallies and reporting on them. The point of this form is to provide teams with a separate form to report in increased detail on important events.

#### **Observations**

What was the incident or event observed?

Provide a brief summary of the incident or event:

How many people were involved or attended?

Anything else important?



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