Observation of Nepal Local Level Elections, 2022

Preliminary Report
May 27, 2022

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DEMOCRACY
RESOURCE CENTER

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1. Introduction

On May 13, 2022, elections in 753 local levels across Nepal were held. Democracy Resource Center Nepal (DRCN) observed these elections.[1] DRCN mobilized 70 observers in 60 local levels in all seven provinces for election observation. They observed pre-election activities, voting process, and post-voting process.

2. Observation finding

2.1 Election campaign

In the local levels observed, candidates started campaigning immediately after registering their nomination. Door-to-door programs and rallies on foot were the main medium for election campaigning. Candidates also organized activities like motorcycle rallies, corner meetings and mass meetings in their local levels. Additionally, activities like displaying flags, banners and election symbols on vehicles, distributing pamphlets, election manifestos, commitment documents, and disseminating messages through songs over loudspeakers were carried out in most local levels. Citizens reported that the amount and usage of banners, posters and materials carrying election symbols had decreased in comparison to the 2017 elections. In some local levels, usage of motorcycles and other vehicles were higher in comparison to others. While, in some local levels, children were used for election campaigning.

During the election campaign, candidates and their supporters made maximum use of social media and other mediums of communication apart from direct interactions with voters. They were especially active on Facebook and other social media to solicit votes. Candidates published campaign materials through local newspapers, FM radios and Online news portals.

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[1] DRCN observed the 2017 elections for all three levels of governments.

Banners featuring photographs of candidates appealing for votes were seen in large numbers in public spaces. Many homes featured flags bearing election symbols. Apart from that, votes were also solicited through direct telephone calls, SMS and automated phone messages. Citizens expressed concern regarding how candidates and their representatives had gained access to their phone numbers.

2.2 Election agenda

Election agenda were mostly centered on developing infrastructure and delivering services at the local level. Most candidates told voters that their priorities were issues like building roads, along with improvements in school education, health and agricultural services, drinking water management, tourism and employment promotion, etc. Many candidates declared that they aimed to make their municipal unit 'exemplar'. In some local levels, solving problems faced by landless squatters, managing housing for poor and flood-affected settlements, and eradicating child marriage, etc., were also on the agenda.

Candidates said that their local issues were derived from the election manifesto made available by the central level of their political parties. But some candidates adapted issues to fit their local levels and wards. Eradicating corruption and correcting 'perversions' and 'anomalies' seen in the past five years of local government operation was another election issue. Candidates who had already completed a term in the office emphasized that they would continue the plans and programs they had introduced during their first term.

2.3 Adherence to code of conduct

Not all candidates adhered to the code of conduct. Election symbols and flags used by most candidates were larger than what is stipulated in the code of conduct. Similarly, the use of vehicles was also significant. Messages and songs disseminated

through loudspeakers were excessively loud. Voters complained about being irritated by such sounds since they continued to play well into the night.

According to representatives of the office of the Returning Officer, a few oral and a few written complaints regarding breaches of the code of conduct were received, some of which were anonymous. However, according to them, very few written complaints were received. It is understood that the number of complaints received remained very low because people wanted to avoid openly registering complaints against local candidates. On the other hand, observers were told that rival candidates had not filed complaints against each other as most candidates had themselves breached provisions in the code of conduct.

There were some examples of when the office of the Returning Officer followed up on written complaints with additional monitoring and by demanding clarifications. However, there were hardly any instances where those who had breached the code of conduct were punished. A monitoring team from the office of the Returning Officer confiscated 15 loudspeakers from the downtown of Pokhara Metropolitan City. Loudspeakers were returned with a one-time warning to not reuse them for election purposes. In most places, activities of entities entrusted with monitoring adherence to the code of conduct were ineffective. When it came to controlling activities breaching the code of conduct, offices of the Returning Officer were found to have limited themselves to obtaining written clarifications or issuing statements addressing written complaints.

2.4 Silent period

In the local levels observed, candidates did not carry out campaign activities in a formal and organized manner during the silent period. However, it was widely heard that they continued meeting voters in person. Observers heard about candidates secretly going door-to-door and influencing voters, while in some places vehicles were observed to be operating

with banners and flags bearing election symbols. Although the code of conduct required candidates to remove all campaign materials within a radius of three hundred meters from every polling station, such campaign materials remained visible on election day near some polling stations.

2.5 Voter education

The Election Commission of Nepal (ECN) disseminated election-related massages through communication media and social media channels including YouTube. District Election Officers (DEO) said that voter education would be provided when voters were issued their identity cards (ID) during the silent period, and voter information centers would be established at polling stations. However, no voter information centers were established in polling stations observed by DRCN, and voters did not have information about where and when voter education programs were taking place. A handful of polling stations were found to have taught a limited number of voters who had arrived to receive their voter IDs about how to vote. Apart from this, some polling stations organized mock voting programs. These mock voting programs were mostly limited to election officials, candidates and representatives of political parties, with minimal participation by voters.

2.6 Confusion regarding voting process

There was widespread confusion among voters about the correct procedure for voting. This was true especially in local levels with large numbers of candidates, and where very large ballot papers containing unrelated symbols were used. There was even more widespread confusion regarding the correct procedure for voting in local levels where two or more political parties had entered an electoral coalition. There was widespread concern that symbols unrelated to any candidate would receive the ballot stamp, leading to the vote being rejected. DEO of Nuwakot said that even party leaders

were approaching them for clarification because of confusions regarding ballot stamp.

2.7 Voter education by candidate

Representatives of political parties and candidates went door-to-door to teach voters about election symbols. In local levels where political parties had formed coalitions, representatives also taught how to vote for coalition candidates by stamping on which particular symbols. Parties which had not entered any coalition were found to have instructed their voters to stamp across the entire row (on all seven columns) featuring their election symbol. They were mostly focused on teaching voters to vote for their party and their candidates' election symbol. Among some candidates in electoral coalitions, there were concerns about losing elections owing to too many votes being rejected. On the other hand, although some parties had entered into coalitions at the central level, the distribution of tickets at local levels had not been smooth, leading to rebel candidates contesting on separate tickets, which had created additional confusion for voters.

2.8 Voter identity card distribution

After the date for local level elections was announced on February 7, 2022, no new voters were added to the voter roll. However, on February 21, 2022, the ECN issued a notice asking voters, whose voter IDs had been damaged or lost, to apply for new IDs at province or district election offices by March 4, 2022. If a voter could not be present in person to submit the application, it allowed for them to send in the application through email or fax. Voter IDs prepared were then distributed through relevant polling stations on May 11 and 12, 2022. Voters who had received their voter IDs during the 2017 elections would be using the same IDs, therefore the ECN only sent newly added IDs for distribution. Apart from this, only IDs issued to voters who had appealed to have errors in their names, surnames, addresses, etc., and for voters whose

polling stations had been updated were distributed new voter IDs. For instance, in Ward 1 of Manthali Municipality in Ramechhap, the polling station had changed, therefore, voters across the entire ward were sent new voter IDs, and voters were informed that they were mandatorily required to obtain these new IDs.

Except in polling stations where the polling station was changed, the number of voter IDs to be distributed was very low and their distribution went smoothly. Voters and household members were issued IDs based on citizenship cards, national identification cards, and other official documents which proved their identity. However, in some polling stations, cadres of political parties took away entire batches of voter IDs. At a polling station in Tamakoshi Rural Municipality, a political party representative took 125 voter IDs claiming that he would distribute them. When opposition candidates and cadres heard about this, they staged a protest and chanted slogans, which created a tense environment at the polling station. Normalcy returned after the police seized the IDs from that person, and returned them to the polling officer. Similar incidents occurred in Lamahi Municipality and Nepalgunj Sub-Metropolitan City.

2.9 Error in voter identity card and voter roll

Complaints were heard in various places about voters being absent from the voter roll. On the other hand, some voters' details contained errors regarding their names, surnames, addresses, polling stations, age, sex, etc. In Nuwakot, the DEO said that the voter ID of a woman identified her as a man, and since that created problems in registering her candidacy, an immediate request was sent to the ECN to correct the error. In Machhapuchchhre Rural Municipality of Kaski, some voters who had obtained new copies of their citizenship certificates had received copies with altered citizenship certificate numbers. Since older numbers were registered on voter IDs, officials were hesitant to provide new voter IDs. In the same rural municipality, a voter claimed that they had voted in

a different polling station during the 2017 elections, but that their polling station in 2022 had been changed without any information. The voter expressed anger at their polling station being changed from one which was convenient to another which was very far from their home. In Manthali Municipality, although a voter was enlisted in the voter roll, their voter ID could not be found. In a voter ID distributed in Malarani Rural Municipality of Arghakhanchi, the district mentioned was Solukhumbu, and the names of the parents were also unclear. In some polling stations two separate IDs featuring the same name and details were found. In many places, voter rolls were found to still contain names of deceased voters.

2.10 Activity on election day

Preparation of polling station

All polling stations/centers observed by DRCN had completed preparations related to election materials, security management, officials' management and all-party meeting a day before election day. On election day, polling officers and other officials were present at polling stations well on time. All polling stations possessed adequate amounts of materials necessary to conduct the elections, like ballot-boxes, ballot papers, swastika stamps for the ballot, ink, stamp pads, etc. However, some polling stations were found to be lacking facilities like furniture, toilet, drinking water, etc.

Commencement of polling

In 60 of the total 70 polling stations observed by DRCN, polling began promptly at 7:00 am, while in the remaining 10 polling stations, polling commenced between 30 minutes and an hour later. Such delays occurred mostly because representatives of political parties failed to be present at polling stations on time. Apart from that, some delays happened due to the inefficiency of polling officials deployed to polling

stations, and due to disputes regarding managerial aspects. Some candidates arrived with identification cards featuring their photos along with their election symbols, leading to disputes. There were disagreements regarding whether or not voters could enter the voting booth with their mobile phones. And delays were also caused because some political party representatives demanded voter rolls featuring photographs of voters. In some places, delays occurred because election officials failed to distribute IDs to representatives of candidates, and because booths for casting secret ballots were not constructed in time.

Voter management

Voters had started to arrive at polling stations and queue up to vote well before the voting process commenced. Men and women were in separate lines. Most polling stations contained preferential queues for nursing women, the elderly, the ill, and persons with disabilities, so that they could avoid standing in queues. In some polling stations, chairs were provided in case elderly voters had to wait to receive their ballot papers. However, most polling stations observed were congested. They were not friendly toward persons with disabilities, the ill, or the elderly.

Of those observed, polling process in about a dozen of polling stations was not well managed because the process of checking voter details against the voter roll had not been smooth. Across all stations observed, representatives had to turn to various pages on voter rolls because serial numbers on voter IDs did not match serial numbers on voter rolls, which they had to cross-check and confirm. In more than half of the 70 polling stations observed, the voter roll was not posted outside the polling station. Because of this, there was widespread confusion at polling stations with more than one polling center regarding which particular queue a voter should join. A polling station in Tikapur Municipality had 13 polling centers. Polling officials at that polling station faced a lot of hassles in cross-checking details because serial numbers on voter

rolls did not match serial numbers on voter IDs. Some voters – who had already been standing in queue for a long time under the hot sun – were told after their details were cross-checked that they had been standing in the wrong queue, and that they needed to join another queue altogether. They went away without voting. This created anger among voters and also created a tense atmosphere at the polling station.

Excluded from polling

Some voters were excluded from voting in various polling stations observed. Some of the reasons why some voters were excluded from casting their ballot included: their names were missing from the voter roll even though they possessed voter IDs; their first names were correct but surnames were incorrect; their names were on voter rolls but they did not possess any other officially identifying documents.

Voter privacy

Observers found that most polling stations gave adequate attention toward ensuring privacy for voters. However, in some polling stations, representatives of candidates frequently moved from one part of the station to another, sometimes entering the private polling booth, or signaling or instructing voters. The congested nature of some polling stations negatively affected the privacy of voters. In some polling stations, booths for casting ballots were situated where voters exited the polling station, they were clearly visible to security personnel and other voters. In some place, voters had difficulty casting their ballots in secret because the path to the toilets went past the voting booth.

Assistance to voter

Most polling stations had the provision for immediate family members to assist voters who were physically incapable of casting their ballot. However, when the same individual assisted multiple voters to cast their ballots, controversies erupted. Supporters of candidates were found to be assisting voters who were in fact capable of casting their own ballot. In some such incidents, representatives of opponent candidates protested. When such conflicts became bigger, polling had to be halted in various places including Amachhodingmo Rural Municipality of Rasuwa and Jhimruk Rural Municipality of Pyuthan among other places. Polling resumed in these places after these issues were resolved.

Use of vehicle

Citizens were barred from operating vehicles on election day. However, observers witnessed candidates using vehicles to transport voters. Such vehicles were mostly used to transport the elderly, persons with disabilities, and ill voters to polling stations.

Voters questioned the provision barring the use of vehicles on election day. Many voters complained that they experienced a lot of hardship to reach their polling stations. According to them, if vehicles were to be permitted, it would facilitate quick access to polling stations, especially for the elderly, those living with disabilities, expecting and new mothers, etc. Citizens expressed the opinion that easier access to transportation would lead to an increase in voter participation.

Conclusion of voting

In most of the polling stations observed, polling ended at 5:00 pm. However, in some places where polling had to be halted due to rain and storm before recommencing, polling ended with a slight delay.

In Janaki Rural Municipality of Kailali, a ballot-box which had already been sealed was reopened to continue polling. A voter who had queued before 5:00 pm could not vote because of a confusion regarding the serial number and the name. However, when the voter's name was found on the roll for 'Ka' polling center,

people outside the polling station started demanding that the voter be allowed to cast their ballot. An all-party decision was reached to break the seal to allow the voter to cast their ballot. However, just as the seal was being broken in accordance with the all-party decision, the voter cast their vote in a ballot box in the adjoining 'Kha' polling center. This created another problem. However, these details were documented and attested, and thus the issue was resolved.

2.11 Vote counting

In most local levels, vote counting commenced on May 14, 2022. However, in some local levels vote counting commenced on the very evening of election day. In some local levels of mountainous districts, it had taken up to two days to carry ballot boxes to the vote counting stations. In such situations, vote counting was delayed. Before voting could commence, all-party meetings were held to reach decisions regarding what kinds of ballot stamps would be accepted or rejected, the number of representatives permitted at the counting area, the extent of access provided to them, etc. In most places there were no controversies around commencing vote counting. However, in Kathmandu Metropolitan City, the all-party meeting passed the decision that only one representative for five independent candidates, chosen through consensus by candidates, may attend the vote counting. This led the independent candidate Balendra Shah's team to protest, subsequently draw the attention of the ECN. Counting recommenced only after it was decided that each independent candidate could include a representative each. In local levels with large numbers of candidates and voters, the vote counting process was slow and cumbersome. Vote counting was also delayed by a lack of consensus among representatives of candidates regarding which ballots to accept and which to reject.

3. Challenge faced during observation

Six DRCN observers, along with observers from other organizations, were not permitted to observe the opening of polling. Five DRCN observers gained access to polling stations in the afternoon, following repeated requests. One DRCN observer in Budhanilkantha Municipality was not allowed access to the polling station throughout the polling process. Observers faced such resistance in some places from security personnel and in other places from polling officials. A clear lack of understanding about election observation among security personnel and polling officials was observed. Many observers who had secured access to polling stations were repeatedly asked by security personnel (in most cases) and polling officials to leave polling stations. At a polling station in Banglachuli Rural Municipality of Dang, a DRCN observer was forced to leave the polling station and was not allowed to re-enter the polling station. This made it difficult for observers to observe the elections, and they were denied the opportunity to observe all the aspects of polling.

The ECN provision mandating that an observer could only observe only one polling station negatively impacted DRCN's election observation methodology and data collection. However, this provision was not found to have been implemented uniformly. Observers from some organizers were issued identification documents by the ECN without specifying a polling station, instead covering 'All of Kathmandu Valley' or 'Entire District'. Similarly, there was no uniformity regarding where vehicles could be used. Since not all observers deployed to the field had received permission to utilize vehicles, reaching the designated observation stations proved a challenge.

4. Recommendation

➤ Special attention should be paid while updating voter identity cards and voter rolls to ensure that names and serial numbers are correct, that there is no duplication of voters on the roll, that names of the deceased are purged, and that excluded voters are included.

➤ Ballot papers should be made smaller by including only election symbols of candidates who appear on the ballot in the relevant local level to make ballot papers easy to understand.

➤ Polling officers and all other officials deployed at polling stations should be given adequate trainings regarding the voting process and election observation.

➤ The Election Commission of Nepal should carry out voter education programs regularly, and local languages should be used to ensure effectiveness.

➤ Rule barring operation of vehicles should be changed in order to create ease of access for voters to polling stations. This would facilitate quick access to polling stations, especially for the elderly, those living with disabilities, expecting and new mothers, etc., and increase voter participation.

➤ Polling stations should have facilities like drinking water, toilets, and breast-feeding rooms.

➤ Polling stations should be made uncongested, and friendly toward persons with disabilities and the elderly.

➤ Vote counting should be made quicker and more efficient. For, vote counting should be held at the polling station.

➤ In order to make election observation more effective, the Election Commission of Nepal should provide election observation organizations with the necessary permits and observer identification cards immediately after the election process begins.

➤ Mandatory provision restricting an observer to only one polling station should be removed.