

**OBSERVATION OF NEPAL  
LOCAL LEVEL ELECTION  
2022**

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**DEMOCRACY  
RESOURCE CENTER**

Democracy Resource Center Nepal

## **Observation of Nepal Local Level Election 2022**

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Democracy Resource Center Nepal (DRCN)  
Kupandole, Lalitpur

## **1. Introduction**

The second local level election under the federal structure took place on May 13, 2022. Elections were held in 753 local levels to elect 35,221 representatives comprising six mayors and deputy mayors each for metropolitan cities; 11 mayors and deputy mayors each for sub-metropolitan cities; 276 mayors and deputy mayors each for municipalities; 460 chairpersons and deputy chairpersons each for rural municipalities; 6,743 ward chairs; 6,743 woman ward members; 6,743 Dalit woman ward members; and 13,486 open ward members.

### **Observation methodology**

Democracy Resource Center Nepal (DRCN) observed pre-election activities, voting process, and post-election developments. Both qualitative and quantitative approaches were employed. In order to observe pre-election activities, a questionnaire was prepared consisting of issues like the political environment, election preparation, candidate selection and nomination, election campaigning, voter education, and the silent period. The election process observation questionnaire included the commencement of polling, continuity of polling, and the conclusion of polling process. The post-election activity observation questionnaire consisted of issues surrounding ballot-counting. Additionally, observers prepared a comprehensive report covering all aspects of election observation.

DRCN deployed 70 observers across 54 local levels for observation. Of them, 36 were men and 34 were women. There were nine observers deployed to Sudurpashchim Province, five to Karnali Province, eight to Lumbini Province, 10 to Gandaki Province, 23 to Bagmati Province, 10 to Madhesh Province, and five to Province 1. There were 64 short-term observers and six long-term observers. Short-term observers observed election preparation, polling process, and ballot-counting. In addition

to observing election preparation, polling process, and ballot-counting, long-term observers also observed pre-election political environment. This report was prepared on the basis of these observations.

## **2. Political context**

Khadga Prasad Sharma Oli (KP Oli), the then prime minister of Nepal and chairperson of the erstwhile Nepal Communist Party (NCP), dissolved the House of Representatives (HoR) on December 20, 2020. A faction led by Pushpa Kamal Dahal ‘Prachanda,’ the erstwhile co-chairperson of NCP, along with another NCP faction led by the ex-prime minister Madhav Kumar Nepal began street protests opposing the dissolution of the HoR. The erstwhile opposition parties Nepali Congress (NC) and Janata Samajvadi Party (JSP) also protested. The Citizen Movement also came to streets to oppose the prime minister’s move. A writ petition was filed at the Supreme Court opposing the dissolution of the HoR. On February 23, 2021, the Constitutional Bench of the Supreme Court, issuing a verdict upon the writ, invalidated the dissolution of the HoR, and reinstated it instead. Although there were widespread demands for the prime minister to resign on moral ground, KP Oli did not resign.

Immediately following the reinstatement of the HoR, on March 7, 2022, the Supreme Court, deciding upon a dispute regarding the name of the Nepal Communist Party, invalidated the unification of Communist Party of Nepal (United Marxist-Leninist) [CPN (UML)] and Communist Party of Nepal (Maoist Centre) [CPN (MC)], and declared that the two parties were separate entities. However, once the CPN (UML) was revived, the intraparty strife and conflict between KP Oli and Madhav Kumar Nepal increased further. In the midst of these developments, prime minister KP Oli failed to obtain a vote of confidence from the HoR on May 11, 2021. During the meeting of the HoR, 28 members of parliament from the Madhav Kumar Nepal faction remained absent.



In order to resolve the crisis created due to the power-struggle within CPN (UML), prime minister KP Oli dissolved the HoR for a second time on May 22, 2021. A total of 146 members of the parliament, including CPN (UML) members of the Madhav Kumar Nepal faction, went to the Supreme Court to file a writ petition against the second dissolution of the HoR, and in support of Sher Bahadur Deuba of the NC for the office of prime minister. Addressing the writ on July 12, 2021, the Constitutional Bench found that it was not possible for the HoR to be dissolved, and declared through a prohibitory order that all decisions related to the dissolution of the HoR were to be invalidated. The same decision also included a mandamus to the Office of the President to appoint Sher Bahadur Deuba as the prime minister within two days, since the claim to the Office of Prime Minister presented by him along with signatures of 149 members of the parliament was deemed valid.

As soon as Sher Bahadur Deuba was appointed the prime minister, his government issued an ordinance on political parties. The ordinance provided for a political party to be split with the support of 20 percent of its members of parliament or central members. The ordinance was issued to make it easier for the Madhav Kumar Nepal faction to split from the CPN (UML)). Accordingly, of 154 CPN (UML) members in both houses of the federal parliament, 29 went to the Election Commission of Nepal (ECN) to certify their intent, following which the Communist Party of Nepal (Unified Socialists) [CPN (US)] was formed under the leadership of Madhav Kumar Nepal. Amidst various political upheavals, a five-party coalition government was formed.

According to the *Local Level Election Act, 2017*, the tenure of local governments elected to office in 2017 would end on May 23, 2022. The *Constitution of Nepal* does not envision the absence of elected representatives at the local level. Therefore, the five-party coalition was under constitutional obligation to complete local level elections before May 23, 2022. However, the common minimum program published by the coalition government did not mention anything on conducting local

level elections. This suggested that the federal government was not eager to conduct local level elections in a timely manner. With the dissolution of NCP, the CPN (MC) was attempting to revive itself organizationally. Similarly, another member of the coalition, CPN (US) was only just beginning its journey as an organized political party. Therefore, these two parties were reluctant to immediately go for local level elections. These two parties wanted to postpone local level elections as much as possible. As an alternative, the two parties suggested pushing back the local level election date while bringing forward dates for provincial and federal elections, and holding elections for all three levels concurrently. An attempt was made to amend the *Local Level Election Act, 2017*. But, this attempt was met with widespread criticism.

The ECN repeatedly called the attention of the government to announce the date for local level elections. The main opposition party CPN (UML) also put sustained pressure upon the government to carry out local level elections. The President Bidya Devi Bhandari also stressed upon the government to complete local level elections before local governments completed their tenures.<sup>1</sup> There was widespread demand for local level elections to be completed in time. Amidst such pressures, on February 8, 2022, the Government of Nepal announced that local level elections would be held on May 13, 2022.

### **3. Legal structure**

Articles 245, 246 and 247 of the *Constitution of Nepal* describes the process for establishing the election commission, and defines its functions, duties and rights. The Election Commission of Nepal conducts and manages elections based upon these provisions in the Constitution. Local level

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<sup>1</sup> Himal Khabar. 2022. 'No Confusion Necessary regarding Local Elections: President Bhandari'. February 8. Available at [www.himalkhabar.com/news/128070](http://www.himalkhabar.com/news/128070); accessed June 10, 2022.

elections are directed mainly by the *Election Commission Act, 2017*; *Local Level Election Act, 2017*; *Voter Roll Act, 2017*; *Election (Offence and Punishment) Act, 2017*; *Electoral Area Demarcation Act, 2017*; and *Act on Political Parties, 2017*. Various other regulations, directives, procedures, policies and codes of conduct assist in the electoral process.

The ECN is an autonomous constitutional entity invested with the duty of completing periodic elections. There are processes in place to appoint commissioners to the ECN. However, political parties have been in the habit of neglecting these processes and appointing commissioners to suit their own interests. Similarly, the government exerts control on the finance of the ECN, while the latter is forced to depend upon the government to fulfil its personnel requirements. The *Election Commission Act, 2017* has a provision wherein the ECN can spend its budget under the title of ‘contingency’ without having to seek permission from any other entity. However, the *Some Nepal Acts Amendment Act, 2019* has amended the provision that now requires consent from the Ministry of Finance. Similarly, the same Act now requires the ECN to seek permission from the Ministry of Finance to exercise its right to create temporary positions or appoint employees on contract or short-term wages. Although the Constitution has tried to define the ECN as an autonomous entity, in practice, such examples show that its role has been restricted.

The election calendar is not specified in the *Constitution of Nepal*. The practice continues that governments fix election dates according to their own convenience. According to the ECN, a minimum of 120 days are required for election preparation. When a government declares a date to suit its convenience, the ECN is forced to rush through the election preparation process. This creates many difficulties in conducting and managing the election process.

The Constitution has fixed the tenure of elected local representatives at five years. Article 225 of the Constitution states, ‘The term of a rural municipal Assembly and of a municipal assembly shall be five years from the date of election. Succeeding rural municipal assembly and municipal

assembly shall be elected not later than six months of the expiration of such a term.’ But, Clause 3(1) of the *Local Level Elections Act, 2017* contradicts the second sentence of Article 225. This Clause states, ‘Elections for members shall take place two months before completion of the tenure of rural municipal assembly or municipal assembly.’ Although the Constitution contains provisions to extend the tenure of the House of Representatives and provincial assemblies by up to one year, there is no constitutional provision to extend tenures of local representatives. This led to disputes on when to conduct elections for the second term of local levels. However, the government announced that local level elections would be held on May 13, 2022.

The Supreme Court had issued a directive order on March 21, 2018 to create provisions for Nepali citizens living abroad to vote in elections. But no law has been created to address the directive, nor have any preparations been done. Similarly, on January 5, 2014, the Supreme Court issued an order to create provision for voter to mark ‘I do not vote for any candidate – No Vote,’ on the ballot, but that provision has not been implemented yet.<sup>2</sup> The *Voter Roll Act, 2017* requires citizens to be physically present at the place and time specified by the ECN to enroll into the voter roll. Citizens who cannot present themselves at the appointed time and place have been deprived of their right to vote.

Elections are conducted on the basis of election symbols, and voters are familiar with election symbols of political parties which have received recognition as national parties. However, candidates representing parties which do not have the status of a national party, or independent candidates, do not enjoy such benefit. Such candidates are allocated election symbols only after the final list of candidates is published. On the other hand, candidates from political parties who have not received recognition as national parties are allocated election symbols in the same manner in

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<sup>2</sup> Paudyal, Ajavi. 2022. Where is the place for ‘No Vote?’ *Annapurna Post*, May 12. Available at <https://annapurnapost.com/news/where-is-the-no-vote-203163>; accessed June 26, 2022.

which independent candidates are allocated election symbols. However, when such parties protested the provision during the local level elections, applications were solicited stating that they were active in the district, and that they had requested to be given their respective political party's election symbol. Subsequently, they were allocated their party's election symbol.<sup>3</sup>

The ECN had put forward a provision requiring candidates to declare that they were not involved in obtaining contracts at the local level, or that they were not involved in activities related to fixed or liquid asset trades. But a petition was filed at the Supreme Court, alleging that this is unconstitutional. Subsequently, the Supreme Court issued an interim order on April 18, 2022, to not prohibit anyone from filing candidacy in any local level except in those where the individual was engaged in contract-based business.

The *Election Commission Act, 2017* sets limits upon how much a candidate may spend in an election. It requires candidates to present their expenditure details to the ECN within 30 days after the completion of the election. A few nations have the practice of the state allocating election funds to political parties in order to stop parties from accepting funds from opaque sources, spending exorbitantly during election campaigns, and favoring such opaque financial sources upon winning elections.<sup>4</sup> The ECN's third five-year strategic plan (2020–2024) contains a commitment toward adopting this practice in Nepal.<sup>5</sup>

The *Local Level Election (Vote Counting) Directive, 2017* delineates the process for counting ballots. According to it, all ballot boxes from a local level must be gathered at one place. This creates hassles in transporting

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<sup>3</sup> Kantipur. 2022. 'Old Symbols' for Smaller Parties. March 15. Available at <https://ekantipur.com/news/2022/03/15/164730597441159149.html>; accessed June 27, 2022.

<sup>4</sup> Ohman, Magnus. 2012. Political Finance Regulations Around the World: An Overview of the International IDEA Database. Sweden: International Institute for Democracy and Electoral Assistance. Available at [www.idea.int/sites/default/files/publications/political-finance-regulations-around-the-world.pdf](http://www.idea.int/sites/default/files/publications/political-finance-regulations-around-the-world.pdf); accessed June 27, 2022.

<sup>5</sup> Election Commission of Nepal. 2020. Third Five-year Strategic Plan (2020–2025). Kathmandu: Election Commission of Nepal.

ballot boxes, and also delays the beginning of vote counting. The directive requires that vote counting takes place in a specific building within the place where ballot boxes have been collected, and it prohibits transportation of ballot boxes to another location within the same building to count votes.

Clause 17(4) of the *Local Level Election Act, 2017* contains the provision that, when political parties submit nomination letters, women must comprise at least 50 percent of the candidates across the posts of chairperson or mayor, deputy chairperson or deputy mayor, chief and deputy chief of the district coordination committee. But this clause is not mandatory to a coalition of parties. This presents a challenge to the provision instated to ensure women's representation.

Several laws exist to direct elections, but many of these contradict each other or are mutually redundant. This creates confusion in conducting and managing elections. Therefore, the ECN's third five-year strategic plan (2020–2024) aims to create an aggregated and unified law regarding elections.

#### **4. Election preparation**

The ECN published the election schedule on March 26, 2022. According to the schedule, candidate nominations were to be filed on April 24 and 25, 2022. On April 25, the list of candidates would be published. On April 26, complaints against candidates would be accepted. Complaints would be investigated on April 27 and 28, before the final list of candidates was published. Candidates were given until April 29 to rescind their candidacy. On April 30, the final list was published and candidates were provided their election symbols. The period between April 30 and May 10 was designated the election campaign period. The silent period lasted for two days, on May 11 and 12, followed by the elections on May 13, 2022.

## **Official management**

On April 12, 2022, district judges in all districts took on responsibilities as the chief returning officer for their districts. They also had the responsibility of being the returning officer for the local level in which the headquarters of their districts were located. On April 21, 2022, offices of returning officers were established across all 753 local levels.

The District Election Office had provided the office of the chief returning officer details about officials available from government offices located in the district. However, they contained errors. Details about officials who were no longer in the district, who had already retired, and who had died were also included. It became difficult for the office of the chief returning officer to fulfill the demand for officials because they were sent details on officials who were not present in the district.

## **Official training**

In the districts observed, polling officers and deputy polling officers received a one-day training. The training took place on different dates between May 5 and 9, 2022. The training encompassed issues like management of the polling station, all-party meetings, election process, sealing the ballot box, creating affidavits, avenues for conflict resolution, etc. However, most polling officers complained that they could not obtain detailed knowledge on the election process and procedure owing to the very brief nature of trainings, and the fact that the training had a large number of trainees. Observers had observed employees, deployed to polling stations, confusedly consulting each other about election process.

Polling officers and deputy polling officers from across Kailali district in Sudurpashchim Province were invited to Dhangadhi for a one-day training. The training was concluded discussing only theoretical aspects of election. Officials being deployed for the first time said that they faced

difficulties since they lacked clarity on practical aspects of elections. An employee deployed to a polling station at Saraswati Secondary School in Janaki Rural Municipality said, “We were not taught which stages of the election followed sequentially. We did not know how to seal the ballot box, how to create the affidavit, and what the agenda was for the all-party meeting.” When they realized that the training would not be adequately helpful in conducting the election, a group of polling officers and deputy polling officers deployed in Janaki Rural Municipality received training from other officials who had conducted previous elections. According to one polling officer, a Facebook messenger group was set up for regular discussions and to exchange information. The officer complained that it was difficult to work because none of the other officials deployed at the polling station, apart from polling officers and deputy polling officers, had received any training.

### **Candidate registration**

April 24 and 25, 2022, were designated for candidates to register their candidacy. In the local levels observed, very few candidates registered on the first day. On the second day, too, candidates only arrived for registration in the afternoon. The sudden arrival of many candidates and the limited number of employees available to process registration put the registration process in disarray. Officials had a difficult time gaining control over the candidate registration process. The returning officer of Tikapur Municipality in Sudurpashchim Province said, “Only one party registered its candidacy on April 24. Other parties arrived late on April 25. By the time we completed all the procedures, it was 1 am in the night.”

Candidates complained that the registration process was long and complicated. A candidate from Gosainkunda Rural Municipality in Bagmati Province said, “It took us about six hours to complete the entire process – submitting attested copies of documents like the voter ID, citizenship certificate, photograph for every candidate from our party, and



filling in the candidacy registration form, and filling in details about the nominator and the seconder.”

## **Voter roll**

Voter registration was halted after the election date was announced on February 7, 2022. However, on February 21, 2022, the ECN issued a notice to submit applications to provincial or district election offices by March 4, 2022, to correct errors in the voter roll and to create new voter IDs for voters who had lost or destroyed their voter IDs. Voters who could not present in person could send in their details through fax or email.

Citizens who were not enrolled into the voter roll were also found at the local levels observed for this report. They were left out of the roll because they had been elsewhere for employment or other reasons when the voter registration process was ongoing in their wards. Some citizens said they were left out of the roll as they did not receive timely information about registration. Some people had not been able to obtain voter IDs because they did not have citizenship certificates. Some district election officers said that citizens who had arrived at the District Election Office after the end of the registration period to have their names enrolled into voter rolls had to be turned away. Some voters who had died were also found to be still enrolled in voter rolls.

## **Voter ID distribution**

On May 11 and 12, 2022, from every polling station across the country, voter IDs were distributed for newly added voters, those who had submitted applications to correct details on their IDs, and those whose polling stations had been updated. But in some polling stations, political party cadres were found to have collected IDs of citizens in their neighborhoods and wards for distribution. From the Amar Secondary School polling station in Tamakoshi Rural Municipality of Bagmati Province, a representative of a

political party collected 125 voter IDs claiming that they would distribute them. When opposition party candidates and cadres protested against this, the environment at the polling station became tense. The situation regained normalcy after the police reclaimed voter IDs from the person and submitted them to the polling officer.

Among the polling stations observed, polling stations in Kathmandu Metropolitan City of Bagmati Province saw the least proportion of voters seeking to collect voter IDs. For instance, at the Baneshwor Campus polling station in Kathmandu Metropolitan City, 200 new voter IDs had arrived for distribution, but only 20 of them were collected over the allocated two days, and 180 were returned to the ECN. In some polling stations, fewer voter IDs had arrived than necessary. For instance, at the Saraswati Secondary School polling station in Janaki Rural Municipality, only the IDs of voters with names beginning with the Devanagari letters *ksha*, *jña*, *tra*, *pa*, *sa*, and *ha* had arrived for distribution. At the Saraswati Secondary School polling station in Thulibheri Municipality of Karnali Province, and at the Kotdevi English Boarding School polling station in Kathmandu Metropolitan City of Bagmati Province, although voters had enrolled onto the voter roll, their IDs could not be found.

### **Error in voter ID**

Errors were found in voter details like the voter's name, surname, address, polling station, age, sex, etc. An official at the District Election Office in Nuwakot told a DRCN observer that the voter ID of a woman had erroneously recorded her gender as male, and therefore created complications in registering her candidacy, but the error was corrected after the ECN was petitioned. "But it is not possible to so expeditiously correct errors on IDs of voters," the official added. A voter ID distributed from Malarani Rural Municipality of Lumbini Province recorded the name of the district as Solukhumbu in place of Arghakhanchi, and the names of parents also contained errors. A voter ID distributed in Gosainkunda Rural

Municipality showed the citizenship number where it should have shown the date of birth. In Machhapuchchhre Rural Municipality of Gandaki Province, a voter said that they had voted in one polling station during the 2017 elections but that their polling station had changed during the 2022 local level election.

## **5. Election campaigning**

### **Campaign media**

After registering their candidacy, candidates began their election campaign. Door-to-door campaigning was the most preferred medium. During their interactions with voters, candidates had distributed posters and pamphlets, commitment papers, declaration papers, and model ballots. Similarly, candidates ran vehicles playing songs and messages asking voters to vote for them.

Public and private vehicles sported political party flags and election symbols. Many homes flew political party flags. Candidates held corner meetings and mass assemblies. They also campaigned through newspapers, radio, television, online news portals and social media. Votes were also solicited through direct telephone contact with voters and through SMS messages. In the local levels observed, candidates told DRCN observers that they were able to freely carry out campaign activities.

Social media was used overwhelmingly to spread negative messages against candidates. In Tikapur Municipality, the Nepali Congress mayoral candidate's name was tied to the violent incident of August 24, 2015, as part of a negative campaign against them.

## **Campaign expense**

The ECN has fixed the amounts and categories within which candidates may spend during their campaigns. Limits on amounts and categories differ between metropolitan cities, sub-metropolitan cities, municipalities, and rural municipalities (see Table 1).

Candidates and representatives of political parties claimed that candidates spent much more on their election campaigns than the amount fixed by the ECN. Citizens also echoed that candidates spent a lot more than the prescribed limit. During a stakeholder discussion held by the ECN, representatives of political parties said that the prescribed limit on spending was impractical. They had suggested that the minimum expenditure for mayoral candidates of metropolitan cities be fixed at NPR 10 million.<sup>6</sup> A candidate for the deputy mayor in Birgunj Metropolitan City of Madhesh Province said that expenditures exceeded the limit prescribed by the ECN by many times. The candidate, who had also contested in the 2017 election for the office of the deputy mayor, said, “In the 2017 election, I spent 3.5 million rupees. But everything has become a lot more expensive now. Therefore, the candidate’s expenses this year will also increase drastically.” A candidate for the chairperson of Paterwa Sugauli Rural Municipality in Madhesh Province was told by their party to put together a war chest of NPR five million.

In a municipality in Sudurpashchim Province, a CPN (UML) representative tasked with managing the election campaign estimated that at least NPR 5.4 million would be spent. He said that since large sum would be required for mobilizing cadres, vehicles, fuel, assemblies and rallies, and other related activities, it would be impossible to contest in the election by keeping expenses under the limit prescribed by the ECN.

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<sup>6</sup> Shrestha, Makar. 2022. Maximum limit of 750,000 on candidate expenditure. *Kantipur*, March 12. Available at <https://ekantipur.com/news/2022/03/12/164704686631922170.html>; accessed June 27, 2022.

**Table 1: Expenditure limit for candidates in local level elections (in Nepali Rupees)**

S.N.	Expenditure title	Metropolitan City		Sub- Metropolitan City		Municipality		Rural Municipality	
		Mayor/ Deputy Mayor	Ward Chair and Ward Member, Woman Member and Dalit or Minority Member	Mayor/ Deputy Mayor	Ward Chair and Ward Member, Woman Member and Dalit or Minority Member	Mayor/ Deputy Mayor	Ward Chair and Ward Member, Woman Member and Dalit or Minority Member	Chairperson /Deputy Chairperson	Ward Chair and Ward Member, Woman Member and Dalit or Minority Member
1	Voter Roll Purchase	1,000	500	1,000	500	1,000	500	1,000	500
2	Vehicles/ horses	150,000	30,000	110,000	20,000	90,000	16,000	60,000	11,000
3	Vehicles/fuel/ feed	40,000	15,000	26,000	15,000	19,000	11,000	2,000	500
4	Campaign material	100,000	100,000	85,000	35,000	100,000	70,000	80,000	60,000
5	Transportation	2,500	10,000	15,000	8,000	10,000	7,000	6,000	5,000
6	Meetings / Party cadre deployment	139,000	75,000	100,000	65,000	80,000	51,000	80,000	32,000

S.N.	Expenditure title	Metropolitan City		Sub- Metropolitan City		Municipality		Rural Municipality	
		Mayor/ Deputy Mayor	Ward Chair and Ward Member, Woman Member and Dalit or Minority Member	Mayor/ Deputy Mayor	Ward Chair and Ward Member, Woman Member and Dalit or Minority Member	Mayor/ Deputy Mayor	Ward Chair and Ward Member, Woman Member and Dalit or Minority Member	Chairperson / Deputy Chairperson	Ward Chair and Ward Member, Woman Member and Dalit or Minority Member
7	Other campaigns (Press and electronic media)	95,000	20,000	100,000	15,000	60,000	10,000	30,000	7,000
8	Office operation	100,000	20,000	40,000	67,000	30,000	12,000	18,000	10,000
9	Representatives deployment	75,000	25,000	60,000	20,000	50,000	18,000	45,000	16,000
10	Various	25,000	4,500	13,000	4,500	10,000	4,500	1,000	3,500
<b>Total</b>		<b>750,000</b>	<b>300,000</b>	<b>550,000</b>	<b>250,000</b>	<b>450,000</b>	<b>200,000</b>	<b>350,000</b>	<b>150,000</b>

Source: Election Commission of Nepal.<sup>7</sup>

<sup>7</sup> Election Commission of Nepal, 2020. Election Commission Notice. Nepal Gazette, March 21, 2022.

## **Collecting fund**

Candidates were found to have collected election funds from various sources. Although political parties provide some funds to their candidates, they mostly must gather their own funds. The personal wealth of the candidate, and materials and funds received as donations are the main financial sources for election campaign. Some candidates revealed that they had sold land or company shares to fund their campaign. Apart from that, candidates said that entrepreneurs, relatives, family members and friends had also contributed.

In Tikapur Municipality, a Nepali Congress representative said that at least NPR 10 thousand had to be submitted to the party just to declare candidacy for the mayoral office. Similarly, in the same municipality, a representative of CPN (UML) said that NPR 25 thousand and 15 thousand respectively had to be submitted to the party to declare candidacy for the mayoral and deputy mayoral offices. The CPN (UML) representative added, “The party has created a situation where only the moneyed members can come forth as candidates. This has made it impossible for the marginalized and those without financial means to declare candidacy for political office.”

Political parties made extremely limited amounts available to candidates. A central committee member of a national-level party said that their party had sent NPR five million to each of the seven provinces. According to him, that amount was disbursed to all the candidates across the province through the party’s province committee, but the amount received by each candidate differed according to their access to leadership at the province committee.

## **Electoral issue**

Main electoral issues of candidates were centered on service delivery and infrastructure development. They said that reforms in education, health,

and agricultural services, along with construction of road and management of drinking water supply, were among their priorities. Some candidates raised issues like promotion of tourism and employment. Many candidates harbored the aim of transforming their local level into a ‘model’ local level. The Nepali Congress candidate for the office of the chairperson of Machhapuchhre Rural Municipality said they aimed to transform their rural municipality into a model rural municipality by prioritizing tourism and agriculture. They claimed that since the rural municipality was rich in natural resources, there would be adequate earnings from internal revenues which could then be used to carry out developmental activities.

Candidates in Kathmandu Metropolitan City raised the preservation of Newar culture and heritage, waste management, management of public toilets, and management of squatter settlements as the main electoral issues. Among the local levels observed in the Tarai, issues like management of housing for the poor and people affected by floods, and the eradication of child marriage were included in candidates’ agenda. In Tikapur Municipality and Janaki Rural Municipality, candidates included issues like operation of cottage industries, management of stray cattle, and problems faced by people affected by floods and landless squatters.

Candidates of the Rashtriya Prajatantra Party (RPP) had included issues like reverting to a Hindu nation, and the reestablishment of a monarchy in Nepal. Parties like Mongol National Organization and Nagarik Unmukti Party had prominently raised the issue of identity.

## **Code of conduct**

The ECN created a code of conduct comprising rules that the government, government employees, security personnel, media, non-governmental organizations, political parties, candidates and citizens must obey.

The code of conduct was extensively breached during election campaigning. Citizens reported that the code of conduct was breached excessively because monitoring was weak. Flags bearing election symbols



used by most candidates were larger in size than specified by the code of conduct. Similarly, more vehicles than stipulated by the ECN were used. Although the code of conduct prohibited the use of loudspeakers for election campaigning, they were widely used. Although campaigns were to be limited between 8 am and 7 pm, in most places, campaigns were found to have continued well into the night. Children were used for election campaigning, clearly in contravention of the code of conduct.

Candidates were not found to have held public programs during the silent period. However, they continued to meet voters in their personal capacity. Similarly, although campaigning during the silent period is prohibited, candidates and their supporters appeared active on social media during the period.

Representatives of the office of the returning officer said that very few complaints were lodged against breaches of the code of conduct, and that written complaints were even rarer. It was reported that candidates did not complain against each other as every candidate was flouting the code of conduct in one way or another. There were a few examples of offices of the ECN asking for clarification following written complaints. When the erstwhile mayor of Pokhara Metropolitan City inaugurated a newly built bridge, he was asked why the inauguration was carried out even though it could have an effect upon voters. However, there was no evidence of any actions taken against individuals who broke the code of conduct.

## **6. Voter education**

### **ECN program**

Voter education is supposed to inform voters about election policies and procedure, polling process, procedure for voter registration, etc. Although voter education ought to be a continuous process, it has been limited to periods around elections. The ECN utilized traditional and social media

to disseminate information on the election. However, only the urban and educated classes had access to these. Although the ECN had prepared pamphlets and brochures to disseminate information about the election, such materials were rarely seen in public spaces. No program was found where direct interactions with voters were used to provide them information. In the past, the ECN had sent volunteers door-to-door to inform voters, but this time around, volunteers were not mobilized.

Even in the limited voter education material prepared by the ECN, no attention was paid to the issue of linguistic diversity. For instance, in Gosainkunda Rural Municipality, which has a majority of Tamang language-speaking voters, voter education material was seen only in the Nepali language. In Nepalgunj Sub-Metropolitan City of Lumbini Province, where the majority of voters speak Awadhi, information displayed on digital boards was limited to the Nepali language. Also, complaints were heard that the color and size of the glyphs and letters used on voter education posters and pamphlets were so small that people with weak eyesight had trouble reading them.

The ECN publicized programs to provide voter education at polling stations through the silent period. However, such voter education programs were conducted in only a few of the polling stations observed. A limited number of voters who arrived at a few polling stations in Amachhodingmo Rural Municipality, Tokha Municipality, Kageshwori Manohara Municipality of Bagmati Province, and in Waling Municipality of Gandaki Province, to collect their voter IDs were provided with information on how to mark the ballot paper. Most polling officials reported that they had no information on providing voter education.

Mock pollings were conducted at some polling stations. The Saraswati Secondary School polling station in Thulibheri Municipality, Guhyeshwari Secondary School polling station in Kathmandu Metropolitan City, and Rasuwa Secondary School polling station in Gosainkunda Rural Municipality conducted mock pollings. However, only polling officials

deployed for the polling, political party representatives, candidates, and security personnel had participated in them.

### **Initiative taken by candidate**

Candidates and their representatives travelled to various neighborhoods to inform voters about how to mark ballot to vote for them. In a ward of Tikapur Municipality, CPN (UML) candidates for the post of ward chair and ward members had divided their neighborhoods between themselves to show voters how to mark the ballot paper. An independent candidate for Ward 4 of Lekbesi Municipality in Karnali Province had formed a 15-person team to teach voters to mark their election symbol on the ballot paper. Some political parties had mobilized volunteers to teach voters on how to vote. In Bhaktapur Municipality of Bagmati Province, the Nepali Congress had deployed 239 volunteers.

In some local levels, however, candidates deployed paid workers to teach voters to mark the ballot paper. Coalition candidates in Malarani Rural Municipality had deployed 12 such workers. Each was paid NPR 1,000 per day and given cell-phone top-up cards worth NPR 200. Similarly, in Ward 6 of Kalinchok Rural Municipality of Bagmati Province, candidates for ward chair deployed paid workers who educated voters by showing how to mark the candidates' election symbols with the swastika stamp, or by distributing pre-marked mock ballot papers. In Manthali Municipality and Gosainkunda Rural Municipality of Bagmati Province, political parties had gone door-to-door with the swastika stamp and mock ballot papers to have voters practiced marking ballot papers for their parties.

Parties which had entered into coalitions reported having difficulty in teaching voters how to vote for them. Representatives involved in campaigning for coalitions said that voters had become confused when they were taught to vote for candidates across coalition parties while taking care not to invalidate their votes. In Itahari Sub-Metropolitan City of Province 1, volunteers who had been deployed to teach how to vote for the coalition

had tried repeatedly to teach voters how to vote for different members of the coalition, but eventually settled for showing them how to vote for the same election symbol across all seven columns. Coalition candidates and their representatives expressed concern that a large number of votes would be invalidated because voters would not know how to cross-vote for coalition candidates.

## **7. Election Day activity**

### **Polling station**

Works like putting up fences in polling stations, separating lanes for men and women, preparing secure rooms to mark ballot papers confidentially, managing necessary furniture, holding the all-party meeting, etc., were accomplished by the day before the election. Polling stations were covered with tarps to protect them from the sun and rain.

Polling stations had all necessary materials like ballot boxes, ballot papers, swastika stamps, ink, voter rolls, etc. Of the 70 polling stations observed, 59 were situated in educational institutions. Nine more were located in rural municipality buildings, agriculture office building, district coordination committee buildings, ward offices, and service centers. One was in a temple and one in a health office. Many polling stations were very constricted, while many were on steep land. That made it difficult for voters to stand in queue, and for them to walk around. Some polling stations lacked amenities like toilets and drinking water. In many polling stations, polling officers reported a lack of necessary furniture.

### **Commencement of polling**

Of the 70 polling stations observed, voting began at 7 am at 51 stations. In the remaining 19 polling stations, voting commenced between 30 minutes

to an hour late. In most polling stations, delay was caused by political party representatives not being present on time. Delays also occurred because of confusion among employees deployed at the polling station, and disputes regarding managerial aspects. Disputes had arisen because candidates had arrived with identification cards featuring their photos and election symbols, regarding whether or not voters could enter voting booths with their mobile phones, and because party cadres had demanded voter rolls featuring photographs of voters. In some polling stations, delay occurred because election officials had failed to distribute identity cards to candidates before 7 am.

### **Voter management**

Voters began arriving at polling stations before the voting process began. Men and women had separate queues. Women with children, senior citizens, the ill and infirm, and persons with disabilities were allowed to vote without waiting in queue. However, most polling stations were not adequately accommodating of senior citizens and persons with disabilities.

Since there were discrepancies between voter IDs and serial numbers on voter rolls, polling officials and voters had to face a lot of difficulties in reconciling the details. This made the voting process slow. Since serial numbers on voter IDs differed from serial numbers on voter rolls, there were confusions about where to queue for which polling centers. Some voters became angry after queuing up for one center, reconciling the details, and then finding out that they were required to stand in a separate queue. Many voters had walked away from the polling center, angrily saying that they ‘would rather not vote’ than walk to another polling center. This problem was especially apparent in polling stations with multiple polling centers. A DRCN observer saw three women angrily leave the polling station at Birendra Vidyamandir Secondary School polling station in Tikapur Municipality after failing to find their names on voter rolls after standing in queues for three different polling centers.

## **Impediment to voting**

Of the 70 polling stations observed, some voters were excluded from the opportunity to vote at 29 polling stations owing to various reasons. They were excluded from voting because their names were missing from voter rolls despite possessing voter IDs, or because their first or last names were inaccurate, or because they were enrolled in voter rolls but lacked identifying documents like voter IDs or other acceptable documents. At the Gaun Farka National Primary School polling station in Gosainkunda Rural Municipality, voters were allowed to vote even on the basis of photocopies of citizenship certificates with the agreement of representatives of political parties. However, at the Rasuwa Secondary School polling station in the same rural municipality, voters were not allowed to vote on the basis of photocopies of their citizenship certificates.

## **Confidentiality**

Most polling stations had paid attention to ensuring the confidentiality of the ballot-marking process. Employees and security personnel deployed at polling centers, and representatives of candidates, were staying a certain distance away from rooms designated for marking the ballot paper, which were surrounded by cloth to ensure isolation. However, eight of the polling stations observed for this report had not paid adequate attention to ensuring confidentiality. Polling stations were congested, which disturbed the confidentiality of the process. In some polling stations, since security personnel and other voters were positioned close to the egress from voting rooms, they could see voters mark the ballot paper.

### **Assistant for infirm and person with disability**

Every polling station observed for this report – except one – had provisions allowing voters who were incapable of marking the ballot paper on their own to take help from someone from within their families. At the Adarsha Secondary School polling station in Thulibheri Municipality, the multiparty meeting decided not to allow anyone to assist voters to mark the ballot paper.

Disputes arose in a few places when one person had assisted two or more voters to vote. Similarly, supporters of candidates were found to be voting even for voters who were capable of marking the ballot paper themselves. At the Health Post polling station in Amachhodingmo Rural Municipality in Bagmati Province, and the VDC building polling station in Jhimruk Rural Municipality in Lumbini Province, pollings were stopped for some time when such disputes became heated. Other polling stations had also seen such disputes.

### **Ban on use of vehicle**

Citizens were not permitted to operate vehicles on Election Day. However, observers saw vehicles being plied by candidates to transport voters. Such vehicles were seen transporting elderly, invalid and ill voters to polling stations.

Voters questioned the rule barring them from using vehicles on Election Day. Many voters reported having to face enormous difficulties in reaching their polling stations. According to them, if vehicles were permitted to run, especially the elderly, people with disabilities, expecting and new mothers would find it quicker and easier to reach polling stations. Citizens expressed the opinion that removing the ban on operating vehicles on Election Day would help increase voter participation.

## **Poll closing**

Of the 70 observers, 68 were able to observe the closing of polls.<sup>8</sup> Of the polling stations observed, 65 polling stations stopped allowing voters to enter polling stations precisely at 5 pm. At the Maheshwari Secondary School polling station in Sakhuanankarkatti Rural Municipality of Madhesh Province, Jayabhadrakali Secondary School polling station in Budhanilkantha Municipality of Bagmati Province, and Siddha Nepal National Secondary School polling station in Malarani Rural Municipality of Lumbini Province, polling had to be stopped due to rain and storm, and resumed later, because of which voters were allowed to enter polling stations after 5 pm too.

In some of the polling stations observed, disputes and confusions arose during poll closing. At the ‘Kha’ polling center of Balmandir Primary School polling station in Ghorahi Sub-Metropolitan City of Lumbini Province, a representative of a candidate deployed at the ‘Ka’ polling center of the same polling station was helping another representative of the same candidate when the poll-closing procedure began. They tried to vote at the ‘Ka’ center, but could not find their name on the voter roll. Their name was found on the voter roll for the ‘Kha’ center. But by then the polling had already closed at the ‘Kha’ center, and since the ballot box had already been sealed, the polling officer said it was not possible to break open a sealed ballot box to allow just one person to vote. However, as the dispute grew, an all-party meeting was held, which decided to add one more ballot box to the ‘Kha’ polling center to allow them to vote. When two other representatives – who also had been denied an opportunity to vote because pollings had closed – demanded to be allowed to vote, they were permitted to vote into the same ballot box. Similarly, at the Agriculture

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<sup>8</sup> When news about disturbances at a few polling centers in Baiteshwor Rural Municipality of Bagmati Province spread to Tamakoshi Rural Municipality, two DRCN observers had to leave their designated polling stations before the closing of poll keeping in mind the possibility of the disturbance spreading to their locations.



Building polling station in Janaki Rural Municipality of the Sudurpashchim Province, a sealed ballot box was unsealed to allow voting.

## **8. Vote counting**

In most local levels, vote counting started on May 14, 2022. But in some local levels, vote counting began on the evening of Election Day, after polling closed. In some local levels, vote counting was delayed because it took time for ballot boxes to arrive at counting centers.

Before vote counting commenced, all-party meetings were held to decide which types of votes to count as valid, the number of representatives for candidates allowed at the counting center, the distance apart at which they must sit, etc. In most counting centers, counting commenced without any debate. However, when the all-party meeting of Kathmandu Metropolitan City decided to allow only one person to collectively represent five independent candidates, supporters of Balen Shah, who was independently contesting for the mayoral seat, expressed dissatisfaction. When it was agreed that each independent candidate would be allowed to have one representative, vote counting commenced.

The vote counting process was slow, complicated, and burdensome. Vote counting was slow because the ballot paper contained too many election symbols, and because there was only one ballot paper for all seven seats. It took less time to count votes when the swastika stamp indicated votes on the same row. But if the stamp was on different rows across the columns, tallying them took longer. In local levels with a lot of candidates, there were two parallel sections on the same ballot paper. This led to voters putting their stamp on more posts than necessary, which invalidated the ballot paper and further delayed counting.

In comparison to the volume of votes, very few officials were available to count votes. Vote counting was further slowed because the available officials lacked training and clarity regarding the counting process.

Officials counting votes said that since the same officials were continuously deployed to count votes, fatigue and sleeplessness reduced their efficiency.

Columns intended for the swastika sign were narrow. The issue of the swastika sign going outside the column had become a reason for dispute. There was no uniform understanding even between counting officials regarding which votes should be invalidated. Similarly, there was a lack of uniform understanding about this between representatives of political parties. Such differences in understanding led to frequent disputes, which further delayed vote counting.

Ballot papers were invalidated most frequently because the swastika stamp had marked election symbols of more than one candidate for the same post, and because ballots were marked by means other than the swastika stamp.

### **Challenge to election observation**

Five DRCN election observers were not permitted to observe the preliminary voting process at the polling stations of Ilam Vidyamandir in Ilam Municipality, Saraswati Jabdi Secondary School of Itahari Sub-Metropolitan City, Jaya Bhadrakali Secondary School in Budhanilkantha Municipality, Service Center Building of Banglachuli Rural Municipality, and Moti Secondary School of Janaki Rural Municipality. After repeated requests, four observers gained entry into polling stations in the afternoon. However, at Jaya Bhadrakali Secondary School in Budhanilkantha Municipality, the observer was not permitted to enter the polling station throughout the day. When the observer tried to enter the polling station, the polling officer said, “The function of the observer is to check if voters are entering the polling station or not. Please stay by the entrance to the polling station.” Similarly, an observer was allowed to enter the polling station at the Service Center Building in Banglachuli when the polling commenced, but soon after, the observer was asked to leave the polling station and not allowed to enter again.

Some other DRCN observers were initially barred from entering polling stations, and were asked various questions to actively discourage them from entering. There was a clear lack of understanding about observation among polling officials and security personnel. Observers who had secured entry into polling stations were repeatedly told by polling officials and security personnel to, “...observe for a bit and leave the polling station.”

The Election Commission of Nepal (ECN) introduced the provision allowing an election observer to limit their observation work to a single polling station. This restricted the extent to which information and data could be gathered, and it also deprived this study of the impartial and trustworthy information and data that could have been collected by teams comprising two or more election observers.<sup>9</sup>

The ECN provision limiting one observer to one polling station was not uniformly enforced. It was found that observers from some organizations were issued permits to observe elections ‘across the district’ or ‘across Kathmandu Valley’, rather than limiting them to a specific polling station. Similarly, the provision regarding the geographical area over which vehicles were permitted to run was also not uniformly enforced. Some organizations were given vehicle permits limiting them to specific polling station, while some others had permits for an entire ward, or an entire local level, or across an entire district.

The ECN provision of permitting a specific number of vehicles per organization carrying out election observation deprived many observers of the opportunity to utilize vehicles. This made it difficult for them to travel to their designated polling stations. There was also confusion regarding where to obtain vehicle permits. In some places, the chief returning officer’s office issued permits whereas in some other places the District Election Office or returning officer’s office had issued recommendations for vehicle

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<sup>9</sup> According to its election observation process, DRCN deploys at least two observers per team to ensure credibility and impartiality of information and data. A team visits more than one polling center in order to make a comparative study. However, owing to the mandatory provisions stipulated by the Election Commission of Nepal, this became impossible.

permits. This forced election observers to become entangled in managerial tasks rather than duties pertaining to election observation.

The ECN has provisions specifying the minimum number of observers required per organization and of barring organizations which fail to meet such criteria from participating in election observation. It is the independent prerogative of the observing organization to determine how many observers to mobilize for election observation. Additionally, since the ECN had left it to the last hour to begin issuing observation permits, election observation organizations had to frantically scramble to select observers, train and mobilize them.

There are provisions stipulating that a preliminary report must be submitted to the ECN within 15 days after the completion of polling, followed by a final report within 30 days. Additionally, the ECN required each observer to fill in a form in accordance with Annex 9 of the *Election Observation Directive, 2078*, and submit it directly to the ECN. It is international practice for the observing organization to autonomously determine its plans, procedures and questionnaires for election observation, and subsequently prepare and publish reports based on them. However, the abovementioned mandatory provisions introduced by the ECN presented a challenge to the autonomy of organizations carrying out election observations.

## **Recommendation**

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

- Conduct regular voter education campaigns. Use local languages for voter education.
- Provide adequate training to all officials deployed at polling stations on election procedure and process. Include clear and accurate information

- regarding the importance of election observation, and institute appropriate behavior toward election observers.
- Provide training to security personnel deployed at polling stations on election process, importance of election observation, and appropriate behavior toward voters.
  - Make polling stations friendly for persons with disability.
  - Establish separate sanitary (toilet) facilities and breastfeeding rooms for women. Increase the proportion of women officials and women security personnel.
  - Do not use schools as polling stations in manners which deprive students of their right to attend school.
  - Make ballot papers legible to everybody. Feature only relevant election symbols of candidates who are contesting elections at the particular local level.
  - Refine details in voter rolls and voter IDs. Carry out an audit to remove duplicated voter details and details of deceased voters.
  - Create provisions for citizens to enroll into the voter roll at the local level.
  - Provide voter IDs immediately after voters enroll.
  - Allow citizens to use vehicles to travel on Election Day.
  - Count ballots at polling stations to expedite and make efficient the vote-counting process.
  - Actively monitor to ensure adherence to the election code of conduct.
  - Provide permits to observing organizations immediately after announcing the date for the election. Remove the provision limiting one election observer to one polling station.
  - Remove the provision stipulating a minimum number of observers per observing organization.
  - Remove the provision requiring the preliminary report to be filed within 15 days and the final report within 30 days.
  - Allow observing organizations to write reports based on their own structures and procedures for election observation.

## **To Political Party**

- Ensure representation of women, Dalits and marginalized communities as required by the Constitution.
- Take initiatives to fix Election Day as a constitutional provision.
- Take initiatives to create legislation to include ‘No Vote’ in the ballot indicating ‘I do not vote for any candidate.’
- Take initiatives to provide additional rights to provincial and district election offices to give them the responsibility of conducting elections.
- Take initiatives to review the code of conduct, and adhere to the code of conduct to which all political parties have committed.



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