

Political Situation Update

Election Bill 2080

Provisions and Perspectives

No. 17 | July 2025

DEMOCRACY
RESOURCE CENTER

Democracy Resource Center Nepal (DRCN)

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SUMMARY

The Election Commission of Nepal initiated the process of drafting an integrated election law after obtaining approval, in principle, from the Council of Ministers of the Government of Nepal on December 29, 2021. The draft of the Integrated Election Management Bill was passed through a decision by the Election Commission on June 3, 2023, and submitted to the Ministry of Home Affairs. Once finalized, the bill will be endorsed by the Legislative Committee, approved by the Council of Ministers, and submitted to the Federal Parliament. The bill incorporates several new provisions, including measures for increasing women's candidacy, enabling voting rights for citizens living abroad, and allowing a 'no vote' or 'no candidate' option to reflect long-standing public demands. As a unified law, it consolidates several scattered electoral laws and incorporates directives previously issued by the Supreme Court.

The new bill represents a significant step toward strengthening Nepal's democratic system by aiming to enhance transparency, accountability, and inclusivity in the electoral process. Key provisions—such as temporary voter lists, advance voting, term limits, fixed election dates, and reforms in candidate selection—are intended to make the democratic process more structured. However, certain provisions may prove challenging to implement in practice. Notably, the bill falls short of fully upholding the constitutional principle of proportional participation for women, Dalits, marginalized groups, and other disadvantaged communities. While some measures have been included, they remain inadequate and require further improvement.

1. INTRODUCTION

Election laws form the foundation of free, fair, and credible elections. As with many countries, Nepal has found it necessary to periodically amend and revise its electoral laws to enhance election management. In this context, the Election Commission of Nepal has prepared a drafted an integrated election bill.¹ This draft consolidates seven election-related acts along with provisions from the Election Commission Act. It also incorporates directives from the Supreme Court, relevant international best practices, past experiences, and recommendations from diverse stakeholders.² The bill introduces various provisions to make the election process more effective and streamlined. It proposes provisions related to voter roll management, candidate eligibility criteria, enforcement of a stricter code of conduct, transparency in election expenditures, voting arrangements for Nepali citizens living abroad, and mechanisms to ensure proportional representation.

The Integrated Election Management Bill must embody the spirit of the Constitution's fundamental rights, particularly Articles 38, 40, and 42, which emphasize social inclusion. If a bill passed by the sovereign Federal Parliament violates these fundamental rights, citizens have the right to file a writ petition with the Supreme Court for constitutional redress to have

¹ Election Commission of Nepal. 2023. Bill to Amend and Integrate Electoral Laws. Available at <https://election.gov.np/admin/public/storage/Laws/final/निर्वाचन%20काफन%20भिधेयको%20मस्यादा.pdf>; accessed on May 6, 2025.

² Election Commission Nepal. 2023. Press release regarding the draft of the Election Management Bill. July 3. Available at https://drive.google.com/file/d/1xkFmNj1kwHGjGAW9MI7IJsq_CYkxqs/view; accessed on May 6, 2025 (in Nepali).

the act overturned. This provision underscores the importance of aligning laws with the spirit of the Constitution within the legislating process itself.

The Election Commission has forwarded the draft to the Ministry of Home Affairs for submission before the Federal Parliament. If enacted, the law could enhance transparency, accountability, and integrity in Nepal's electoral system. However, certain provisions may prove challenging to implement, or may lead to unintended consequences. Therefore, a thorough and comprehensive review is necessary to ensure the bill's effectiveness. In this context, this analysis evaluates the bill's new provisions, amendments proposed in line with the Constitution, and efforts to resolve ambiguities or contentious issues in the previous election laws.

Box: Some of the key provisions included in the bill

- Temporary Voter Roll
- Provision for advance voting for specific groups (e.g., security personnel, essential service workers)
- Mandatory 33% women candidates in FPTP
- Mandatory disclosure of assets of candidates and their immediate family members
- Fixing a predetermined election date
- ‘No vote’ provision
- Voting rights for Nepali citizens residing abroad
- Maximum office tenure of two terms under the proportional representation system
- Increment in election deposits

2. VOTER LIST MANAGEMENT

The first and second sections of the proposed bill contain provisions related to voter list management. These include the collection and updating of voter information, registration, transfer, removal of duplicate entries, publication of voter lists, issuance of identity cards, and correction of errors.

The bill proposes that the process of collecting and updating the voter list be carried out through local-level authorities. It allows voters to register their names in the voter list of the ward corresponding to their permanent residence by visiting any district election office across the country. Furthermore, it is proposed that voters be allowed to register or transfer their names to the voter list of a ward where members of their household are already listed. If a voter's name appears in more than one location, the duplicate entries will be removed. These measures aim to enhance the accuracy of the voter list.

However, the process of voter registration and transfer may be challenging in rural areas due to limited availability of technical infrastructure. In addition, Article 13 of the bill proposes electronic registration for the voter list. While this could prevent duplicate registrations, the bill lacks details to clarify how the system will be implemented. Given the limited access to electronic systems in some parts of the country, this could prove a significant challenge.

3. VOTING RIGHTS OF NEPALIS LIVING ABROAD

There has been a long-standing demand to ensure voting rights for Nepali citizens living abroad. Article 22 of the proposed bill includes a provision for collecting details of Nepalis residing overseas. It states that diplomatic missions and other authorized bodies may be mobilized to collect information on Nepali citizens eligible to vote under the law. Given the persistent demand for such arrangements and the directives issued by the Supreme Court, this inclusion is commendable. However, the bill mentions that voting arrangements may be made with the support of diplomatic missions, without outlining a clear and practical mechanism.

Currently, Nepalis are spread across more than a hundred countries, while Nepal has diplomatic missions in only a few of them. Even in countries where Nepali missions exist, it is not feasible for all eligible voters to physically visit these offices and wait in line to cast their votes. This challenge is even greater in India, where millions of Nepalis reside, and in large, geographically dispersed countries like the United States. Similarly, large number of Nepali migrant workers live in Gulf countries, Malaysia, South Korea, and other destinations where gathering large numbers of migrant workers in one place is not permitted by host governments. Hence, without an alternative voting method, the provision for overseas voting remains largely symbolic and difficult to implement.

Although it is important to ensure the right to vote for Nepalis living abroad, the priority should be given to make voting arrangements for citizens who have migrated in search of employment and other opportunities within Nepal. In this regard, CPN (Unified Socialist) leader Ram Kumari Jhakri said, ‘Millions of voters in Nepal are outside their home constituencies due to employment or other reasons. Many of them

have moved from villages to urban areas in search of opportunities. They cannot afford to return home during elections just to vote. They need alternative measures to ensure the opportunity to vote. Without a practical alternative voting system in place, the promise of voting rights for Nepalis living abroad may remain a popular slogan only.³

Although, the bill includes important provisions to ensure the right to vote for Nepali citizens living abroad. Without practical and accessible system is developed both for Nepalis living abroad and for internal migrants, the overall implementation of these provisions will remain challenging and potentially ineffective. However, the bill includes provisions for a temporary voter register and advance voting, taking into account the issue of internal migration—an encouraging and positive step.

³ Conversation with Jhakri on February 25, 2025.

4. TEMPORARY VOTER LIST AND ADVANCE VOTING

The bill introduces a new provision under Article 36 for the preparation of a temporary voter list. It aims to ensure voting rights for individuals who, for various reasons, cannot travel to their constituencies on election day. Such voters will be allowed to cast their vote under the proportional representation from their temporary residence. Eligible individuals include Government of Nepal employees at the federal, provincial and local levels; Nepal Army, Nepal Police, election officials and security personnel; residents of government-recognized old age homes, prisoners, and other individuals as specified by the Election Commission. They may submit an application to the Commission to be included as temporary voters.

Article 99 of the bill allows eligible individuals to vote in advance as temporary voters, with approval from the Commission. This provision applies to government employees and security personnel deployed during elections, election observers, voters traveling abroad on or before election day, and those unable to reach their polling location due to business, employment, or health reasons. They must register with the Commission for advance voting, explaining their reasons. If the reason is valid, the Commission will make arrangements for advance voting. However, this provision is yet to accommodate the large number of internal migrant workers. For workers who are unable to travel to their permanent address just to vote, arrangements should be made for voting from their workplace or current residence. This would help increase voter participation and make the democratic process more inclusive.

Currently, some voters are transported to their constituencies at the initiation and expense of candidates, contributing to unnecessary election expenditures. Allowing people to vote from their workplace locations would help reduce these expenses. However, there are several challenges to make this system effective. These include identifying temporary voters, managing polling stations, preventing double voting, and updating legal provisions. Effective coordination with employers, the establishment of special polling stations, use of digital technology, and fostering political consensus will be essential for the successful implementation of this system.

Furthermore, Article 101 of the bill provides for the use of electronic devices, such as electronic voting machines (EVMs). The Election Commission may introduce such systems by publishing a notice in the *Nepal Gazette* and specifying the election or constituency where they will be used. While electronic voting can expedite both the voting and vote-counting processes, its success will depend on adequate investment in infrastructure, training, public awareness, and security measures.

5. PROVISION FOR A ‘NO VOTE’ OPTION

In line with the Supreme Court mandate, Article 205 of the draft bill proposes ‘no vote’ option, allowing voters to reject all candidates if they are not satisfied with any of them. This provision empowers voters to express their dissatisfaction and is a welcome step from a democratic perspective.

If more than 50 percent of the total votes cast are in favor of the ‘no vote’ option, the election will be invalidated. In such a case, the previous candidates will be barred from contesting in the re-election. This measure is expected to compel political parties to nominate more qualified and acceptable candidates. Former Chief Election Commissioner Dinesh Kumar Thapaliya has described this provision as a progressive move.⁴ This provision also respects the views of voters who do not participate in the voting because they do not like the candidate or who participate and deliberately invalidate their ballots. It also provides an easy alternative to organized parties or groups that boycott the election.

Although the provision allows a re-election if more than 50 percent of the voters reject all candidates, there are certainly some practical challenges to this. Conducting a re-election requires additional time, and human and financial resources, which will increase the administrative and financial burden. Overall, this system is likely to strengthen voter rights, but to maintain its effectiveness, the re-election process needs to be designed to be efficient, accessible and credible.

⁴ Kantipur. 2023. Chief Election Commissioner Thapaliya’s Request for the Passage of the Election Management Bill. August 3. Available at <https://www.youtube.com/watch?v=QpS7qluoNNI&t=7s>; accessed on May 5, 2025 (in Nepali).

6. PROPOSAL TO FIX AN ELECTION DATE

Under the current practice, the Federal Council of Ministers sets the election date in consultation with the Election Commission. This practice has raised concerns that the ruling party could influence the timing of elections to serve its own interests. In the past, there have been cases where the Election Commission was unable to make adequate preparations for elections, or the government postponed an already announced election date after significant preparations had been made. In response to these concerns, there have been calls for a more democratic and transparent approach—either to authorize the Election Commission to fix the election date, or to specify a fixed election date through legislation. Many independent election observer organizations in the past have also recommended that the date of election dates be predetermined. Accordingly, Article 57 of this bill proposes to fix the dates for federal, provincial, and local elections. It suggests holding elections on the first Sunday after four years and eleven months from the announcement of the final results of the previous elections to the House of Representatives, provincial assemblies, and local governments. It is mentioned that the National Assembly election will be held on the first Sunday one month before the end of the term of the National Assembly members.

This proposed arrangement aims to streamline election management and eliminate uncertainty about election timing. A fixed schedule would ensure a regular and predictable process for government transitions, thereby contributing to political stability. It would also allow the Election Commission, security agencies, administrative officials, and other stakeholders to make timely and effective preparations. Former Chief

Election Commissioner Dinesh Kumar Thapaliya has noted that setting the election date in advance would also facilitate the planning of budgets, policies, plans, and other necessary preparations.⁵

The bill also provides a contingency mechanism for unforeseen situations in which elections cannot be held on the specified date due to political crises, natural disasters, pandemics, or similar emergencies. In such cases, the Election Commission, in consultation with the Government of Nepal, may fix an alternative date.

If the House of Representatives is dissolved, the President shall set the election date; in the case of a dissolved provincial assembly, the provincial chief shall set the election date. In either scenario, the President or the provincial chief is required to consult with the Election Commission. If elections cannot be held on the designated date due to unforeseen events, the President or provincial chief, on the recommendation of the Prime Minister or the respective Chief Minister, must consult with the Commission to set a new date. Thus, the bill introduces a more structured and transparent process for setting election dates, while also ensuring flexibility in times of crisis.

⁵ Himalkhabar. 2023. The Commission's Proposal Regarding the Elections at All Three Levels, November 22. Available at: <https://www.himalkhabar.com/news/138976>; accessed on May 9, 2025 (in Nepali).

7. TERM LIMITS AND PARTY CANDIDACY

In past elections, there have been practices where candidates defeated at the local level later contested for the Provincial Assembly, House of Representatives, or National Assembly seats. Similarly, some candidates who lost elections to the House of Representatives later ran for the National Assembly. Such practices raise concerns about the disregard for public opinion. To discourage this trend, Article 67 of the draft bill proposes that individuals who lose elections to the House of Representatives, Provincial Assembly, or local levels be barred from contesting in any other election until the end of that electoral term. However, they may contest in a by-election for the same position. Additionally, the bill proposes that individuals who have already been elected twice through the proportional representation system to the House of Representatives or the Provincial Assembly be ineligible to contest again under the same system.

Nepal's electoral history shows a pattern in which the same individuals repeatedly contest elections—some have done so continuously since 1991.⁶ CPN (UML) leader Binda Pandey recalled that this issue was raised in Parliament as being inconsistent with democratic principles. She argued that the trend of lifelong candidacies and voters repeatedly electing the same persons for generations should be ended. She said, 'If we are to

⁶ Magar, Krishna Saru. 2022. Continuous Candidate Since Panchayat. *Annapurna Post*, November 4. Available at <https://annapurnapost.com/story/216122>; accessed on March 4, 2025 (in Nepali).

Nepal Live. 2017. Seven Congress Leaders Who have not Left the Electoral Field Since 2048 B.S. November 4. Available at <https://nepalilive.com/story/5066>; accessed on May 6, 2025 (in Nepali).

limit the number of times a person can run for the same position through the same system, it must apply equally across all levels, positions, and electoral systems. Otherwise, imposing restrictions only on specific positions or systems is not justifiable from a social justice perspective.⁷ Articles 215 and 216 of the Constitution already limit individuals from serving more than two terms as mayor or chairperson of a municipality or rural municipality. However, no such provisions exist for other local-level positions or for members of the Provincial Assembly and the House of Representatives. Therefore, a legal provision is necessary to impose term limits for all levels of elected office.

The current practice of a member of one political party running for another political party without leaving their party membership is another malpractice seen in politics. There is also a practice of individuals remaining the chairperson of one party and representing another party in the parliament. This trend is also indicative of the weakening internal discipline in the parties, lack of political commitment, and an attempt to exploit legal loopholes. If such practices are not stopped, the legitimacy of party politics may be undermined, potentially leading to a serious crisis in the party system. Therefore, the bill includes a provision to prevent a person from fielding candidacy from another party without first resigning from their current party.

⁷ Pandey's views expressed at the 'Proposed Integrated Election Management Law and Women's Representation' organized by DRCN and Martin Chautari on December 24, 2024, as part of the *Democracy Dialogue* series.

8. INCLUSIVE REPRESENTATION

Article 47 of the Constitution mandates that all necessary legislations required to implement fundamental rights must be enacted within three years of the Constitution's promulgation (September 19, 2015). Furthermore, if such legislations are not enacted in accordance with fundamental rights, or if challenges arise in their implementation, any citizen is entitled to seek legal remedy by approaching the Supreme Court (Article 133) or the High Court (Article 144). Regarding women's rights, Article 38(4) of the Constitution guarantees women the right to participate in elections on a proportional basis. The Constitution also stipulates that at least one-third of the total members elected from each political party represented in the Federal Parliament and Provincial Assemblies must be women.⁸

Article 74 of the proposed bill includes a dedicated provision for the inclusion of women candidates. Under the first-past-the-post electoral system for both the House of Representatives and the Provincial Assembly, and when nominating individuals for the position of ward chairperson in municipalities, political parties are required to field at least 33 percent women candidates. However, CPN (UML) leader Binda Pandey has raised concerns regarding the interpretation of the constitutional language. She points out that 'at least one-third' and '33 percent' are not equivalent, and this discrepancy could lead to significantly different outcomes.⁹ For

⁸ Article 84 (8) and Article 176 (9) of the Constitution of Nepal.

⁹ Pandey's views expressed at the 'Proposed Integrated Election Management Law and Women's Representation' organized by DRCN and Martin Chautari on December 24, 2024, as part of the *Democracy Dialogue* series.

instance, she notes that the numerical difference between ‘one-third’ and ‘33 percent’ of the total ward chairperson positions across the country adds up to 22 more seats. Additionally, while the bill proposes that each political party must nominate at least one woman for either the mayor or deputy mayor of a municipality, and similarly for the chairperson or vice-chairperson of a rural municipality, this provision does not necessarily guarantee women’s candidacy for the post of mayor. As a result, there is a risk that women may continue to be confined predominantly to the roles of deputy mayor or vice-chairperson. Nonetheless, the proposal requiring parties to field a woman candidate for one of the two top municipal leadership positions is a step forward in promoting women’s political participation.

Therefore, it is essential that the bill clearly stipulates that all political parties must ensure inclusive and proportional representation across all levels, positions, and electoral systems — including the House of Representatives, Provincial Assemblies, Municipal Mayors and Chairpersons, and Ward Chairpersons. Failure to incorporate such a provision would render the bill inconsistent with the Constitution. If the bill is enacted by the Parliament in its current form, any Nepali citizen would have the right to file a writ petition under Article 133 of the Constitution before the Supreme Court, seeking to annul provisions that are in conflict with constitutional mandates and to have them amended to ensure compliance.

Secondly, in the context of ensuring women’s representation in elections, there is an ongoing debate regarding whether certain constituencies should be reserved for women under the FPTP electoral system or whether women should participate through open competition. Notably, there is no unified stance on this issue, even among women’s rights advocates. Reserving specific constituencies for women would guarantee a defined number of elected women representatives. Once elected, these women would serve as representatives for all citizens within their electoral areas. However, a critical question remains: Will such reservations establish a norm of

women's participation and change societal perceptions and treatment of women leaders? It is also important to recognize that permanently reserving specific constituencies for women may not be appropriate. Even if such constituencies are rotated, there remains the concern that women may not be able to claim the constituency as their own in the long term, potentially undermining efforts to establish a sustainable and autonomous presence of women in politics. On the other hand, participation through open competition allows women to demonstrate and build their leadership credentials, regardless of the electoral outcome. Even if unsuccessful in the initial attempt, continued engagement at the constituency-level can increase their chance of success in future elections.

It is also important to consider the impact of these approaches on the long-term development of women's political leadership. At present, irrespective of whether representatives are elected through the proportional representation or the FPTP system, the legal status of all elected officials remains the same. However, perceptions and interpersonal dynamics have introduced discrimination, often undermining the legitimacy or authority of women regardless of the electoral pathway through which they were elected. This disparity stems not from the electoral system itself, but from deep-rooted societal attitudes and behaviors. Furthermore, institutional practices—such as the unequal allocation of resources, including the constituency development funds in the national budget—have contributed toward widening this gap. These systemic inequalities highlight the need to address not only the legal frameworks but also the underlying biases.

Article 55(2) of the bill proposes that women belonging to minority communities from the same ward may be nominated as candidates in local-level elections in wards where no Dalit woman member is present. This issue is further elaborated in Article 74, which addresses provisions related to women's candidacy. Specifically, Article 74(4) states that if, on the nomination day, no Dalit woman candidate is nominated in a given ward and the position remains vacant, the Returning Officer shall prepare and publicly announce the necessary procedures to facilitate the nomination

of a minority woman candidate for that position. However, this provision has drawn criticism from the Dalit community leaders and activists, who have expressed concern over its implications.

Critics argue that the proposed provision would undermine the representation of Dalit women and weaken the constitutional rights guaranteed to them. Durga Sob, founding president of the Feminist Dalit Organization (FEDO) and a prominent Dalit women's rights activist, has expressed concern that the immediate introduction of alternative measures for Dalit women's representation at the local level could further restrict opportunities available to them. According to Sob, allowing candidates from other marginalized groups to fill these positions under the label of 'minority women' risks reducing the actual participation of Dalit women in the political process. She pointed to data showing that in the first local elections, the position of Dalit women members remained vacant in 173 wards, but in the second local elections, this number decreased to 123, indicating gradual progress. She emphasized that introducing alternatives at this stage—without proper assessment of this positive trend—would be premature and potentially harmful. Sob also highlighted systemic barriers that continue to limit Dalit women's political participation, including the lack of citizenship documents or voter ID cards, and the insufficient commitment within political parties to ensure equal participation of women, particularly those from marginalized communities.¹⁰

Areas Overlooked in the Bill

This bill does not mention anything about how to ensure proportional participation of women in the National Assembly. At the time of its drafting, the concept of women's participation appears to have been limited to the one-third threshold. Since one-third participation is already guaranteed in

¹⁰ Bhul, Keshav. 2023. Dalit Community Objects to Election Commission's Proposal to Include Minority Women in Dalit Women's Membership. *Nepal Press*, October 25. Available at <https://www.nepalpress.com/2023/10/25/390559/>; accessed on April 9, 2025 (in Nepali).

the National Assembly, the issue seems to have been overlooked entirely in this draft.

However, the current provision does ensure that 22 out of the 59 members of the National Assembly will be women. As it stands, 56 members are elected—eight from each of the seven provinces—including at least three women, one Dalit, and one person with disabilities or from a minority group. Additionally, three members are nominated by the President on the recommendation of the Government of Nepal, of which at least one must be a woman.

In order to ensure at least 50 percent participation of women, arrangements can be made to elect half of the members elected from each province under a rotating system, in addition to the three women currently designated from each province and the open quota, one Dalit and one person with disabilities or marginalized communities. Such a system would help ensure the representation of Dalit women and women with disabilities or from marginalized communities, thereby advancing both inclusivity and gender proportionality in the National Assembly.

Article 40 of the Constitution guarantees Dalits the right to participate in all state bodies based on the principle of proportional inclusion. However, the current draft fails to adequately address this constitutional provision in the context of Dalit candidacy. Merely listing ward members as Dalit representatives does not fulfill the intent of proportional representation as outlined in the Constitution. To ensure genuine inclusion, a mechanism for proportional candidacy must be implemented across all levels, posts, and positions. For meaningful representation of the Dalit community, the bill should include a provision requiring each political party to field Dalit candidates under the FPTP electoral system, using the province or the nation as the representative unit, and in proportion to the Dalit population.

The Constitution, under the provision for social justice (Article 42), affirms that “socially backward women, Dalits, indigenous peoples, indigenous nationalities, Madhesi, Tharu, minorities, persons with

disabilities, marginalized groups, Muslim, backward classes, gender and sexual minorities, youth, farmers, laborers, citizens from oppressed or remote regions, and economically disadvantaged Khas Aryas shall have the right to participate in state bodies based on the principle of inclusion.” In this context, it is essential to ensure the representation of communities not explicitly covered by other legal or policy provisions. Particular attention should be given to groups such as farmers, laborers, gender and sexual minorities, and economically disadvantaged Khas Aryas. However, the current draft does not adequately address these concerns. To uphold the constitutional mandate of inclusive participation, the representation of marginalized and minority communities must be appropriately and comprehensively reflected.

9. DEPOSIT AMOUNT AND ELECTION EXPENSES

Article 138 of the bill outlines the provision related to election candidacy deposits. While it maintains the earlier provision allowing a 50 percent concession on the deposit amount for women, Dalits, marginalized communities, and gender and sexual minority groups, a key change in this draft is the substantial increase in the overall deposit amount. This substantial increase raises concerns about accessibility and inclusivity, as it may create financial barriers that discourage individuals from working-class backgrounds and economically disadvantaged groups from participating as candidates. As a result, the increased deposit requirement could undermine efforts to promote equitable representation in the electoral process.

Candidates for the presidential, vice-presidential, House of Representatives and National Assembly elections must deposit NPR. 10,000 as per the existing law. In the proposed bill, the amount has been increased five-fold and four-fold to NPR. 50,000 and NPR. 40,000 for the presidential and three other post candidates, respectively. The deposit amount required from provincial assembly member candidates has been increased five-fold from NPR. 5,000 to NPR. 25,000 and for ward members, it has been doubled from NPR. 500 to NPR. 1,000. For ward chairperson candidates, the deposit required has been increased from NPR. 1,000 to NPR. 1,500. Currently, the deposit required from municipal mayor and deputy mayor candidates is the same, at NPR. 1,500. However, the deposit amount has been increased significantly and has been made different for rural municipalities, municipalities, sub-metropolitan cities and metropolitan cities. According to the proposed arrangement, a deposit

of NPR. 15,000 and NPR. 12,000 would require to be deposited for the posts of rural municipality chairperson and vice-chairperson, and NPR. 25,000 and NPR. 20,000 for the posts of mayor and deputy mayor of a municipality. A deposit of NPR. 40,000 has been proposed for the posts of mayor of a metropolitan and sub-metropolitan city, and a deposit of NPR. 25,000 for the posts of deputy mayor (see Table 1).

Table 1: Deposit Amount for Candidacy Nomination

Post	Existing Provision (NPR)	Proposed Provision (NPR)
President		50,000/-
Vice-President	10,000/-	40,000/-
House of Representative		40,000/-
House of Representatives proportional list (to be submitted by each party for all of its candidates)	50,000/-	200,000/-
National Assembly	10,000/-	40,000/-
Provincial Assembly	5,000/-	30,000/-
Provincial Assembly proportional list (to be submitted by each party for all of its candidates)	25,000/-	200,000/-
Metropolitan City and Sub- Metropolitan City Mayor		40,000/-
Metropolitan City and Sub- Metropolitan City Deputy Mayor		25,000/-
Municipality Mayor	1,500/-	25,000/-
Municipality Deputy Mayor		20,000/-
Rural Municipality Chairperson		15,000/-
Rural Municipality Vice Chairperson		12,000/-
Ward Chairperson	1,000/-	10,000/-
Ward Member	500/-	1,000/-

Source: Chapter 9 of the Bill and various sections of the Election Law related to the relevant positions

There appears to be no clear or evidence-based justification for these rather substantial increases in the election deposit amounts. The proposed hike seems to be part of a broader strategy aimed at reducing the number of candidates contesting in federal, provincial, and local elections. According to a political party leader, the Election Commission itself proposed the increase, citing concerns related to the manageability of the electoral process. One leader, during a discussion on this issue, stated, ‘When we asked the Election Commission why the deposit amount was raised so significantly, officials responded that lower deposit requirements encourage a high number of candidates, making election management challenging. By increasing the deposit, the number of candidates would naturally decline, making the process easier to handle.’¹¹ While such logistical considerations may be relevant, democracy guarantees every citizen the right to run for public office, regardless of their financial status. It is unjust for the state to create barriers that disqualify candidates on economic grounds. Increasing the deposit amount without a valid rationale is likely to disproportionately affect working-class and low-income individuals, effectively restricting their right to political participation. For reference, Nepal’s minimum monthly wage is set at only NPR 17,300.¹² In this context, requiring deposits of tens of thousands of rupees undermines the constitutional right of citizens to contest for any public position—including the Presidency and Vice Presidency.

To date, the common practice in Nepal has been that only candidates affiliated with political parties contest for public office, including the presidency. However, the Constitution clearly states that any Nepali citizen by descent is eligible to run for office. Such individuals must secure proposers and supporters from among eligible voters—such as mayors, deputy mayors, provincial assembly members, and members

¹¹ Conversation with the leader on December 24, 2024.

¹² Government of Nepal. 2023. Ministry of Labor, Employment and Social Security Notice. *Nepal Gazette*, August 17. Part 5 Section 73 Number 24. Available at <https://moless.gov.np/content/11296/11296-२०८०-८९-दख-लग-हन-नयनतम/>; accessed on May 9, 2025 (in Nepali).

of the federal parliament. In the current context, it is entirely possible for qualified citizens to run independently or with the support of smaller parties. However, the requirement for a presidential candidate to deposit NPR 50,000—in a country where the minimum monthly wage is officially fixed at only NPR 17,300—raises serious concerns about equity and access. This provision disadvantages working-class and low-income citizens, who also have the right to seek elected office. Imposing a disproportionately high financial barrier undermines the inclusive and socialist-oriented values enshrined in the Constitution, as well as the fundamental principles of a democratic republic.

Candidate Expenditure and Transparency

Election expenditure by candidates remains a critical issue in Nepal’s electoral process. Although the law sets a spending limit for candidates, enforcement has been notably weak. The Election Commission has often failed to take action—even in cases where candidates have publicly acknowledged spending well beyond the legal limits to secure victory. However, the proposed bill introduces important enforcement mechanisms. It authorizes the Election Commission to cancel a candidate’s nomination if campaign expenditures are not in line with legal provisions. Furthermore, if it is proven—even after the election—that a candidate exceeded the prescribed spending limit, their elected position can be revoked. This is a significant and commendable provision in the draft bill, with the potential to curb excessive election spending and promote fairness in the electoral process. Additionally, promoting structured public debates at all levels—where all candidates can present their views and engage with voters in a common forum—could serve as an effective measure for controlling campaign expenses. Such platforms not only reduce reliance on costly individual campaigns but also strengthen democratic engagement through informed and transparent dialogue.

The bill introduces a new provision disqualifying candidates from contesting elections for six years if they fail to submit their election expenditure details within the stipulated timeframe. This provision aligns with the Election Commission's efforts to enhance transparency and regulate the growing issues of election expenditure and corruption. Under the current framework, political parties or candidates are required to submit their expenditure details in the format prescribed by the Election Commission. This must be done within 30 days of the election results being declared. While the existing law requires only expenditure details, the new draft expands this to include income sources as well. Additionally, the bill mandates that all campaign expenses must be conducted through a designated bank account, the details of which must be provided during the nomination registration process. This measure aims to improve financial accountability and provide a clear audit trail for election-related expenditures.

Under the proposed bill, candidates are required to submit an audit report—prepared by a licensed auditor—along with their election income and expenditure statements. Failure to comply with the Election Commission's prescribed format and timeline may result in monetary fines. This provision is intended to curb the misuse of election funds, promote fair competition, and ensure political accountability and discipline. However, the effective implementation of this rule presents practical challenges. If the process is overly complex or not enforced uniformly, there is a risk that candidates may unintentionally lose their right to contest elections due to minor errors or procedural lapses. Moreover, concerns remain regarding the Election Commission's current capacity to enforce transparency and control electoral spending, as there have been persistent allegations of ineffectiveness in monitoring and oversight. Without a robust monitoring mechanism, clear guidelines, and a commitment to impartial enforcement, candidates or political parties may disregard the provision, undermining its purpose. Although barring a candidate for six years is a stringent penalty, its fairness and impact will depend entirely

on transparent criteria, adequate technical systems, and the Commission's independence and resourcefulness. If the Election Commission is subject to political influence or lacks the necessary institutional capacity, there is a real risk that this rule will remain ineffective in practice, serving only as a symbolic measure on paper.

10. CHANGES IN THE APPOINTMENT OF RETURNING OFFICERS

Article 61(2) of the bill proposes a change in the appointment of returning officers. It seeks to remove the existing provision to designate District Judges as Chief Returning Officers for FPTP elections in the House of Representatives and Provincial Assembly.¹³ Instead, the bill proposes appointing first- or second-class officers from the Judicial Service to this role. For proportional representation elections, the Secretary of the Election Commission is proposed to serve as the Returning Officer. Similarly, for local level elections, the bill allows for the appointment of first- or second-class gazetted officers from the Judicial Service, the Federal Civil Service, or the Provincial Civil Service as Returning Officers. Under the current system, only gazetted officers from the Judicial Service are appointed as Returning Officers, with officers from other civil services considered only when Judicial Service officers are unavailable.¹⁴

This proposed change is likely to influence the professionalism and administrative efficiency of the election process. Judicial Service officers have traditionally carried out the responsibilities of Returning Officers, and introducing civil service officers into this role could bring implementation diversity to election management. However, to ensure fair, effective, and technically sound elections, it will be essential to provide these officers with adequate training and capacity-building support.

¹³ Article 8 of the House of Representatives Member Election Act, 2017 and the Provincial Assembly Member Election Act, 2017.

¹⁴ Article 7 of the Local Level Election Act, 2017.

Moreover, since civil service officers are more administratively accountable to the executive branch compared to those from the Judicial Service, maintaining the neutrality and independence of Returning Officers will require careful consideration. Given the vital role Returning Officers play in ensuring free and fair elections, whether this proposed arrangement will enhance election management or introduce new challenges will largely depend on how effectively it is implemented.

11. CONCLUSION

The draft bill to amend and consolidate Nepal's electoral laws represents a significant step toward strengthening the country's democratic system. It aims to enhance election management by promoting transparency, accountability, and inclusiveness. However, the bill does not fully uphold the constitutional mandate for proportional participation of women, Dalits, marginalized groups, and other disadvantaged communities. Federal lawmakers must give due attention to ensuring inclusive candidacy across all federal levels and electoral systems. Key issues such as the voting rights of Nepali citizens living abroad, temporary voter registration, advance voting, the 'no vote' option, term limits, and improvements in the candidate selection process have the potential to make the democratic process more systematic. Nonetheless, certain provisions may be challenging to implement in practice. Therefore, more comprehensive discussions are required on topics like managing overseas voting, ensuring voting rights for internal migrant workers, using technology to prevent double voting, and addressing the financial and administrative implications of re-elections. Along with this, changes related to candidate selection and party discipline will have a long-term impact on the democratic process. Thus, a clear and robust legal framework is essential to ensure effective implementation.

It is crucial to draft electoral legislation in line with the Constitution to reinforce democratic practices. While stakeholders at all levels have important roles to play, the federal parliament holds the central responsibility. If parliamentarians—especially those representing marginalized communities—can identify common concerns, engage in collective deliberation, and take joint initiatives, it will be easier

to incorporate overlooked issues through amendments, resolve legal ambiguities, and strengthen inclusivity. The regulations of the House of Representatives (Rule 251) provide for the formation of a Women’s Coordination Committee; however, it has not yet been formed. The same situation applies to the National Assembly. If a collective initiative of a Women’s Coordination Committee is launched in the parliament, stakeholders from outside, including the Constitutional Commission, human rights organizations, women’s associations, the media sector, civil society, and other people’s representative organizations at all levels, can play a role in making this process more effective.

Therefore, before passing the bill, a comprehensive review of its practical implications, consultations with relevant stakeholders, and necessary amendments are essential. If legal provisions are not practical and balanced, they may create new challenges instead of bringing about meaningful reform. During parliamentary discussions, emphasis must be placed on the bill’s implementation to ensure the development of a sustainable, inclusive, and credible electoral system. Through collaborative efforts and appropriate amendments, it is possible to align the electoral law with the spirit of the Constitution, thereby ensuring equal participation of all citizens in the democratic process.

Founded in 2014, Democracy Resource Center Nepal (DRCN) is a national non-governmental organization dedicated to the study and research of social and political issues. Since its establishment, DRCN has consistently undertaken in-depth and evidence-based research into various aspects of Nepal's transitional political landscape, including the implementation of federalism, local-level restructuring, and election observation. The outcomes of these studies are shared with stakeholders, fostering discussions and debates. DRCN's overarching objective revolves around advancing efficient governance within Nepal's federal framework through these rigorous research endeavors and thoughtful discourse.



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