

Translation:

Resource Manual on Electoral Systems in Nepal



Election Commission Kantipath, Kathmandu

*This English-from-Nepali translation of the original booklet is provided by NDI/Nepal.
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Methodology

Target Group

This resource manual on Nepal's electoral system is written to address the needs of civil society and its components, such as political parties, people's representatives, civil service, the media, local intellectuals, lawyers, and non-governmental organizations. These are the target groups of this manual.

Objectives

The main objective of this resource manual is to provide information on the electoral process to the target groups so that they in turn can educate voters on the electoral process. The political parties, non-governmental organizations, and educational institutions are encouraged to conduct special training and awareness programs on the basis of the subject matter included herein.

Subject Matter

This resource manual provides both theoretical and practical information about democracy and the electoral system. It also makes clear the roles required of all involved in the electoral process.

Resource Material

This manual is prepared based on the following acts, by-laws, and directives:

- a. House of Representatives Election Act 1991
- b. Local Bodies Election Procedure Act 1992
- c. National Assembly Members Election Act 1992
- d. Election Crimes and Punishment Act 1991
- e. Election Commission Act 1991
- f. Voters' List Act 1991
- g. By-laws relating to voters' list 1996
- h. By-laws relating to voters identity card 1999
- i. House of Representatives Election Directives 1999
- j. Local Bodies Election Directives 1993
- k. National Assembly Members' Directives 1999
- l. Election Code of Conduct 1996
- m. Local Bodies Election Code of Conduct 1996

If an authoritative source is needed, the above-mentioned acts, by-laws, and directives shall be consulted in respect to the subject matter included in this manual.

Answers to 89 questions have been given in the manual and they are divided into chapters on the basis of the subject matter concerned. If more information is needed, or something is found not adequately clear from the answers given in this manual, please consult the above-mentioned acts, by-laws, and directives or contact the authorities of the concerned offices.

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Chapter - 1

Democracy

1. What is democracy?

Democracy is a system of governance by the people and for the people.

Democracy is a system of governance by the people and for the people.

In any country, it is impossible for all people to participate directly in governance, so the people elect and send trusted men and women to represent them.

In democracy, to make government responsive to the people, periodic elections and freedom of expression are essential.

In a democracy, the government is responsible to the people. The government must work according to the will and aspirations of the citizenry. If the people's representative government is not able to satisfy the aspirations of the people, then the public will not re-elect them in the next election, and another set of representatives will be chosen to run the government.

In a democracy, the public is the master/sovereign of the government. In order to make the government responsive to the people, periodic elections and freedom of expression are essential.

2. What is a multiparty system?

Multiparty democracy is a system in which various political parties, having different ideologies, take part in an election and participate in running the government. In this system, different political parties put forward their policy and program and try to win the hearts of the people.

In a multiparty democracy, different political parties put forward their policies and programs and try to win the hearts of the people.

In a multiparty democracy, there is a competition of ideas. Periodic elections and freedom of expression are important components of this system. During general elections, more emphasis is given to a party than to individual competition. In every

general election, different political parties promote their candidates along with their party's policy and program. Therefore, when choosing how to vote, we must pay attention to each political party's program, its past

activities and the reliability of the candidate it selects. Anyone who has become a candidate of a political party is accountable for his/her party's activities, and likewise, the party is accountable for the activities of its candidate.

3. What kind of democracy exists in Nepal and how do citizens participate in governance?

The Constitution of the Kingdom of Nepal 1990 established parliamentary democracy.

There are two houses of parliament. The Upper House is called the National Assembly and the Lower House is called the House of Representatives. Elections to choose the 205 members of the House of Representatives are called general elections. Ordinarily, there is a general election every five years. However, general elections can be held earlier if

During general elections, political parties put forward their policies and programs by fielding their candidates and trying to win the hearts and votes of the people.

the House of Representatives is dissolved before the expiration of its term. In a general election, different political parties put forward their policies and programs by fielding their respective candidates and try to win the hearts and votes of the people. The party that gets a majority, by winning a minimum of 103 seats in the House of Representatives, forms the government. If none of the political parties obtain a clear majority then there will be attempts to form a coalition government. If a coalition government cannot be formed, then the party with the largest number of seats will form a minority government. A minority government must win a vote of confidence from the House of Representatives within 30 days after formation. If the minority government fails to win a vote of confidence, then midterm elections are called.

The Constitution of the Kingdom of Nepal 1990 was written following a massive people's movement. It established a parliamentary system of government based on multiparty democracy. The constitution has conferred sovereign rights on the people. Now it is the responsibility of the Nepalese people to understand this system. Everyone, whether rich or poor, literate or illiterate, female or male, and from whatever caste, tribe or

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occupation, has an equal right to participate in the governance of the country. Each citizen can do the following to participate in the Nepalese system of government:

- a. Vote to select their representative.
- b. Run as a candidate in the general election.
- c. Assist the government with advice and suggestions.
- d. Comment, criticize and peacefully demonstrate on any issue or activity of government with which they disagree.

4. What roles are citizens expected to play in their democracy?

In a democratic system, the public is the master of the government. It is the duty of each and every citizen to take an interest in what the government is doing. If citizens are not aware of the activities of the government, then citizens will not make proper use of their right to vote.

Citizens should take an active interest in the government's activities.

Our vote must be utilized to select the right representative and the right party to run the government.

Our vote must be used to select the right representatives and the right party to run the government. We can get to know the activities of the government through radio, newspapers, magazines, television and other media. The constitution gives each citizen the right to information. Therefore, every Nepali citizen must remain aware of the activities of elected government, and during the general election, properly utilize his or her right to vote. Each Nepali, in order to be a responsible citizen, must inquire about the government's activities and comment and criticize. We must use these rights given to us by our constitution.

Chapter – 2

Political Parties

5. What is a political party?

People having similar political ideologies, objectives, and programs may organize themselves into political parties. Political parties are different in nature from other economic and social organizations. Following are the special aspects of a political party:

- a. A political party possesses its own distinct ideology and all members are committed to it.
- b. The objective of a political party is to secure the people's support by submitting its policy and program to the public.
- c. A political party aims to form the government by winning elections and executing its policy and program.
- d. A political party aims to institutionalize the will and aspirations of the people by making and executing laws.
If a political party fails to get a majority, it can strengthen the government by forming an organized and active opposition.

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A political party is an organization of persons bound by common thoughts and programs that pursues government positions through elections.

In short, a political party is a group of persons bound by common thoughts and programs that pursues government positions through elections.

6. What roles are political parties expected to play in a multiparty democracy?

Political parties, situated between the government and the people, must work as a shuttle, or vehicle, delivering the concerns of the people to the government, and the concerns of the government to the people.

In a multiparty democracy, the government is accountable to the people. The main method of making the government responsible to the people is through elections. To decide which party to select, it is necessary for people to remain informed about the policies and programs of the various political parties. People examine their alternatives before voting. Therefore, each political party must present its policies, programs and past record, to the public. Multiparty democracy is based on competition of thoughts, ideas and people's participation. Political parties help to institutionalize and convert social thought

into political programs. Political parties, situated between the government and the people, must work as a shuttle, or vehicle, delivering the concerns of the people to the government, and the concerns of the government to the people.

Thus, a political party, after forming the government, fulfills its responsibilities by converting the promises made to the people during the

To decide which party to vote for, it is necessary for people to remain informed about the policies and programs of the various political parties.

election into government programs and laws. When a political party is not able to form the government, it plays the role of an opposition party, taking interest in each and every government policy and decision. An opposition party, upon finding any kind of irregularity, corruption, or anti-people policy, pressures the government with reform

efforts.

A political party must use various means to truly represent the people's will and aspirations. The function of a political party is to study and discuss social, economic, and other problems and formulate solutions. The people expect solutions to their problems from the government and want political party initiatives to bring about a responsive government.

Every political party is responsible for every issue of public concern and importance. A political party that fails to present clear concepts about these issues and that cannot give convincing answers to the citizenry will have a difficult time winning the hearts of the people.

7. What role do the political parties play in preserving free and fair elections?

A political party must play the following role to preserve fair elections:

- a. A political party must train its workers on the election code of conduct and encourage them to follow it.

A political party or its activists must not be involved in getting votes through fear, threat, intimidation, coercion, force or temptation.

- b. Political parties must give special training to its polling station representatives.
- c. A political party or its activists should not be involved in getting votes through fear, threat, intimidation, coercion, force or temptation.

- d. A political party must extend cooperation to personnel charged with holding impartial elections.
- e. A political party can follow the voting program by appointing an observation team for Election Day.

8. **Must a political party be registered to contest elections?**

It is essential for a political party to register itself with the Election Commission. A political party

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registered with the Election Commission may fall into one of two categories: a) recognized or b) unrecognized. For a political party to be recognized as a national party, it must **run a minimum of**

five percent women candidates and obtain three percent of the total vote in the general elections.

Chapter - 3

Election

9. **What is an election?**

An election is where voters select their government representatives.

In a democratic government, periodic elections are mandatory. Through elections, mandates are given to the government, government activities are evaluated, and people's representatives are selected. Elections are the foundation for making democracies active and vibrant. The election system dictates such matters as setting the date of the election, preparing the voters' list, conducting the election, counting the votes and settling election disputes.

Through elections, mandates are given to the government, government activities are evaluated, and people's representatives are selected.

In the election system, processes like voting, vote counting and declaring elected candidates are very important. Under Nepal's system, as in the United Kingdom, the person securing the highest number of votes (first past the post) in elections to the House of Representatives and to local government, is declared the winner.

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In such an election system, voters vote only in favor their choices. Thus, a person who succeeds in getting the highest number of votes is declared elected. This system is very simple.

10. What are general elections?

According to the Constitution of the Kingdom of Nepal 1990, there is a provision for electing 205 members to the House of Representatives.

Nationwide elections held for the 205 members of the House of Representatives are called general elections. Elections can take place in more than one phase. The Election Commission decides whether to hold general elections all at once or in phases.

Nationwide elections for the House of Representatives are called general elections.

11. What are midterm elections?

General elections ordinarily take place once every five years. This is known as a periodic election.

However, a midterm election can be declared if the House of Representatives is dissolved before the expiration of its term for any reason. Elections held under such conditions are called midterm elections. The tenure of members elected under the midterm election is five years.

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12. What are by-elections?

If a vacancy is created by a member before the completion of his/her term, by-elections are held to fill the seat for the remainder of the term.

13. How are members elected to the National Assembly?

The Upper House of Parliament is called the National Assembly. The National Assembly is a permanent house. There are 60 seats in the National Assembly. His Majesty nominates 10 members. The remaining 50 members are elected by indirect election. Of these 50 members, the House of Representatives elects 35, which must include at least three women. This election is conducted on a single, transferable, proportionate method of voting. The remaining 15 are elected from an

electorate comprised of representatives of local bodies. The term for a member of the National Assembly is six years. One third of the total members are vacated every two years.

14. How are elections for local bodies held?

Local government bodies include the Village Development Committees (VDC), Municipalities, and District Development Committees (DDC).

Local bodies at different levels are filled by holding local elections.

While voting in local elections, voters elect the representatives of local bodies.

Local elections are held every five years in Nepal's 75 districts to elect representatives to District Development Committees, Municipalities, and Village Development Committees. The offices of chairman, vice chairman

and ward members of the Village Development Committees, and Mayor, Deputy Mayor, and ward members of the Municipalities are directly elected during local elections. These elected members then choose the chairman and vice chairman of the concerned District Development Committee.

15. What is the significance of an election?

Elections are the foundation of democracy. Elections are required so people's representatives can be selected. In the absence of

In the absence of mandatory periodic elections, government representatives of the people will be arbitrary and irresponsible.

mandatory periodic elections, representatives of the people in the government could behave irresponsibly towards the people. The election provides people the opportunity to evaluate what the government has done in the past for the people. People are the masters of the government.

16. What do we mean by free and fair elections?

Free and fair elections are the soul of democracy. It is essential for elections to be free and fair if the true will of the people is to be known.

For elections to be free and fair, voters must have an opportunity to vote in a secure environment without fear, threat, or temptation. Even the counting of votes in the election

The very essence and true meaning of free and fair elections is to ensure the election of the person truly trusted by the people.

should be performed in a secure and impartial manner. The very essence and true meaning of free and fair elections is to ensure the election of the person truly trusted by the people.

17. How do we determine whether the elections were free and fair?

It is essential to evaluate the answers to the following questions in order to determine if an election was free and fair:

- a. Were election laws just and applied equally to all political parties and candidates?
- b. Were all qualified citizens given the same opportunity to register their names in the voters' list?
- c. Did all political parties and candidates campaign for election freely and without fear?
- d. Did all political parties get an equal opportunity to campaign through government media?
- e. Were any efforts made to get any party or candidate elected by abusing government resources?
- f. Was an opportunity made available to all voters to go to the polling station freely and to cast a secret ballot?
- g. Were all voters able to receive information about all the candidates? Were they informed about the voting process?
- h. Was the voting process transparent? Were national and international observation teams given an opportunity to observe the casting and counting of votes?

Election code of conduct plays an important role in establishing the rules for free and fair elections.

18. Why are free and fair elections necessary?

In a democracy, free and fair elections are necessary to select candidates trusted by the people.

Any candidate winning an election through illegal practices will not faithfully serve the will and aspirations of the people.

In the absence of fair elections, the selection of a true representative of the people is not possible. If people are stopped from free voting out of fear, threat, and force, and a

party is elected through coercion, the formation of a government responsible to the people is not possible. Any candidate winning an election by illegal practices will not faithfully serve the will and aspirations of the people.

19. How can you help in holding free and fair elections?

Every citizen can play an important role in the task of holding free and fair elections. Citizens can help in the following ways:

- a. By standing in a line at the polling station on Election Day.
- b. By casting votes in the polling station without force and disturbance.
- c. By informing the concerned staff when somebody comes to vote by impersonation.
- d. By informing the election officer and the security personnel about a possible conspiracy designed to disturb the voting.
- e. By offering whatever possible help to the election observation team.
- f. By offering necessary help to the polling officer and security staff assigned to the election.
- g. By resisting those trying to influence voting by force or with money.

Citizens must be wary of those who try to disturb an election.

20. What role can civil society play in holding free and fair elections?

The responsibility of holding free and fair elections is not only the task of the Election Commission or of His Majesty's Government and other related bodies. It is also the responsibility of civil society to contribute to the success of holding free and fair elections.

The responsibility of holding free and fair elections does not only belong to the Election Commission and His Majesty's government. It is also the responsibility of civil society to contribute to free and fair elections.

Civil society members can play the following role in ensuring free and fair elections:

- a. Offer necessary help to election personnel. Responsible members of civil society can help in such tasks as voter registration, voting and vote counting, without taking the side of any party or candidate.
- b. Encourage the entire voting community to participate in the voting process. While playing such a role, leaders of civil society should give advice and suggestions impartially.
- c. Form support committees in every polling station in order to help election personnel conduct elections in a fair and free manner.
- d. Inform concerned officials immediately about rigging or irregularities observed during the election.
- e. Work to prevent disturbances. It is everybody's duty to vote. It is the responsibility not only of election personnel but also of the public to create an environment where individuals can exercise their voting rights without fear.

21. What role should the media play in holding free and fair elections?

Radio, television, and newspapers are the media of mass communication.

Mass media should inform the voters about elections.

These media play an important role in elections. The roles of the mass media in the context of elections are as follows:

- a. To inform voters about the election schedule and polling sites.
- b. To report impartially the issues raised by the candidates.
- c. To provide political parties an equal opportunity to present their views.
- d. To provide election information to all classes, including indigenous people, and to communicate in different languages if necessary.

Chapter 4

Voters and Voting Rights

22. Why should you vote?

In a democratic system, people are the source of state power. Voting is the means by which citizens fulfill their civic duty and participate actively in the development and welfare of the country. Voting is necessary in order to choose political leadership to form a government.

Voting is not only our right but also our duty.

By electing representatives, citizens indirectly influence law, policy and decision-making and oppose bad activities of the government.

We will be able to make the government responsive to us through elections.

Voting is important for the following reasons:

- Citizens participate in the governance of their country by voting.
- Voting is not only our right but also our duty.
- By voting, we are in a position to select our representatives.
- By voting, we can defeat a candidate we dislike.
- Election results shall be a true representation of the will of the people only when all people participate in voting.
- Only through elections will we be able to make the government responsive to us.

23. Who is qualified to be enrolled in the voters' list?

The following persons are entitled to be registered as voters:

- Nepali citizens having a permanent residence in a ward;
- Eighteen years old or older;
- Not mentally disturbed; and
- If someone is sentenced to serve one or more years in prison for any criminal offense, one year must have elapsed since the date of completion of the sentence. (Election Crimes and Punishment Act 1990)

24. How can one secure his/her voting rights?

To exercise your voting rights, it is compulsory for every voter to register his or her name with the concerned election constituency and have permanent residence in that constituency.

In Nepal's parliamentary system of government, an election is based on multiparty democracy and adult franchise. Every Nepali eighteen years or older is entitled to vote according to the constitution. However, it is compulsory for every voter to register his or her name in the voters'

registration list of the concerned election constituency and to have permanent residence in order to exercise voting rights. An identity card is also required in an election constituency where identity cards are mandatory.

25. How does a voter begin the task of registering in the voters' list?

The task of registering in the voters' list is done at the Deputy Officer's Voter Registration Office in Village Development Committees or municipalities. A voter may only begin the task of registration during the month of Baishak (April-May).

26. What process must a voter follow while registering in the voters' list?

A person 18 years of age by the end of the month of Chaitra (March-April), a person who has changed their permanent residence for any reason including marriage, or a person who discovers their name missing from the voter list for any reason, is required to submit a written form with supporting documents to the Deputy Officer's Voter Registration Office.

27. What is a voter required to do if his/her name is absent from the voters' list?

A person otherwise entitled to be registered as a voter whose name has been dropped for some reason, is required to file a petition form by the fifteenth day of the month of Asad (June-July) and submit it to the Deputy Officer's Voter Registration Office.

28. How to file an application to correct such details as name, date of birth, or age in the voters' list?

A person entitled to be registered as a voter who has had a name change, or who notes any mistake in name, date of birth, age or other description,

is required to file a petition form by the fifteenth day of the month of Asad (June-July) and submit it to the Deputy Officer's Voter Registration Office.

29. How to amend a duplication of a voter's name in the voter's list? What is the punishment for a person deliberately duplicating a name on the voter's list?

A person can only have his/her name in one voters list in one constituency. If duplication is found, the voter must inform the Deputy Officer in writing. If the voter fails to inform, and the Election Commission, the Chief Officer of Voter Registration, or the Deputy Officer becomes aware of the duplication, the Deputy Officer must cancel the voter's name from other lists, keeping only one name of the voter in the list where the voter permanently resides. Any voter who deliberately files a petition to duplicate his/her name on a voters list shall be punished with a fine of 2000 rupees, or with imprisonment for one month, or both. Therefore, a voter must be careful not to register more than once.

A person whose name is duplicated on the voter's list must cancel the other name by informing the Deputy Officer in charge of registration.

30. How does a voter know whether his or her name is included in the final voters' list?

A voter can check whether or not his/her name is included in the voters' list by contacting the Deputy Officer before the list is submitted to the Chief Officer of Voter Registration. If the voter does not see his/her name in the list, the voter can go to the Voter Registration Office before the last day of Shrawan (July-August) to register in the final voters' list.

31. What is the significance of a voters' identity card?

The system of identity cards is intended to make voters aware of their voting rights and to discourage those who come to vote by impersonation. Voters are not allowed to vote without producing the voter's identity card in places where an identity card is required. In those areas, a voter must present his or her identity card before voting.

A voter's identity card is required in some constituencies.

32. What process must be completed in order to get a voters' identity card?

Voters must do the following to obtain a voters' identity card:

- a) His or her name must be included in the final voters list.
- b) One has to have a photograph taken by the concerned team assigned to take photographs in one's constituency.
- c) One has to obtain his or her identity card by contacting the team assigned to the distribution of identity cards.

33. What must be done if a voter fails to sit for a photograph for the voter's identity card?

In case of a voter's failure to get a photograph for the voters' identity card, one can obtain a photograph by going to the concerned teams assigned to updating the identity card.

34. What must a voter do after getting a voters' identity card?

One should take good care of his/her voter's identity card. One should not alter, add another name, or cancel his or her identity card. One has to show his or her identity card to the concerned officer at the polling station when voting.

35. What is a voter required to do when a voters' identity card is lost, torn or burned?

In the case of a lost, torn or burned identity card, one must file a petition with details to the Chief Identity Card Officer. One can obtain a duplicate identity card after an investigation, at a time specified by the Election Commission. To obtain a duplicate, one must pay fees as required.

36. What are the conditions under which an identity card will be canceled?

The Chief Identity Card Officer shall cancel an identity card on confirmation that the card was obtained in another person's name.

37. What are the rights and privileges of a voter?

The following are the rights and privileges of a voter:

Voters have a right to vote freely and without fear.

- a. Voters have the right to cast a secret ballot.
- b. Voters have the right to vote freely and without fear in favor of a candidate of the voter's choice.
- c. Voters have the right to lodge a complaint against a voter attempting to vote by impersonation.
- d. Voters have a right to vote freely and in a peaceful environment.
- e. Voters have the right to be informed about the policies and programs of the candidates.

38. What are the duties a voter must fulfill?

It is the duty of a voter to abide by the legal and the moral obligations of a voter and good citizen. It is possible to hold impartial elections only when voters perform their duties honestly. Ordinarily, voters have to perform the following duties:

Voters have the right to vote free from intimidation, fear, threat, temptation, or undue favor.

- Identify an able candidate.
- Vote in favor of the able candidate of their choice by participating in the elections.
- Cast a vote free from intimidation, fear, threat, temptation, or undue favor.
- To not compel another voter to cast a vote in favor of any candidate against his or her will.
- To inform the police administration, election office or polling station personnel of an attempt by any political party, worker, candidate, or voter to commit an act in violation of the election act or election code of conduct.
- To help individuals who are not able to understand any matter concerning the election
- To cooperate in holding fair, impartial, and peaceful elections.

Chapter 5

Election Schedule

39. How is the date set for the election of a member to the House of Representative?

The Election Commission publishes the notification in the *Nepal Gazette* specifying the date and time for the election of the members of the House of Representatives. The Election Commission can decide whether to hold elections all at one time or on different dates, considering the geographical situation, climate or other circumstances.

40. How is the date set for local government elections?

His Majesty's Government decides the time to hold local elections. This information is conveyed to the Election Commission. On the basis of this information, the Election Commission announces the date. While conducting such elections, the Election Commission must decide whether to hold elections all at one time or in phases.

41. Where is the notice of the election schedule published and what does it contain?

The concerned election officer shall publish a notification of election under the directives of the Election Commission. The following regulations and schedules are usually included in the notification of election: filing of nomination papers, the list of the candidates nominated, withdrawal of candidacies, the final list of the candidates who will appear on the ballot, assignment of election symbols, and the date, time and place for voting.

Chapter 6

Candidates

42. What are the requirements to be a candidate for the House of Representatives?

Persons who meet the following qualifications can be candidates in an election for the House of Representatives:

- a) Nepali citizen.

One must be 25 years old or older to be a candidate for the House of Representatives.

- b) Twenty-five years old or older.
- c) Not mentally disturbed or insane.
- d) Has not been declared insolvent or bankrupt.
- e) Is not a current employee of His Majesty's Government or of an autonomous body owned or controlled by His Majesty's Government or of a body that has received grants from His Majesty's Government.
- f) If convicted by the election court of an offense relating to elections pursuant to prevailing law, six years must have elapsed since the date of completion of the sentence.
- g) If someone is convicted of a criminal offense involving moral turpitude and sentenced to more than two years imprisonment, six years must have elapsed since the date of completion of the sentence.
- h) Whose name is registered in the voters' list.
- i) Capable under prevailing law.

If someone is convicted of a criminal offense involving moral turpitude and sentenced to more than two years imprisonment, six years must have elapsed since the date of completion of the sentence.

43. What are the requirements to be a candidate in the local elections?

Persons meeting the following requirements can be candidates in the local elections:

- a. For the election of a ward member, a candidate must be a registered voter in the ward, municipality or Village Development Committee in which the candidate seeks office.
- b. Candidates running for Chairman, Vice Chairman, Mayor, or Deputy Mayor, must be registered voters in one of the wards within the Village Development Committee or municipality in which the candidate seeks office.
- c. For election to the District Development Committee, the candidate must be an area member of a Village Development Committee or municipality.

- d. For election to Chairman or Vice Chairman of the District Development Committee, a person must be a member of either the Village Development Committee or municipality.
- e. Twenty-one years of age or older.
- f. Nepali citizen.
- g. Not mentally disturbed or insane.
- h. Has not been declared insolvent or bankrupt.
- i. Is not a current employee of His Majesty's Government or of an autonomous body owned or controlled by His Majesty's Government or of a body that has received grants from his Majesty's Government.
- j. Not an employee of any local body.
- k. If convicted by the election court of an offense relating to elections pursuant to prevailing law, six years must have elapsed since the date of completion of the sentence.
- l. If someone is convicted of a criminal offense involving moral turpitude and sentenced to more than two years imprisonment, six years must have elapsed since the date of completion of the sentence.
- m. Capable under prevailing law.

A candidate for local bodies must be at least 21 years old.

44. What steps must be taken to become a candidate for the House of Representatives?

To be a candidate for the House of Representatives, one must take certain steps. The candidate is nominated and proposed by a voter and supported by other voters of the same constituency. The proposer, the seconder, as well as the nominated candidate must sign their names on a nomination form. The proposed candidate must also formally consent to candidacy on the nomination form. The candidate, the proposer of the candidate or the candidate's assigned representative shall register the nomination papers, attached with a bank voucher of 3000 rupees as a deposit. The voucher must be made out to the Election Office of the respective district and submitted on the specified date during the specified hours.

45. What is the process required to be a candidate from a political party for the House of Representatives?

Any political party registered with the Election Commission must attach a formal letter nominating their candidate when submitting the nomination form. It is necessary for any political party or its assigned authority to follow the format set by the Election Commission while producing such formal letters.

46. What is required to be a candidate in the election for local government bodies?

To be a candidate in the election for local bodies, the person's name must be proposed and nominated by a voter and supported by other voters of the same constituency. The signatures of both the proposer and seconder, along with the consent and signature of the nominated candidate, must appear on the nomination form. The candidate, the proposer of the candidate, or the candidate's assigned representative shall register the nomination papers, attached with a bank voucher as a deposit. The voucher must be made out to the Election Office of the respective district and submitted on the specified date during the specified hours.

47. What is the process required to be a candidate from a political party in an election for local bodies?

Any political organization or party recognized by the Election Commission shall attach a formal letter nominating candidates for the local election while submitting the nomination form. The authorized person of a political party must follow the format set by the Election Commission while producing such formal letters.

48. What amount of money must be deposited in order to run for election to local bodies?

A candidate in local elections must deposit the following amounts of money to run for the following offices:

- | | |
|--|---------|
| a) Ward Chairman or Member of Village Development Committee: | Rs. 50 |
| b) Chairman, Vice Chairman of Village Development Committee: | Rs. 100 |
| c) Ward Member of municipality: | Rs. 200 |
| d) Mayor or Deputy Mayor of municipality: | Rs. 500 |

- e) Area Member of District Development Committee: Rs. 500
- f) Chairman or Vice Chairman of District Development Committee: Rs. 1000

49. Who are election representatives, voting representatives, and counting representatives (agents)?

An election representative is a person appointed by the candidate to perform election activities. The candidate must give written notice thereof to the election officer.

A voting representative is a person appointed either by the candidate or by his/her election representative to perform activities on Election Day. The candidate must give written notice thereof to the polling officer.

A counting representative is a person appointed either by the candidate or by his/her election representative to represent the candidate at the place for counting of votes. The candidate must give written notice to the election officer.

50. What happens in the absence of a candidate, candidate's representatives or their failure to sign a document?

The performance of election activities, including voting or counting of votes, shall not be adjourned merely because election representatives, voting representatives, or counting representatives are absent, or because any of them fails to perform such functions or fails to sign a document.

Chapter 7

Election Symbols

51. What is an election symbol?

An election symbol is a symbol on the ballot that identifies a political party or a candidate in the election.

52. How is an election symbol assigned to a political organization or party after registration?

The election symbol is assigned to a political organization or party after registration by the following process:

- a. For the purpose of election, any political organization or party is required to register through application to the Election Commission.
- b. While registering such an application, a party must request its desired election symbol.
- c. The Election Commission decides which election symbol is assigned to which party.

53. What is the process or procedure regarding distribution of symbols to candidates in an election?

- a. While assigning or distributing election symbols, the Election Commission shall assign the symbols in the following order: to a recognized political organization or party, to an unrecognized political organization or party, to an independent candidate.
- b. The Commission shall assign the same symbol to candidates of one registered political organization or party.
- c. In the election to the House of Representatives, candidates contesting from unrecognized political organizations or parties will run with the symbol allotted to the party nationwide. However, in local elections, candidates of unrecognized parties shall get any election symbol assigned by the Election Commission.
- d. An independent candidate shall get any symbol assigned by the Election Commission for independent candidates.
- e. In the election to the House of Representatives, independent candidates may choose to run with a symbol of an unrecognized political party, provided that party is not running a candidate in that constituency.

54. How are disputes regarding the distribution of election symbols settled?

The following process settles controversies arising from the distribution of election symbols:

- a. No one is entitled to use an election symbol of a registered political organization or party, except candidates of recognized political organizations or parties.

- b. If any unrecognized political organization or party fails to nominate a candidate in a constituency, the Election Commission may assign the party's symbol to an independent candidate.
- c. If more than one independent candidate demands the same election symbol, the Election Commission may settle the dispute and assign the election symbol by lottery.

Chapter – 8

Polling Stations and Voting

55. What is a polling station?

A polling station is a place for voters to come and vote at a given time. The Election Commission fixes the locations of polling stations on the basis of the number of voters and geographical situation. Generally, the Election Commission designates public buildings or public places as polling stations.

56. How do we know which places have been designated as polling stations?

The election office publishes a list of polling stations for the concerned election constituency. One can a municipality or village development committee office for information. Likewise, one can get information about the polling stations from the concerned district offices where district election offices exists or from election personnel within the Village Development Committee or municipality.

57. Where and when should one go to vote?

A voter must go to a polling station on the date and time published by the Election Commission. It is essential to obtain information about a polling station before Election Day. Voters can find out about the location of polling stations from their ward office, district election office or election personnel in a Village Development Committee or municipality.

58. Who is entitled to enter the polling station?

Only the following persons are entitled to enter the polling station:

- a. Voters (with an identity card in a constituency where identity cards are required).

- b. Candidate or his/her election representative or voting representative.
- c. The Election Commission, election officer or election personnel.
- d. A person given permission by an election officer to accompany a voter with a physical disability.

59. How to cast a vote in a polling station?

People can vote by going to the polling station and following these procedures:

- a. One has to reach the polling station during the time set for voting. It is necessary to carry an identity card in constituencies where identity cards are required.
- b. There may be more than one ward voting at your polling station; you must stand in the line designated for voters of your ward.
- c. In order to vote, a person should provide their serial number from the voter's list, their name, and their ward number to the election officer before casting their vote. In constituencies where identity cards are required, voters must produce an identity card in order to vote.
- d. One should inspect the ballot to make sure that the signature of the an election official appears on the ballot
- e. One must then go to a secret room and stamp their ballot and then drop it into the ballot box.

One should inspect the ballot to make sure that the signature of an election official appears on the ballot

60. What arrangements are made for voters unable to cast their own vote due to a disability?

If requested, the election officer shall assist a voter unable to cast their own vote due to sickness, old age, or physical infirmity such as blindness, or absence of eyesight or hands. The election officer shall mark the ballot according to the expressed will of the voter.

61. What is the provision for voter fraud by impersonation?

The candidate, or his or her election representative or voting representative (agent), shall file a petition of complaint with the polling officer by depositing 10 rupees (fee set by the Election Commission) against any person obtaining a ballot in the name of another person by disguising his or her real name. In the case of such a petition, the polling officer shall collect relevant evidence and make a decision immediately. The deposit shall not be returned if a valid complaint is not established. The deposit shall be returned to the concerned person if the complaint is valid.

62. What is “tendered” voting? How does one use this method of voting?

Tendered voting is as follows:

- a. A person claiming to be a registered voter can lodge a complaint in writing with the polling officer if it appears some other person has taken his/her ballot and already voted.
- b. The polling officer, in order to verify if the claim is valid or not, shall obtain originals of documents (the complainant’s identity card, citizenship certificate, etc.) and other evidence relating to the voter’s identity.
- c. The polling officer shall decide from the evidence submitted whether the complainant is the real voter.

Then the polling officer must indicate on a form given to the voter and on the left side of the record book that the ballot is “tendered.” Following that, the voter must be given a ballot.

When a “tendered” ballot is used, the ballot shall not be inserted into the ballot box but shall be placed in a separate envelope.

- d. When a “tendered” ballot is used, the ballot shall not be inserted into the ballot box but shall be placed in a separate envelope.

63. When is a polling station considered to be “captured”?

- a. If anyone, by using force or coercion or threat, takes control of the polling station.
- b. If anyone takes possession of the voting room.
- c. If anyone attempts to influence the act of voting, or allows only voters supporting a particular candidate to vote, or prevents other voters from voting.
- d. If anyone, with or without the use of force, prevents voters from going to the polling station(s).
- e. If anyone prevents election personnel from discharging their duties.
- f. If anyone snatches or damages the ballots, ballot boxes, or materials related to polling which are in the polling officer’s custody.

Any polling station that is out of the polling officer’s control is considered to be “captured”.

64. What is done after the expiration of the allotted voting time?

After voting time has expired, no one is allowed to vote in a polling station. Voters already standing in line when the period allotted for voting ends, are entitled to vote. After the expiration of voting time, the

The candidate or his/her appointed representative may go along with the polling officer while carrying boxes to the polling officer’s office, but they are not allowed to hold or touch the ballot boxes.

polling officer shall seal the ballot box by signing his/her name and shall submit the ballot boxes along with the receipts of used ballots and all of the unused ballots indifferent envelopes, along with any other election materials. The candidate or his/her appointed representatives, if they wish, may go along with the polling officer to the concerned office, but they are not allowed to hold or touch the ballot boxes.

65. How are the ballot boxes protected after the time allotted for voting has expired?

The following processes have been developed to safeguard the ballot boxes after the completion of voting:

- a. The polling officer shall submit all election materials to the election officer's office, keeping them all in his/her possession at all times until submitted.
- b. While processing the ballot boxes, proper coordination and cooperation must be made with security personnel.
- c. If the polling officer must stop somewhere while carrying the ballot boxes, priority must be given to the security of the ballot boxes.
- d. If election officials have to spend a night somewhere while carrying the ballot boxes to the center, they must inform the election office or the mobile team.

If the polling officer is compelled to halt somewhere while delivering the ballot boxes, priority must be given to the security of the ballot boxes.

Chapter 9

Counting of Votes

66. What are the requirements for impartial vote counting?

The following are the requirements for impartial vote counting:

- a. Fix a certain place to count votes and make necessary security arrangements.
- b. Arrange for counting of votes in one particular place or in one particular room.
- c. Arrangements must be made not to give entry to any person with weapons except the security guard.
- d. The election officer shall publish a notice specifying the place, date, and time of the vote counting.
- e. The place of vote counting must not be crowded; arrangements should be made to give entry to only two representatives of each candidate.

Arrangements must be made for counting of votes to take place in one room.

During vote counting, seating arrangements must be made for the vote counters and the candidates or his/her representatives. The candidate or his/her representatives can watch vote counting but cannot touch the ballots or assist in the counting.

- f. During vote counting, seating arrangements must be made for the vote counters and the candidates or his/her representatives. The candidate and his/her representatives can watch vote counting but cannot touch the ballots or assist in the counting.
- g. Before the counting of votes, signatures of all parties involved with vote counting are required. Such agreement is made in accordance with prevailing acts, laws and directives.
- h. After obtaining the ballot boxes from the various polling stations of the concerned election constituencies, arrangements should be made for immediate vote counting.
- i. After obtaining the affidavits or signatures of the parties involved, vote counting is started.
- j. After preparing the documents, the person assigned to vote counting by the party's candidate shall inspect the number of ballot boxes, the state of the boxes (have they been changed or opened?), the name of the polling station, and the other matters related to vote counting.

67. What is the process for vote counting?

The process for counting votes is as follows:

- a. After documenting the number of ballot boxes which arrived from their respective stations, the lid of the ballot box is opened and all the ballots in the ballot boxes are emptied on to the counting table. The empty ballot box is shown to the candidate or his assigned election representative or voting representative. While pouring the ballots from the boxes, the votes from two polling stations must be mixed up (in elections for the House of Representatives). The votes received from two wards of the same village development committee or the votes from other polling stations of other village development committee should be mixed up together.
- b. The ballots should be opened and the side with the election symbol must be placed upside. Bundles of at least 50 or 100 votes must be tied with a string and set in piles.
- c. The votes must be separated according to their election symbols. The void or rejected votes should be kept aside. These also should be

The act of vote counting must be done continuously without breaks.

made into bundles of 50 or 100 votes and tied up with strings or rubber bands.

- d. If there is more than one race on a single ballot, all the ballots must be opened and bundled into piles of 50 or 100 and tied with string or rubber bands. Then the ballots must be taken out of each bundle and the votes for each race must be counted at the same time.
- e. The process of counting votes must continue without break.
- f. When counting is completed for each post, separate vote counting forms must be filled out. The number of votes for each candidate must be recorded. In this way, the process of counting of votes is done and completed and the result of vote counting is published.

68. What are the conditions under which a ballot is declared invalid?

A ballot is declared invalid on the following grounds:

- a. If it does not bear the signature of the concerned polling officer.
- b. If it does not have the marking designated for voting (“swastik”), or if bears any other sign.
- c. If the marks on the ballot are torn, blurred, defaced, or dirty.
- d. If a voter has marked in a place other than in the box containing the symbol of the candidate.
- e. If the ballot is marked in a place where there is no one contesting.
- f. If it is returned to the polling officer with the intention of abstaining from voting.
- g. If the mark does not clearly signify definitely to which candidate the mark has been given.
- h. If the mark is placed in more than one box.
- i. If the vote is cast on a ballot other than the ballot specified for the concerned polling station.

Voters must use the seal containing “swastik” symbol. Voters may not make the mark of the thumbprint.

- j. If there are such things as money or extra papers attached to the ballot, or if the ballot is torn or has a hole in it.
- k. If the receipt is still attached to the ballot.
- l. If a half mark (containing the symbol of 'swastik') is made on one side of the ballot and a full mark on the other side of the ballot.
- m. If it is a fake ballot.

69. What is a candidate entitled to do when s/he is not satisfied with vote counting?

If the candidate is not satisfied with the counting of votes, after the vote counting is over and before the result of election is declared, s/he can file a petition to the chief election officer to repeat the counting of some or all ballots. The candidate should submit such petition as soon as possible.

70. What are the obligations of a candidate during vote counting?

S/he must adhere to the following duties:

- a. Be present during the counting of votes.
- b. Assist in creating a peaceful environment in the polling station.
- c. Not create unnecessary debate and assist in preventing it.
- d. Accept the lawful decision of the chief election officer.
- e. Abide by agreements made by all parties.
- f. Sign the affidavit or documents at the beginning and at the end of vote counting.
- g. Accept the mandate of the public, even if defeated.

Chapter 10

Security

71. What security systems exist to protect fair elections?

A security system is an entire set of activities designed to protect a voter's rights, such as participation in free and fair voting, and voting without fear, intimidation, threat or pressure from any side.

72. What are the fundamental responsibilities of the bodies and units in charge of security?

It is the responsibility of the concerned security units to ensure that no untoward incident affecting peace and order during the period of election occurs, to maintain an environment where voting without hindrance is possible, and to protect the polling station, the voters, the ballot boxes, the officers and election personnel, and the place designated for vote counting.

73. What types of situations constitute a disturbance of the peace?

On Election Day, three hours before voting begins and up to its end, any activity intended to disturb or which disturbs the duties of election personnel, or any activity around the public house, building or land designated for polling, or around the private house, building, or land designated for polling, or in the vicinity surrounding the site designated for polling, is considered to be disturbing the peace.

The following activities may be considered to be disturbing the peace:

- a. Use of loudspeaker/megaphone or any such instrument.
- b. To play or make others play musical instruments, conduct a dance program, or conduct any type of gathering or ceremony which involves noise or crowds.
- c. To explode or use weapons or poisonous gases, or carry explosives in the vote counting places or surrounding areas (security personnel exempted).

74. What role should political parties play to ensure a secure voting process?

Candidates, political parties, and political workers are highly involved in elections. Without their commitment to conduct elections peacefully, it is impossible for the voters to participate in a secure manner. Therefore, each political party must play the following role in secure voting:

- a. Nominating upright and capable candidates.
- b. Appointing a voting representative who is knowledgeable about election law and familiar with the voters.

A political party should encourage its candidates to appoint voting representatives who are knowledgeable about election laws, and are familiar with the voters.

- c. Discouraging party workers from creating disturbances and restricting them from casting fake votes or engaging in violent activities.
- d. Punishing people involved in election crime instead of protecting them.
- e. Not influencing the police administration unlawfully.

75. What kind of cooperation must the people extend to make the voting system secure?

One can help in the following ways:

- a. By standing in line at the polling station on Election Day.
- b. By not destroying the ballot.
- c. By informing the security officer when somebody tries to vote by impersonation.
- d. By informing the security officer if someone is carrying weapons at the polling station.
- e. By restricting/banning the sale and use of alcohol near the polling station.
- f. By informing security personnel about suspected violence, especially in areas near international borders.

We must inform security personnel when someone tries to vote by impersonation.

76. How can a candidate help ensure secure voting?

A candidate can help in the following ways:

- a. By assisting administrative and security forces.
- b. By instructing one's workers to vote peacefully.
- c. By discouraging undue discussions or quarrels with opposition candidates and their supporters.
- d. By not providing food or alcoholic drinks or other intoxicating substances during the polling period.

One should not organize a party with alcohol during the polling period.

Chapter - 11

Election Code of Conduct

77. What is meant by an election code of conduct? Why is such a code required for elections?

An election code of conduct is a code to be followed by political parties, candidates, and the government in respect to an election. In other words, it is a set of binding legal regulations for political parties, candidates, and the government. Adherence to a code of conduct is required for the following reasons:

- a. To conduct elections peacefully.
- b. To discourage the use of government facilities and resources in favor of any side.
- c. To discourage improper competition.
- d. To make elections less expensive and free from pomp and show.
- e. To make elections fair, free and dignified.

78. What conduct is required of political parties and candidates?

Political parties and candidates should adhere to the following:

- a. Nothing detrimental to the nationality, independence, sovereignty, multiparty democracy, parliamentary system, or constitutional monarchy of Nepal should be propagated or published during the election period.

Voters should not be encouraged to vote on the grounds of religion, caste ethnicity, or language.

- b. Voters should not be encouraged to vote on the grounds of religion, caste, ethnicity, or language.

No poster, pamphlet document or painting should be pasted or painted upon any religious places, anthropological or historical sites, or memorials.

- c. No one is entitled to assassinate the character of any candidate or their family member, or publish such things.

- d. Candidates should be aware of each other's democratic rights. As such, campaign language should be restrained and should conform to accepted norms of decency.
- e. No one is allowed to campaign or conduct rallies 48 hours prior to the election.
- f. No poster, pamphlet, document, or painting should be pasted or painted upon any religious places, anthropological or historical sites, or on memorials.
- g. No poster, pamphlet, document, or painting should be pasted on private residences without consent of the owner.
- h. No political party or candidate should usurp, snatch, destroy, or damage another's poster or write anything on them.
- i. Political parties or candidates should remove the posters, pamphlets, or election symbols after the election is over.
- j. No one should damage, remove, amend or make any additions to election related material or notices issued by the Election Commission.
- k. Publicity using any kind of banner or cloth is not allowed.
- l. During the campaign, one is allowed to use only pamphlets up to 6" x 10" or posters up to 18' x 22" on paper of up to 60 gram weight. The poster must be of one color (i.e. black and white). The name and address of the printing press must be printed on all pamphlets and posters.

No poster, pamphlet, document, or painting should be pasted on private residences without consent of the owner.

Political parties or candidates should remove the posters, pamphlets, or election symbols after the election is over.

No one should compel voters to vote by using fear, threat, intimidation, or temptation, or by a religious oath.

Political parties and candidates should make their workers aware of the details of the election code of conduct and advise them to obey it.

- m. No one is allowed to use plastic materials during canvassing.
- n. No candidate shall use more than three vehicles in his constituency including buses, trucks, cars, or tractors. Likewise, one cannot use more than three loudspeakers.
- o. The public peace should not be disturbed while using audio materials like loudspeakers, cassettes or radios. Additionally, one can use such materials only between 7 am and 9 pm. One should not play such audio instruments in one place for a long period with the exception of some public meetings.
- p. The time allotted for having public meetings, street corner gatherings, or rallies is between 7 am and 9 pm. Demonstrations that use arms or torches are not allowed.
- q. Political parties having rallies or public meetings must contact and inform the concerned local administration.
- r. Since it is the duty of all to assist and co-operate with the election officers and security guards in the successful discharge of their duties, people must refrain from the use of fear, threat, intimidation, force or temptation.
- s. No one should compel voters to vote by using fear, threat, intimidation, or temptation, or by a religious oath.
- t. No one should try to write anything or compel others to write or paint around the polling station. A candidate must remove such materials before polling.
- u. One should not obstruct or attempt to obstruct a voter from voting.
- v. A candidate or his assigned representative, or a party worker, should not use force, coercion, or intimidation, nor seize or attempt to seize the ballot box, or seize or attempt to seize, snatch or damage the ballots or other election related materials.
- w. No political party member or candidate, while registering his/her nomination, is allowed to enter into areas designated by the election officer with a procession.
- x. One should not conduct rallies of trucks, tractors, buses, rickshaws, cars, or motorcycles (bicycles are allowed).

- y. No candidate shall use more than one vehicle on Election Day.
- z. No one shall arrange parties or feasts with the intention of influencing voters on behalf of any political party or candidate.
- a. No person or political party should chant slogans, or urge others to chant slogans, during the time of polling and counting.
- b. A political party or candidate is required to follow and make his supporters or workers follow the election code of conduct by providing them with sufficient information about it.
- c. Any candidate shall follow and make others follow the pertinent acts, laws, directives, and orders, including the system established in the Election Crimes and Punishment Act of 1990.

79. What conduct is expected from government owned mass media?

Government owned mass media should adhere to the following:

- a. The mass communication media (audio, visual and print) functioning under the control of His Majesty's Government shall be completely impartial and shall have no prejudice against any of the political parties or candidates.
- b. The opportunity to present candidates and their respective policies and view points to the voters should be made available by the mass media. The arrangements for media time must be based on clear and just standards.
- c. Attractive audio visual and print material encouraging voters to cast their votes without fear shall be published and broadcast to the maximum extent possible.
- d. No publicity aimed at influencing voters on the basis of religion, community, or caste is allowed.
- e. No materials to arouse the feeling of illusion, jealousy, terror, excitement, or violence are to published or produced, or to be encouraged to be published.
- f. While collecting the news, editing, giving titles, publishing photos or cartoons, writing editorials, reactions, reports, descriptions, discussions, analyses, questions, answers or any type of audio, visual

or print materials, publicity shall not be aimed at influencing the voters in favor of a particular political party or candidate.

- g. During multiparty events, a program moderator must play an impartial role.
- h. Government media shall keep cassettes or duplicates of materials mentioned they produce or publish, and submit them to the Election Commission if requested.

80. What conduct is expected from His Majesty's Government?

His Majesty's Government should adhere to the following:

- a. Foundation laying ceremonies, inaugurations, or the approval of any new plan or program, or the announcement of a study or survey of any new program, or the provision of grants should be avoided.
- b. His Majesty's Government officers and civil servants, and employees of government owned organizations or corporations/committees, may not be used for the purpose of publicly favoring a political party or a candidate in order to influence election results.
- c. Any political party or candidate should not utilize for the sake of publicity or for benefit, vehicles and other resources or property belonging to governmental organizations, public corporations, or committees.
- d. Buildings, guesthouses, playgrounds, assembly halls and other such resources or facilities should not be given to any political party or candidate or to persons involved in elections. Vehicles and other resources or facilities used by the ministers or advisors of His Majesty's Government should not be utilized for the benefit of any particular party or candidate.

However, in view of the dignity of the office of Prime Minister, these restrictions do not apply to the use of government resources or facilities in connection with a Prime Minister's visit, but political party leaders and cadres shall not be included in this exception.

- e. No transfers, deputizations, or appointments to any vacancy should be made without the permission of the Election Commission after the election date has been announced.

Selling, distribution, and consumption of alcohol is prohibited three days prior to the election and three days after the election.

- f. Creation of new positions, salary increases and the granting of grades, prizes or other such facilities is prohibited.
- g. Selling, distribution and consumption of alcohol is prohibited three days prior to the election and three days after the election.

81. How do we determine whether or not the code of conduct has been adhered to during the election?

The following have been established in order to determine whether or not the code of conduct for elections has been followed:

- a. The code of conduct comes into effect the moment the date for election is announced.
- b. Prior to the formal opening of the election office, the Election Commission mobilizes local administration and police to monitor and follow up on whether or not the code of conduct is being followed.
- c. After the opening of the election office, one officer is assigned to the task of monitoring and following up on whether or not the code of conduct is being followed.
- d. When the Election Commission is informed by any source about a violation of the code of conduct, such information is immediately examined.
- e. Violations are immediately stopped through the cooperation of local administration and police. It is also the duty of the administration as well as the police to do this.
- f. The local administration or the police should immediately inform the Election Commission if a violation of the code of conduct is seen or found.
- g. The election officer shall report immediately to the Election Commission about such acts.
- h. The election code of conduct is enforced only in those constituencies where an election is being conducted.

82. How is a complaint lodged to allege a violation of the code of conduct? Who acts upon the complaint?

- a. After the announcement of the election but prior to the opening of the election office, anyone can file a petition either orally or in writing to the local police administration.
- b. One can file a petition orally or in written form to the office of the election officer after it opens.
- c. After receiving information on a violation of the code of conduct, the offices shall follow up by contacting the political party or candidate involved.
- d. The election officer, the local administration, or the police, after receiving information on a violation of the code of conduct by a political party or a candidate, shall take action and inform the Election Commission.
- e. The Election Commission shall conduct the proceedings if His Majesty's Government is alleged to have violated the code of conduct.

83. What types of activities and campaign expenditures are political parties allowed, according to the code of conduct?

The nature of activities and the spending limits of a political party or candidate, according to the code of conduct, are as follows:

A. The House of Representatives

The election code of conduct provides for different spending limits. Nepal's 75 districts are divided into different groups due to their various geographic and economic conditions.

a. Districts in Group A:

Kathmandu, Lalitpur and Bhaktapur - 3 districts

b. Districts in Group B:

Jhapa, Morang, Sursari, Saptari, Siraha, Dhanusha, Mahottari, Sarlahi, Rauthat, Bara, Parsa, Chitwan, Nawalparasi, Rupendehi, Kapilwastu, Dang, Surkhet, Banke, Bardia, Kailai and Kanchanpur – 21 districts

c. Districts in Group C:

Taplejung, Panchthar, Ilam, Sankhuwasabha, Terthum, Bhojpur, Dhankuta, Solukhumbu, Khotang, Okhaldhunga, Udayapur, Dolakha, Ramechhap, Sindhuli, Dhading, Nuwakot, Rasuwa, Kabhre, Sindhupalchok, Makwanpur, Gorakha, Lamjung, Kaski, Palpa, Arghakhanchi, Maygdi, Baglung, Parwat, Gulmi, Rukum, Rolpa, Peuthan, Salyan, Jajarkot, Dailekh, Bajura, Acham, Bajhang, Dotti, Darchula, Baitadi, Dadeldhura, Tanahu and Syangja - 44 districts

d. Districts in Group D:

Morang, Mustang, Dolpa Muggu, Jumala, Kolikot and Humla - 7 districts.

The following are the spending limits set by the Election Code of Conduct for the four groups:

Item No.	Title	Group A	Group B	Group C	Group D
1	To purchase voters list	1,500	1,500	1,500	1,500
2	Transportation	162,000	145,500	87,500	61,500
3	Loudspeaker	21,000	18,000	15,000	11,000
4	Poster (Max.10,000)	11,000	8,000	6,500	3,500
5	Pamphlets (Maximum 10,000)	4,500	4,000	3,500	2,500
6	Loading	-	-	10,000	12,000
7	Public meeting/Seminar	25,000	20,000	15,000	10,000
8	Party workers/office	20,000	15,000	10,000	5,000
9	Booth expenditure	20,000	15,000	10,000	5,000
10	Miscellaneous expenses	10,000	8,000	6,000	3,000
	Total Expenses	275,000	235,000	165,000	115,000

D group transport limits include expenditures only for horses.

C group transport limits include an additional Rs. 25,000 for other transportation in addition to horses.

The following are rates set by the election code of conduct:

1. Vehicles (jeep, car, bus, truck or tractor): minimum daily rates for each unit varies depending on location (deducting fuel and maintenance):

- | | | |
|----|--|----------|
| a. | <u>If rented:</u> | |
| | * Petrol vehicles | Rs. 750 |
| | * Diesel vehicles | Rs. 1275 |
| b. | <u>Amount deducted from above rate if not rented:</u> | |
| | * Petrol Vehicles | Rs. 500 |
| | * Diesel Vehicles | Rs. 1000 |
| 2. | <u>Other vehicles (deducting the cost of fuel and repair):</u> | |
| a. | <u>Motorcycle</u> | |
| | * If rented | Rs. 200 |
| | * Amount deducted if not rented: | Rs. 150 |
| b. | <u>Auto rickshaw</u> | |
| | * If rented | Rs. 350 |
| | * Amount deducted if not rented | Rs. 250 |
| c. | <u>Rickshaw</u> | |
| | * If rented | Rs.150 |
| | * Amount deducted if not rented | Rs. 100 |
| d. | <u>Horse (not including food)</u> | |
| | * If rented | Rs. 625 |
| | * Amount deducted if not rented | Rs. 550 |
| 3. | <u>Loudspeaker</u> | |
| | * If rented | Rs. 225 |
| | * Amount deducted if not rented | Rs. 125 |
| 4. | <u>Hand Speaker/Megaphone</u> | |
| | * If rented | Rs. 75 |
| | * Amount deducted if not rented | Rs. 50 |

84. How should political parties or candidates submit the record of expenditures made in an election according to the code of conduct?

The following are the regulations regarding time and place for a political party or a candidate to submit a record of election expenditures according to the code of conduct:

- a. A candidate of a political party or an independent candidate shall spend the money himself, or by representatives, and not exceed the amount set by the Election Commission, only for activities allowed by the election code of conduct.
- b. The candidate shall keep all records of expenses.
- c. A political party shall submit a complete description of total expenditures spent on its candidate to the Election Commission.
- d. In an election for the House of Representatives, a candidate shall submit to the election office a complete description of expenditures for every 15-day period within three days after that spending period's completion.
- e. In the House of Representatives election, a candidate or political party shall submit a record of total election expenditures, and expenditures made in support of the party or candidate by third parties, within 30 days after the declaration of election results, in a format prescribed by the election officer.
- f. The election officer shall audit records of election expenditures and after the audit shall send them to the Election Commission.
- g. In local elections, each candidate must submit to the election officer a record of total election expenditures incurred during the election, within 30 days after the declaration of election results.

In an election for the House of Representatives, a candidate shall submit to the election office a complete description of expenditures for every 15-day period within three days after that spending period's completion.

In the House of Representatives election, a candidate or political party shall submit a record of total election expenditures, and expenditures made in support of the party or candidate by third parties, within 30 days after the declaration of election results, in a format prescribed by the election officer.

85. What are the provisions under existing law for a candidate who does not submit the details of expenditures within the stipulated time, or exceeds the limit of expenses to be spent on the elections?

The following are provisions under law for a person who does not submit the details of expenditures within the stipulated time or exceeds the limit of the maximum allowed expenses to be spent on the election:

- a. In case of a violation of the election code of conduct by any candidate or by a political party or its workers while engaged in an election campaign, the election court shall void the election pursuant to section 19, subsection (1) of the Election Crime and Punishment Act 1990.

- b. In the event of failure to submit the description of election expenses, the Election Commission may impose a fine of up to an amount equal to the ceiling specified for election expenses.
- c. If a candidate engages in egregious conduct which damages the election process or spends massive amounts above the legal limits, the Election Commission may decide to make disqualify such person from being a candidate in any election for up to six years effective immediately.
- d. If it is proved that a candidate exceeded the spending limit specified in the election code of conduct, s/he shall be punished according to the Election Crime and Punishment Act 1990, and his/her election shall be void.

In case of a violation of the election code of conduct by any candidate or by a political party or its workers while engaged in an election campaign, the election court shall cancel the election under section 19, subsection (1) of the Election Crime and Punishment Act 1990.

Government owned committees, government authorities, and employees of His Majesty's Government shall strictly abide by the election code of conduct. The Election Commission, or any official authorized according to the Election Commission Act 1990, may request action against such an employee or impose punishment in accordance with law for violating the election code of conduct. Where violations of the code of conduct are involved, punishment may also be invoked under the Election Crime and Punishment Act 1990, if the Act defines the action as an offense.

Chapter 12

Election Crimes and Punishments

86. What are election crimes?

Anything detrimental to free, fair, and impartial elections, and criminal and irresponsible activities in relation to elections, are known as election crimes. These activities are prohibited by law, and punishments have been established for those violating these laws.

87. What kinds of activities or actions are considered to be election crimes?

The following acts are considered to be election crimes according to Chapter 2 of the Election Crimes and Punishment Act of 1990:

- a. To obtain a ballot and cast a vote in another's name.
- b. To influence others through fear, terror or intimidation.
- c. To indulge in character assassination of a candidate or his family members with an intention to influence the election or to influence voters.
- d. To campaign in a manner affecting the independence, sovereignty, and integrity of the nation, or to engage in publicity based on religion, caste, creed, language, or regionalism leading to communal disharmony.
- e. To offer any cash, goods, or gifts in exchange for votes.

To offer any cash, goods, or gifts in exchange for votes is an election crime.
- f. Any person assigned to the election, a security official, or an observer appointed by the Election Commission shall not take actions designed to make a candidate successful or unsuccessful.

To hand over one's ballot to another, or to drop something other than a ballot into the ballot box is considered an election crime.
- g. To obstruct election personnel on Election Day or to create a disturbance of any kind around the polling stations.
- h. To carry or use explosives, arms or ammunition around polling stations.
- i. To damage, lose, or tear election notices or other related documents.
- j. To delete, deface, correct, forge, damage, or tear ballots.
- k. To hand over one's ballot to others or to drop things other than a ballot into the ballot box.

- l. To seize, loot, steal, tear, damage, or spoil any documents relating to elections.
- m. To carry materials or documents outside the polling station without the permission of an election officer.
- n. To cause obstruction of any kind to election personnel.
- o. To delete, tear, damage, spoil, or misuse your voter's identity card, or to give others your identity card for them to use.
- p. To violate the election code of conduct.
- q. To take a ballot from an election officer or from another voter in order to cast a vote unlawfully.
- r. To fail to print the name of the printing press, political organization or the party or candidate's name on published pamphlets, posters, stickers etc.
- s. To paste campaign materials or write campaign slogans on religious, archeological or historical monuments.
- t. To undertake electioneering within 48 hours before Election Day.
- u. To obstruct vote counting or other matters relating to elections.
- v. To violate the secrecy of another's vote.
- w. To fail to submit the expenditures incurred in the election, as required of candidates.

To paste campaign materials or write campaign slogans on religious, archeological or historical monuments is considered an election crime.

88. What is the legal provision for punishing a person who commits an election crime?

According to the nature and severity of the offense, a fine of 1000 rupees or a sentence of three months imprisonment or both may be imposed, or a fine of 2000 rupees or a sentence of two years imprisonment or both may be imposed, in accordance with Chapter 3 of the Election Crimes and Punishment Act 1990. Likewise, any person sentenced to imprisonment under this Act shall not be eligible to be a candidate in elections until six years after the completion of the term of imprisonment.

89. How to file an election crime case? Who is entitled to file the charges?

An investigating officer appointed by the Election Commission to investigate election related offenses shall file the case in the election court no later than 90 days after the investigation is complete.

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