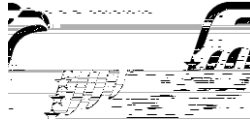


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II. Context

A. OVERVIEW OF PREVIOUS PHASES OF THE VOTER REGISTRATION PROCESS

The voter registration process has been conducted in several phases since it began in March 2010.³ After an initial pilot project, a nationwide enumeration and mobile registration effort was undertaken in several stages, concluding in mid-July 2011. Subsequently, field-level registration was re-opened in 11 priority districts where voter registration was interrupted or could not take place in the nationwide phase due to political party obstruction or where registration data was lost.⁴ Voter registration has also been ongoing on a permanent basis at District Election Offices (DEO), and on a temporary basis at District Administration Offices (DAO) and Area Administration Offices (AAO).

On the basis of projections from 2001 census data, the ECN estimated that there may be some 14.7 million potentially eligible registrants. Presently the ECN is waiting for the results of the 2011 census to update this target registration figure.⁵ By the time the first nationwide registration process ended in July 2011, the ECN had registered approximately nine million voters, some two million below their interim target for that period. This was due in part to political party protests and obstruction in some areas of the Tarai and the Eastern Hills, which stopped voter registration efforts in some districts during spring 2011, but was also due to a number of other factors, including: internal migration; insufficient awareness of the voter registration program among eligible Nepalis; lack of motivation among eligible Nepalis to register; and lack of proof-of-eligibility documents (especially citizenship certificates) for an unknown number of people.⁶

In December 2011, the ECN began the process of verifying registration records at the district level and transferring them to the central ECN database. Although incomplete and subject to data collection errors, the consolidated database marked the beginning of a unified electronic register with biometric

encouraging voters to register. By the end of this phase of voter registration, strikes and *bandhs* hampered movement in some districts, on occasion disrupting voter registration schedules or preventing citizens from reaching registration sites.

1. Display, claims and objections

With the voter register aggregated at the central level, the ECN conducted a display, claims and objections process. This entailed printing the voter rolls and distributing them to the districts for public display at VDC and municipal ward level.⁷ The display, claims and objections process was conducted over a 14 day period⁸ when citizens were able to come to their VDC or municipal ward offices to check that they had been included on the voter roll and that their information had been correctly recorded. In case of errors, citizens could file claims on behalf of themselves or their family members in order to have their records corrected. Additionally, citizens could file for an objection or for a removal of a record which they believed should not be included in the voter rolls, for instance, for inclusion of a voter who was deceased, had moved away, was registered elsewhere, or was ineligible to register to vote.

2. Missed Voter Registration (MVR)

Concurrently with display, claims and objections, the ECN conducted a nationwide MVR exercise at the VDC and municipal ward level.⁹ This mobile registration process was intended to reach citizens who had not registered during previous phases, including young people who had turned 16 since field registration was last conducted, people who

- Observers noted that the MVR process suffered from some of the same problems that contributed to the errors recently identified. Moreover, the MVR period was too short in some places and better advertisement may have resulted in higher turnout;
- There was a lack of provision for out of district (migrant) voters during MVR at the VDC level, as well as limited targeted voter outreach to groups less likely to register.
- The absence of any additional effort by the MoHA to distribute citizenship certificates to eligible citizens during the MVR process was a missed opportunity to ensure full access to voting rights in line with the February 2011 Supreme Court ruling;
- Challenges with voter registration management continued, including issues with timeline and calendar planning, data management, and staffing concerns.

IV. Assessment of the Legal Framework for Display, Claims and Objections and Missed Voter Registration

The ECN is implementing voter registration in accordance with the Interim Constitution of Nepal (2007), the Electoral Roll Act (2006), and the Electoral Roll Rules (2012). Based on this legal framework, the ECN has developed policies and procedures to govern the conduct of voter registration, including eligibility requirements and implementation measures. The Electoral Roll Act has not yet been amended to reflect the continuous voter registration system now in use in Nepal. This creates limitations in draft rules and regulations that reflect the modalities of the new system.

In March and April 2012, the ECN issued three documents regarding the display of the voter rolls, the handling of claims and objections and MVR. These documents were an amended version of the Electoral Roll Rules, the ECN Guidelines,¹² and the Implementation Plan. The amended Electoral Roll Rules, 2012 has replaced the Electoral Roll Rules, 2007 as the registration program and primarily address the technical procedures that election officials should follow. The Guidelines consist mostly of definitions of roles and responsibilities of election officials. They assign District Election Officers (DEOs) overall responsibility for the display, claims and objections process and the voter registration process at district level, and assign VDC and municipal ward secretaries (who are given the role of Assistant Name Registration Officers ANROpal A

V. Observation Findings

A. QUALITY OF VOTER REGISTRATION DATA

existed regarding the comparatively low level of staffing given the size of the task,²¹ lack of clarity and insufficient detail in the directives given for the complex task, and the amount of time allocated (the initial deadline for completion was July 15, 2012). In response, the ECN decided to conduct training for 52 DEOs and computer operators, and requested staff in the remaining 23 districts to visit the districts in which training had taken place in order to learn the process. Additionally, the ECN informally stated that additional time may be provided if necessary. The Carter Center encourages the ECN to carefully monitor this process, to respond quickly to requests for clarification or support, and to encourage officials to prioritize quality over speed, providing additional time if needed.

2. Other errors on the voter roll

a. Wrong polling station assignment and verification

An ECN review

in the mother four for errors in the citizenship number, three for wrong gender, and two for incorrect photographs.²⁴

B. DISPLAY, CLAIMS, AND OBJECTIONS PROCESS

The display, claims, and objections process, in addition to fulfilling a legal obligation, was important in improving the accuracy of the voter register. This process enabled the identification of errors in the voter roll, some of which affected multiple registration records. It also served as a transparency mechanism, as this was the first time that citizens, political parties and civil society organizations were able to review the new voter rolls. Given that the quality of the voter register was perceived as a

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A. VOTER REGISTRATION TURNOUT

unregistered (potentially between approximately 1 – 4 million people). The ECN took positive steps during this period to reach out to these voters by conducting MVR. However, while this exercise increased the number of voters on the roll to approximately 10.8 million, this represents only 73
14.7 million voters.³¹

registration at DAO and AAO offices, targeting students who are obtaining their citizenship certificates in order to pursue higher studies, is positive. The ECN should continue with these current efforts and consider others to move towards meeting registration targets. The ECN should also revisit registration targets in a transparent and systematic manner when necessary 2011 census data is available.³² Both of these efforts will help to ensure that unregistered but eligible individuals who could potentially be disenfranchised are registered and that the voter register is ready when an election is held.

B. PERSONS WITHOUT CITIZENSHIP CERTIFICATES

Eligibility for and access to citizenship certificates remain important challenges to building a comprehensive voter register. Possession of a citizenship certificate is a requirement to register on the new voter rolls. Rough estimates based on incomplete enumeration data suggest that approximately 2.1 million persons at the VDC level may lack citizenship certificates. The ECN has indicated there is serious concern over the quality of the data used to generate this figure and that it should not be considered reliable.³³ Nonetheless, this figure and LTO findings indicate that a significant segment of the Nepali population

C. VOTER REGISTRATION MANAGEMENT ISSUES

The Carter Center commends the ECN for showing flexibility during the voter registration process. However, throughout the process several voter registration management issues have persisted, including challenges with timeline and calendar planning, data management, and staffing. The third interim statement discussed these issues in detail and provided several recommendations, most of which remain relevant to date. Specifically during this observation period, many errors discovered in the voter roll during its display were

future verification processes achieve their intended goals. Increased ECN monitoring across the entire voter registration process would also be of added value and should be considered for the future.

- **Develop an effective plan to transparently and systematically verify all Out of District Registration (ODR) records for accuracy.** All ODR records are being transferred to Kathmandu, sorted according to the district for which citizens registered to vote, and returned to the district level. The ECN should develop a detailed plan to successfully manage this complex verification task, including creating instructions for contacting voters about changes being made to their records. ODR records with potentially difficult problems could be held for further investigation by a team specifically trained for the task in Kathmandu.

Concerning display, claims and objections and MVR:

- **Conduct another round of field voter registration and another round of display, claims, and objections prior to the closing of the voter register, if possible given the electoral calendar.** Given the number of inaccuracies in registration records, the large-scale effort being undertaken to correct them, and the need to register additional voters, allowing citizens a further opportunity to register and to verify their data prior to the closing of the voter roll would be of benefit to citizens and the ECN alike. Another phase of display, claims and objections and MVR should be coupled with a well-planned voter education campaign. The period for which display, claims and objections and MVR are conducted should be sufficient for citizens to be able to learn about and participate in them.

Concerning rules, directives, trainings and forms:

- **Review the Electoral Roll Rules to ensure that voters cannot be removed from the voter roll without due process.** The lack of safeguards against mistaken or unwarranted removals is of protection of voting rights and due process. Voter laws and regulations should create safeguards that ensure such problems will not prevent eligible citizens from voting.
- **Revise the Electoral Roll Rules, directives, instructions and forms to ensure that they are clear, sufficiently detailed, and compatible with a continuous voter registration system.** Insufficient and unclear rules, directives, instructions and forms have led to considerable misunderstanding in different phases of the process, including substantial disparities in how data verification, display, claims and objections, and MVR occurred across the country. All should be drafted and issued well in advance of new voter registration activity to allow for the development of training materials, training of all relevant election officials, and time for identification and correction of problems. This will allow for more extensive and better-timed voter education and staff training, increased turnout, and the improved the quality of the process.

Concerning national-level challenges:

- **Continue efforts to reach all eligible but unregistered citizens across Nepal and revisit registration targets when necessary 2011 census data becomes available.** extensive efforts, a significant number of potentially eligible voters may remain unregistered (possibly between approximately one to four million people). While the ECN has taken recent positive steps to target new registrants, additional efforts will likely be needed before the voter register is closed. continue to aim for its initial target of 14.7 million voters in order to demonstrate that it is seeking to reach the maximum number of people and to build trust in the process. After official CBS figures are available, the ECN should then revise registration turnout targets in line with the new 2011 census data and, as done previously, provide clear justification for the revised figures.
- **Work to overcome continuing challenges with voter registration management, including issues with timeline and calendar planning, data management, and staffing.** These challenges were highl third interim statement, and persisted during this reporting

period, leading to problems with the quality of data on the voter rolls and with the display, claims, and objections and MVR phase.

The Government of Nepal should:

- **Increase its efforts to ensure that all eligible citizens have access to citizenship certificates, as required by the Feb. 7, 2011, Supreme Court decision.** In particular, the deployment of mobile teams by the MoHA to issue citizenship certificates, in conjunction with any future field registration efforts by the ECN, should be accorded priority. The Carter Center also encourages the government to consider ways to overcome legal barriers to registration by otherwise eligible persons, such as the children of individuals who received citizenship by special provision in 2007.
- **Promulgate a new Electoral Roll Act that fully reflects the continuous voter registration system now in use in Nepal.** This will allow the ECN to draft rules and directives that are better suited for the implementation of the new voter registration system in use.

Political parties and civil society should:

- **Play a more active and supportive role in the voter registration process.** While in some places party representatives checked the voter rolls during the display period, in general observers found little evidence that political parties undertaken efforts to raise awareness about or mobilize citizens to participate in the display, claims and objections and MVR processes. It is in the interest of all parties to support the registration process by mobilizing potential supporters. Additionally, while there continued to be some positive CSO activities r r tat8(C)4at calhejections and MizPl(s6(r r)-1(t)8(t)-4

ANNEX 1 – Overview of the Voter Registration Process to Date

