



**The Carter Center's Fourth Interim Statement on the  
Election Commission of Nepal's Voter Register with Photograph Program  
July 26, 2012**

**I. Introduction**

The Election Commission of Nepal (ECN) is conducting a nationwide voter registration process to create a new computerized voter register. In addition to the Carter Center's broader efforts to observe the peace and constitutional processes at the local level, The Carter Center was invited and accredited by the ECN to observe the voter registration process. Carter Center observers have gathered information about the process from 58 of Nepal's 75 districts since March 2010.<sup>1</sup> The Center's observation objectives are to support the electoral process, to promote confidence in the ECN and the voter registration process to the degree warranted, and to contribute to the overall strengthening of the democratic process in Nepal. This statement builds on the Center's three previous interim voter registration statements and is intended to provide an impartial assessment of recent phases of the process, including highlighting positive aspects, identifying potential weaknesses, and offering recommendations for steps that could be taken to strengthen the process.<sup>2</sup>

This statement covers the most recent voter registration activities of the ECN, namely the "display, claims and objections" process in which the new voter rolls were made available throughout the country for citizens to check the accuracy of the registration data and make any related claims or objections, and the missed voter registration process (MVR) in which the ECN reopened registration centers for short periods at Village Development Committee (VDC) and municipal ward level to register eligible voters who were not yet on the rolls. The Carter Center observed these activities in 16 districts throughout Nepal. The statement also includes a brief assessment of the legal framework and guidelines for these activities, as well as an update on the three main national-level challenges facing the voter registration process to date (outlined in depth in the Center's third interim statement): voter turnout, eligibility document requirements including citizenship certificates, and voter registration management.

Finally, it is important to note that the political context surrounding the ECN's voter registration process has changed significantly since the Carter Center's last observation statement. On May 27, 2012, Nepal's Constituent Assembly was dissolved as it had failed to produce a new constitution within the specified deadline. In response, the government announced that a new election would be held on Nov. 22, 2012, a decision that was strongly opposed by a coalition of opposition parties. At the time of writing the government and opposition parties are discussing the possible way forward.

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<sup>1</sup> Concerns about the previous voter register were highlighted by the Carter Center's observation mission to the Constituent Assembly Elections in 2008, and "Create a more inclusive and accurate voter list" was the top recommendation of the Carter Center mission's final report. See "Observing the 2008 Nepal Constituent Assembly Election," November 2008, The Carter Center. Available at:

[http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/FinalReportNepal2008.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/FinalReportNepal2008.pdf).

<sup>2</sup> All Carter Center interim statements on earlier phases of the voter registration process are available at: [http://www.cartercenter.org/news/publications/peace/democracy\\_publications/nepal-peace-reports.html](http://www.cartercenter.org/news/publications/peace/democracy_publications/nepal-peace-reports.html).

## 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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 data for all registrants. After aggregation of most voter registration records, the ECN searched the database for duplicate registration records, using text-based fields such as name and citizenship certificate number. During this process, approximately 22,000 duplicate records were found. Definite duplicates were deleted at the ECN, with the most recent duplicate records kept as valid, and older records removed from the active register. The rest of the potential duplicate matches were sent to DEOs for verification. Biometric searches using fingerprint data have not been conducted, as the ECN does not yet have the appropriate software.

### B. OVERVIEW OF MOST RECENT VOTER REGISTRATION ACTIVITIES

The most recent phase of voter registration took place from April 15-May 28, 2012, and included the public display of the voter rolls, a period in which citizens could file claims and objections after inspecting the rolls. A missed voter registration (MVR) exercise to reach eligible citizens who had not yet registered was also held. This phase was undertaken in the context of intensified negotiations among political parties represented in the Constituent Assembly regarding the peace process and constitutional issues. These issues continued to take the attention of parties away from the voter registration process, to a degree limiting their participation in actively checking the voter roll and

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<sup>3</sup> Several international guidelines affirm the importance of an accurate and complete voter register: Organization for Security and Cooperation in Europe (OSCE), Existing Commitments for Democratic Elections in OSCE Participating States, pp. 58, 61; UN, UN General Assembly, Guidelines concerning computerized personal data files, art. 2; and Inter-Parliamentary Union Declaration on Criteria for Free and Fair Elections, para. 4(2).

<sup>4</sup> In Taplejung, mobile voter registration was re-opened due to a fire that destroyed data from four registration centers. For more information on political party obstructions, see The Carter Center's "Second Interim Statement." For more information on resolution of these political party obstructions and re-opening of field-level registration in 11 "priority" districts, see The Carter Center's "Third Interim Statement."

<sup>5</sup> For more information on the ECN's estimate of 14.7 million potentially eligible registrants see p. 4 of The Carter Center's "Second Interim Statement."

<sup>6</sup> For more information on those without citizenship certificates see: Section VII. B) of this report as well as previous Carter Center voter registration reports.

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.<sup>7</sup> The display, claims and objections process was conducted over a 14 day period<sup>8</sup> 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.<sup>9</sup> 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 had returned to their place of residence, and people who had newly obtained citizenship certificates but had not yet registered. Due to limited ECN resources, the MVR process could not be held at the same time throughout the country and therefore took place on a rolling basis within each district. MVR was supposed to take place for between two to five days in each VDC and municipal ward as determined by the DEO, depending on the estimated number of missed registrants in each location. The ECN had hoped at the beginning of the process that between 500,000 and one million new registrants would be added to the rolls during MVR. The ECN registered just over 350,000 new voters during the MVR exercise.

## C. CARTER CENTER OBSERVATION ACTIVITIES

Following its [Third Interim Statement on the Election Commission of Nepal's 'Voter Register with Photograph' Program](#) in January 2012, The Carter Center observed the display, claims and objections process and the MVR process. Unfortunately, Carter Center observation activity during this period was limited by *bandhs* and protest programs in April and May 2012 in the lead-up to the May 27 CA deadline. As a result, The Carter Center was unable to conduct some planned observation activities.

In total, five teams of long-term observers (LTOs) conducted direct observation of the process in 19 VDCs and 18 municipality wards in 16 districts.<sup>10</sup> They interviewed election officials, civil society organizations, and citizens at registration and display sites to obtain their views of the process. The Carter Center met with the ECN, the MoHA, political parties, domestic observers, and other stakeholders at the central level during the preparation of this report. More information on the Carter Center's methodology and its observation activities is available in Annex 2.

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<sup>7</sup> Each VDC and municipal ward received a printed copy of the voter roll for that specific area only. The voter roll included the name, age, gender, citizenship certificate number, ward number, permanent address, form number, and father's and mother's name for each voter registered in that specific area.

<sup>8</sup> As per the ECN's Implementation Plan, the entire display, claims and objections period was required to last for 14 days in each VDC/municipal ward. However, the specified length for the display of the roll was ambiguous, which led to considerable differences in implementation at the field level, with the voter roll only available for public view in practice for two days in some places.

<sup>9</sup> With the exception of the VDCs and municipalities in the 11 'priority districts' where field registration took place in early 2012.

<sup>10</sup> These districts were: Banke, Bara, Bhaktapur, Dhankuta, Ilam, Kailali, Kalikot, Kanchanpur, Kaski, Kavrepalanchowk, Morang, Nawalparasi, Parsa, Rupandehi, Surket and Tanahu. Due to limited mobility because of political protest programs during late April and early May teams were unable to visit any mountain districts for observation.

### III. Progress and Challenges During the Reporting Period

There have been several positive developments in the voter registration process since The Carter Center issued its third interim statement in January 2012:

- The ECN successfully aggregated the registration data from all districts. This constituted the beginning of a unified electronic register with biometric data for all registrants;
- Initial screening for duplicate registration records was done, with several thousand duplicate records removed in a process;
- The display of the voter rolls was the first time that the public was given the opportunity to review the new voter register. The display, claims, and objections process offered voters an opportunity to correct errors in registration data, and enabled the ECN to identify and address some issues, particularly errors related to incorrect ward assignments;
- In areas observed, teams found no significant indications so far of people included on the voter roll who should not be;
- During the observation period, the ECN took initiative to begin to fix potentially significant errors found in the voter roll;
- The missed voter registration exercise represented an effort to increase turnout on the voter register and addressed a previous Carter Center recommendation;
- The ECN has decided to create more user-friendly voter registration forms to replace the enumeration form which had led to some confusion and errors previously;
- Registrants can now check their registration information on the ECN website and file a claim if problems are found;
- The ECN recently reopened registration centers at DAO and AAO offices until August 15, 2012 to target students who are obtaining their citizenship certificates in order to pursue higher studies. Reopening registration at DAO and AAO offices was also a previous Carter Center recommendation;
- The Electoral Education and Information Center was opened on the grounds of the ECN, to provide information to citizens about their right to vote, including the importance of registration.

There were, however, several areas of weakness or concern, which the Government and the ECN should review and address in order to improve the registration process and ensure the full protection of voting rights for Nepali citizens.<sup>11</sup> These areas are described in more detail throughout the report:

- The public display of the voter rolls revealed that an unknown number of registration records were affected by potentially avoidable errors during data collection. Allocation of some voters to incorrect wards appeared to be most significant, but other types of errors were also discovered;
- There were considerable disparities in the implementation of the display, claims and objections process, seemingly due to insufficiently detailed written instructions – including the Electoral Roll Rules and training materials – and insufficient training;
- In a large number of localities the period for display of the voter rolls was too short to allow for effective public review and there was a low level of turnout;
- Many voters and election officials were unhappy with the format of the voter rolls, which made it difficult for citizens to locate their family members;
- The Electoral Roll Rules do not provide for sufficient safeguards against mistaken or unwarranted removal of voters from the rolls. Although this did not appear to cause major problems in practice, it is a serious legal concern that should be rectified;

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<sup>11</sup> International guidelines also contain principles for voter registration systems. Although not a treaty obligation, it is persuasive upon states that the voter registration process should promote broad participation without inhibiting the participation of eligible voters. See for example, UN, United Nations Human Rights Committee, General Comment 25 on “The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service,” para. 11.

- 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 the ECN's ability to accurately 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,<sup>12</sup> and the Implementation Plan. The amended Electoral Roll Rules, 2012 has replaced the Electoral Roll Rules, 2007 as the legal basis for the ECN's voter 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 – ANROs – by the ECN) corresponding responsibilities at the local level. The Implementation Plan gives guidance to DEOs in organizing display, claims and objections and MVR in their respective districts.

The Carter Center notes the following concerns regarding the guidance provided to election officials by these documents, particularly the Electoral Roll Rules, and encourages the ECN to make necessary changes where and when possible:<sup>13</sup>

- **The rules do not provide sufficient safeguards for ensuring that voters are not illegitimately removed from the rolls and for notifying voters of a decision to remove them from the rolls.**<sup>14</sup> First, in the event of an objection to a registration record, the ANRO is not obliged to attempt to notify the registrant in an active manner, but must only publicly post the objection. Second, although the Rules state that the ANRO should evaluate evidence provided in case of objection to a registration record, there is no formal instruction about what should be considered as evidence. Third, the Rules give the ANRO the authority to make decisions about removing voters from the rolls in the event of objections, but they do not require an investigation of allegations and do not provide guidance for reaching decisions regarding removal. ANROs must provide their decisions regarding changes to the voter rolls to the DEO, who must review these decisions. However, there is no requirement for ANROs to provide the reason for the removal decision, and the Rules do not detail how the DEO should conduct a review or how a voter should be notified of such a review. Fourth, according to the rules, decisions regarding removal are only

<sup>12</sup> "Election Commission Guidelines, 2012 (Program Relating to Collection and Updating of Electoral Rolls)."

<sup>13</sup> The updated Rules have not yet been posted on the ECN website, but can be obtained at the ECN.

<sup>14</sup> See Rules 21 and 22, Electoral Roll Rules, 2012.

posted at the VDC/municipal ward office, with no provision for informing the registrant. This is acceptable in certain circumstances – for instance, the death of a voter – but is insufficient in other cases, such as when an objection has been made on the basis that a voter no longer resides in the locality.<sup>15</sup>

The lack of active notification requirements is especially problematic given the large number of internal migrants who did not possess the required documents or decided not to register at their *de facto* residence. These voters legitimately registered for the VDC/municipality ward listed on their citizenship certificates, even though they may have been absent from that locality for a long time (this applies to both citizens who returned to their permanent address listed on their citizenship certificate to register and citizens who registered as “out of district”). Such citizens are unlikely to check notifications posted at a distant office and would therefore be unable to respond in the event of an objection or removal.

- **The Rules are at times imprecise, increasing the potential for inconsistent implementation.** For example, although the entire display, claims and objections period was required to last for 14 days in each VDC/municipal ward as per the Implementation Plan, there was no specified length of time for the voter roll to be available for public review (the display period). This led to considerable differences in implementation at field level; in some places, the voter roll was in practice only available to the public for two days.
- **The rules do not consistently and explicitly match the current voter registration system.** The Rules refer several times to procedures that apply during periodic registration (the previous voter registration system provided for in the Electoral Roll Act) but that are not applicable to the continuous voter registration the ECN is currently conducting. For example, the procedure for transferring a registration record from one place of voting to another appears to require an application in the VDC/municipality of origin; international best practice would be for voters to transfer their registration at their new VDC/municipality of residence. The rules also refer to eligibility for registration as being defined by Section 5 of the Electoral Roll Act (2006), which limits eligibility for registration to citizens 18 years of age and older – contradicting the current practice of gathering the data of citizens aged 16 years and older. Finally, the rules do not specifically address the out of district registration process.

The legal framework for display, claims, and objections should be revised to ensure that the rules and regulations are clear, consistent and in line with the country’s switch from a periodic registration system to a continuous registration system. Most importantly, the lack of safeguards against unwarranted removals is potentially inconsistent with Nepal’s international obligations regarding the protection of voting rights and due process and should be rectified.<sup>16</sup>

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<sup>15</sup> Under Electoral Roll Rules, 2012, Rule 25, any voter can furnish information to an ANRO for the removal of any individual from the voter roll on the basis of migration, death, or loss of citizenship. Similar to Rules 21 and 22, which deal with removal on the basis of formal claims and objections, this Rule does not provide sufficient safeguards. For example: the ANRO has the authority to remove voters from the list without investigation; no substantial evidence is required (nor is there explanation of what evidence would be); the ANRO is not obliged to attempt to notify the registrant in an active manner but must only publicly post the removal; and higher-level review of ANRO removals is not mandatory.

<sup>16</sup> United Nations, International Covenant on Civil and Political Rights, Article 25, “Every citizen shall have the right and the opportunity, without unreasonable restrictions: ... (b) To vote and be elected at genuine periodic elections which shall be by universal and equal suffrage...” and Article 2(3) “Each State Party to the present covenant undertakes: (a) to ensure that any person whose rights or freedoms are herein recognized as violated shall have an effective remedy.” United Nations Human Rights Committee, General Comment 25, Paragraph 11, “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed.”

## V. Observation Findings

### A. QUALITY OF VOTER REGISTRATION DATA

The display of the voter roll and the claims process revealed a number of errors in the voter registration data collected to date. Those most evident were systematic errors in the allocation of voters to incorrect wards within VDCs and municipalities, but there were also instances of wrong polling station assignment, registration records being omitted from the roll, duplicate records, and typographical mistakes in registrants' personal data.

Because this is the first time the ECN has conducted a biometric registration process, it was expected that a number of errors would be found, and the discovery of errors was one purpose of the display, claims and objections process. However, at the same time, it appears that errors were more numerous than expected and that many of them were avoidable. The ECN should dedicate significant energy and attention to ensuring such errors are fixed and not repeated at future points in the process. Further, the relatively low level of turnout to check the voter rolls indicates that in many locations errors may have gone undetected, particularly given the high number of errors found elsewhere.<sup>17</sup> Positively, the ECN recognizes that there are data quality issues in the rolls and has begun the process of fixing the ward allocation mistakes (described in Section 1.c. below).

There appear to be several factors that led to errors in the current voter roll data. This includes the complicated nature of the enumeration form,<sup>18</sup> and also the failure of registration staff to systematically check registration data with registrants after entering it into the computer – a problem that has been noted in all previous Carter Center interim reports. Additionally, the data verification process that took place in late 2011 and early 2012, in which small teams checked registrant data in the database and compared it with paper records, was a missed opportunity to catch and correct many of the mistakes found. As noted in the Carter Center's third interim statement, this process was often rushed and lacked a common approach. This became apparent during the display period when mistakes that should have been corrected during data verification were still found on the voter rolls. A small number of DEOs interviewed during this round of observation stated that some errors in the voter roll might have been introduced during the verification process.

#### 1. Ward allocation errors

##### *a. LTO findings*

Early in the process of displaying the voter roll, it became evident that there were problems regarding the allocation of voters to wards within VDCs or to municipal wards. Carter Center LTOs reported instances from all regions of the country in which some voters had been assigned to a ward other than that in which they actually resided. This created the potential for these voters to be assigned to the wrong polling location on election day, or for voters not to be on the correct ward roll at the polling station they are assigned to. While in some VDCs only a small number of voters were affected, in others dozens or even hundreds of voters were affected. Similar reports were received from the ECN, the UNDP Electoral Support Project and the International Foundation for Electoral Systems (IFES). While the total number of registrants affected is unknown, the ECN informed The Carter Center that it was considered a serious issue and described the steps the Commission was taking to fix the problem (listed below).

Of the 16 DEOs or their representatives interviewed by LTOs, 14 stated that the voter roll in at least some VDCs or municipal wards in their districts had been affected by the allocation of voters to

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<sup>17</sup> For further discussion on the low level of turnout see: B. Display of voter rolls, claims and objections.

<sup>18</sup> Enumeration forms have been used in all phases of the voter registration process to capture biographical information about citizens eligible to register to vote. This information was used for the purpose of registering voters and is intended to be used for the creation of national identification cards. Enumeration forms serve as the paper trail for all registration data that has been transferred to electronic form and aggregated in the central database at the ECN in Kathmandu.

incorrect wards.<sup>19</sup> Of 28 VDCs and municipalities visited in these districts, no problems were reported in 18 locations. Ward misallocation was reported as having occurred in eight locations, and in two more locations there was only one instance reported. This indicates that the problem, while widespread, varies in severity within districts. The following examples indicate the variation observed:

- In Morang, wrong ward allocation was reported by election officials as affecting up to 20 percent of registrants;
- In Tanahu, wrong ward allocation was described by election officials as a serious problem in some VDCs. In Manapang VDC there were an estimated 400-500 cases. When LTOs visited Chok Chisapani VDC, some 36 cases were identified in one ward visited, with officials saying there were “many” cases, but not providing a specified number in another ward visited;
- In Nawalparasi, the DEO informed LTOs that in multiple VDCs more than 100 voters were misallocated;
- In Kailali, LTOs observed that more than 100 claims had been filed regarding wrong ward allocation in Godawari VDC, and the DEO indicated that there were similar problems in other VDCs. LTOs were also informed of incorrect ward allocation of at least 40-50 voters in Sahajpur VDC;
- In Kaski, Carter Center LTOs were informed of concerns about ward allocation errors in Armala and Nirmalpokhari VDCs;
- DEOs in Bhaktapur, Bara, Dhankuta, Kanchanpur, and Kavrepalanchok also noted that there were ward allocation errors without quantifying the overall problem.<sup>20</sup> In Ilam, the DEO noted that there were problems but that these were manageable;
- Problems were reported by DEOs to be less extensive in Rupandehi and Surkhet. In Rupandehi, the average number of incorrect ward allocations was said to be 15-20 registrants per VDC;
- In Kalikot, the DEO said that an initial problem with ward allocation had been largely corrected at the beginning of the process, as the ECN had reprinted the voter roll. LTOs however observed that 15 claims had been filed for this reason in Ward 8 of Fukot VDC, indicating that some errors persisted.

*b. Possible causes of wrong ward allocation*

Many ward allocation problems appear to have been introduced at mobile voter registration centers that covered multiple wards. Staff at these centers may have used the wrong ward when entering data into the computer record. It appears that staff sometimes entered the ward of the registration center, rather than the ward of the registrant’s permanent residence, into the computer. This occurred due to confusion about the ward numbers to be recorded in various boxes on the enumeration form, computer operators forgetting to change the ward number in the computer when moving from one ward to another, and typographical or related errors. In a small number of cases, LTO teams observed citizens being allowed to register for a ward different than the ward listed on their citizenship certificate without providing necessary documentation, another possible source of some errors.

*c. ECN plan for fixing wrong ward allocation*

In response to the problems with ward assignment, and based on a pilot project conducted in three districts in the Kathmandu Valley, the ECN has developed and is currently implementing a plan to correct such errors across all 75 districts. This 10-point plan, circulated to DEOs on June 4, involves DEO staff at the district level separating enumeration forms for all registration centers by ward, locating errors, and then correcting them in the paper and electronic records. Some concerns initially

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<sup>19</sup> The 14 districts were: Bara, Bhaktapur, Dhankuta, Ilam, Kailali, Kalikot, Kanchanpur, Kaski, Kavrepalanchok, Morang, Nawalparasi, Rupandehi, Surkhet, and Tanahu. In Banke and Parsa the problem was said to be minor.

<sup>20</sup> Carter Center LTOs observed ward allocation problems in Simalchaur Shyampati and Kattike Deurali VDCs in Kavrepalanchowk district.



existed regarding the comparatively low level of staffing given the size of the task,<sup>21</sup> 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 of the database found more than 130,000 registrants nationwide whose assigned polling station did not correspond to their ward of residence in the computer record.<sup>22</sup> The ECN IT department has said that for residents of VDCs the correct polling location will automatically be assigned when the ward of permanent residence is corrected by the DEO. For municipalities, which may have multiple polling stations in a ward, the DEO will have to determine the correct polling station manually. In all cases of polling station change, a proper paper trail of corrections should be maintained.

### *b. Out of district (ODR) record discrepancies and verification*

Reviews by Carter Center observers of 369 ODR records from several VDCs and municipal wards in Bara and Kanchanpur districts found very high error rates in the enumeration forms used as the paper record for registration. These errors may have been caused by registrants filling in the forms themselves (instead of election staff), election staff not filling in the forms completely due to time pressures, or election staff misunderstanding the form. It is not clear to what extent the errors in the forms are reflected in the electronic database. Several DEOs interviewed by Carter Center observers have also noted discrepancies in ODR data in their districts and the need to carefully verify (or re-verify) this data. Positively, the ECN intends to conduct full verification of ODR records. Currently the ECN plans to transfer all ODR records from their current districts to Kathmandu, and then from Kathmandu to the respective districts for which citizens registered to vote, where the records will be verified. Sufficient planning, training, staff, and time will be needed to conduct this process well.

### *c. Missing and duplicate registrations*

Carter Center LTOs noted instances in which citizens claimed that they had registered previously but were not found on the rolls. In the most serious case, in Nawalparasi, the DEO noted that there were some 15-20 cases of people who were not found on the roll despite having registration receipts. While such persons could register again in order to correct the problem, such an error would only be identified for those persons who checked the rolls. There were also a few problems with duplicate entries. In Banke, 1,350 duplicate records were identified and reportedly corrected. Cases of duplicate registration records were also identified in Morang and Parsa.<sup>23</sup>

### *d. Misspellings and typographical errors*

Misspellings and typographical errors in registrants' personal data, including names and citizenship numbers, were another category of errors. Occasionally, cases of wrong gender or wrong photograph were found. In VDCs/municipal wards visited by LTOs, 68 claims had been filed for reasons other than incorrect ward assignment. Of these, 36 were errors in the name of the registrant, nine for errors

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<sup>21</sup> The ECN has mandated that only DEO staff will be used in this round of data verification to fix wrong ward allocation errors in order to ensure that the quality of work remains high. The hiring of temporary staff to conduct the initial round of data verification is one reason the ECN lists for problems identified with the previous process.

<sup>22</sup> The incorrect assignment of polling stations may to some extent overlap with incorrect ward assignment.

<sup>23</sup> In Banke, the duplicate records were reportedly caused by database entry error or by problems during printing of the roll. In Morang and Parsa, observers were not able to ascertain whether the entries were due to database entry errors or individuals having double-registered and not being removed during the de-duplication process.

in the mother's name or father's name, four for errors in the citizenship number, three for wrong gender, and two for incorrect photographs.<sup>24</sup>

## 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 major issue in the 2008 Constituent Assembly elections, providing an opportunity for public review of the voter rolls was an important step in the ECN's efforts to ensure an accurate register and build public confidence in the voter rolls.

Citizens and other stakeholders interviewed said it was positive that the display, claims and objections process provided citizens an opportunity to view the rolls and correct errors. Also positive, teams found no significant indications thus far that people were included on the voter rolls who should not be in areas visited; preventing such erroneous entries was one of the rationales for the creation of the new register. In several locations LTO teams found that copies of the voter rolls had been provided to, or made by, political parties in order to facilitate checking of the rolls.

However, the turnout to check the voter rolls was relatively low across the country. 20 of 28 ANROs interviewed by LTO teams reported the level of turnout in their VDC or municipal ward as low. Low turnout means that in some locations errors have likely gone undetected. The ECN should be prepared to manage these errors properly and efficiently when they are discovered. Through interviews with DEOs and ANROs, LTO teams assessed that low turnout was likely a combination of several factors, including but not limited to: the short period of time the voter rolls were displayed in some locations; limited citizen awareness about the exercise; the high level of protests and *bandhs* occurring at the time; and a low level of motivation among citizens, parties, and others given that no elections had been announced.

Data collected by Carter Center observers indicates several other areas for improvement in future display, claims, and objections periods. The main categories of problems were with the lack of clarity of ECN directives, leading to their inconsistent implementation throughout the country, and the organization of the voter roll. These and other related problems observed by The Carter Center are outlined below.

### 1. Understanding and implementation of directives and instructions

The ECN directives and instructions for the display, claims and objections period were found to be unclear and confusing to many DEOs and ANROs. In all regions visited, LTO teams observed that due to the lack of clarity, directives and instructions were interpreted and implemented in different and often incorrect ways across the country.

- **The duration and location for displaying the voter rolls and filing claims and objections varied significantly between sites visited.** The ECN Implementation Plan mandated a 14-day period for the display, claims and objections period; however, the actual time specified for each of these activities was unclear, leading to differences in implementation across the country. While the ECN verbally told the Carter Center the rolls would be displayed for 14 days, in places visited the time period for display of the voter rolls varied between three and 43 days, and at seven sites the rolls were planned to be displayed for less than the 14 day period.<sup>25</sup> According to the Plan,

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<sup>24</sup> For the remainder of errors, the breakdown by category was not available at the time of observers' visits.

<sup>25</sup> One best practice of continuous voter registration systems is to keep voter rolls on display indefinitely, a goal the ECN should work to achieve.

five of the 14 days for the process were to be allotted for filing claims and objections. The actual time LTO teams were told that citizens could file claims or objections varied significantly and was found to be as short as two days at some sites visited. The location in which the voter roll was posted also varied. In many locations it was kept at a VDC or municipal ward office for viewing as instructed. However, in a number of places the roll was displayed according to ANRO discretion. For example, in Dhanghadi, Kailali the voter rolls for all wards were displayed at the Municipality Office instead of the wards themselves. In one VDC observed in Bara, and in one municipal ward observed in Kanchanpur, the ANROs had carried the rolls to a number of different villages in their respective areas of responsibility for citizens to inspect, instead of leaving the roll on display at a central office. Finally, in one VDC in Dhankuta, the ANRO distributed the voter rolls to the representatives of the Ward Citizens Forum (WCF) to conduct claims and objections. The members of the WCF were not trained and the ANRO reportedly did not receive any claims or objections back from the WCF members at the end of the process.

- **Officials had different understandings of how claims, corrections, and removals should be processed.** At different sites ANROs had different understandings of the procedures for when and why they should process corrections or removals. For instance, in a number of VDCs and wards visited there was confusion over whether friends and family could submit claims for corrections or removals on a voter's behalf and whether computer operators could immediately change information on the voter roll. Several ANROs interviewed were also confused about which forms should be used to file for particular corrections and removals. Lastly, observers reported incidents in several locations of ANROs refusing to accept voters' claims for corrections of errors that the ANROs considered minor (name misspelling, missing digits from citizenship certificates, father's/mother's name incorrect, incorrect age).
- **Officials' responses to incorrect ward allocation varied widely due to misunderstanding of directives and lack of resources to deal with the significant number of errors found.** In many districts visited, ward allocation was the largest reported discrepancy in the voter roll. At some sites, the proper form (Schedule 8) was filed to request a correction. At other sites there was confusion about which form should be used. Additionally, in some areas where ward allocation was a major problem, ANROs discontinued using Schedule 8. This was because they ran out of necessary forms, found it more manageable to maintain informal records, or simply turned citizens away. ANROs in different places had different understandings about how to respond to the discovery of systematic ward allocation problems. Some believed that they could proactively correct problems while others believed problems could only be corrected at the initiative of the voter.
- **Although very few objections were filed, LTO teams found that ANROs across the country had inconsistent and often poor understanding of how to process objections.** In 20 of 28 sites where ANROs were interviewed about the objection process, LTO teams noted that there was either confusion or significant misunderstanding about what should be done in the case of an objection. ANROs gave different responses about when a registrant should be removed from the roll, what proof would be required, how to notify the voter of the objection, and how a voter would be notified if his/her name was removed. The confusion appeared to result from lack of clarity in the directives on these questions.

## 2. Organization and quality of the voter roll

- **In all districts visited officials and voters expressed varying levels of dissatisfaction about which information was included on the roll and how the roll was organized.** Many interviewees said that the information included on the voter roll and its method of organization made it difficult for citizens to find entries and verify their accuracy. Some also raised concerns that similar confusion could occur on election day. The main complaint reported to LTO teams was that the roll was organized in alphabetical order by first name instead of by surname or house

number. This made it time-consuming for citizens to check the entries of their family members. Complaints were also raised that age, instead of date of birth, was listed on the voter roll. Some voters also said that spouse's name should also be included on the displayed voter rolls to aid in identification of registrants.

- **In a number of districts there were complaints about the quality of the information on the voter roll received by the DEO from the ECN.** In five of 16 of districts visited, there were concerns raised that the information on the voter roll differed from the information originally collected and sent by the DEO to the ECN. For example, in Morang there were inconsistencies in the spelling of some names submitted by the DEO and those on the voter roll received from the ECN. Other inaccuracies found included missing voter names due to character problems in Kailali and 3,500 voters not being included on the original roll sent to Kalikot (these voters were reportedly later added at the DEO's initiative). Problems of the roll not being in alphabetical order were also reported in several districts (e.g., Banke, Kailali, and Kanchanpur, due to Unicode character system complications). Observers were told in one ward of Birgunj, Parsa that the voter roll was torn up when a number of citizens had difficulty finding their names on the rolls.

When the ECN displays the voter roll and conducts claims and objections in the future, especially in the lead-up to an election, it is possible that a higher number of citizens and other actors will check the voter roll and file a claim or objection than did so during this recent phase. It is therefore important that the ECN work to address the problems identified above to ensure that: the roll received at the district level from the ECN is fully correct and easy for citizens to view during the display period; there is sound understanding of the process by both staff and voters so it is conducted efficiently and properly; and there is uniformity in conducting the process across the country so as to improve quality in the data and give all citizens equal opportunity to view the roll and correct any errors. Taking these steps is crucial to ensuring that claims and objections are filed properly and lead to corrections of problems identified on the roll, as the exercise is meant to.

### C. MISSED VOTER REGISTRATION (MVR)

The nationwide MVR process, which addressed a previous Carter Center recommendation, provided increased access to registration for citizens who were not already registered. Although positive, there were also some missed opportunities. First, MVR was only open for a relatively short period of time and better advertisement may have resulted in higher turnout. Second, ODR was not conducted at VDC/municipal ward level, effectively excluding internal migrants from easier access to registration.<sup>26</sup> Third, the ECN appeared to have made limited provisions to target those categories of citizens who were less likely to have registered (e.g. persons living in remote areas) – a previous Carter Center recommendation. However, some civil society groups, notably those sponsored by IFES, did attempt to reach out to these groups in a number of places. Finally, the Ministry of Home Affairs made no provision to coordinate the issuance of citizenship certificates with the MVR process; for instance, by having mobile teams accompany the MVR staff – also a previous Carter Center recommendation. The major LTO team findings were as follows:

- **There were mixed views regarding the length of time for MVR.** In most registration locations, MVR was open for two to three days, although in one Bara VDC registration was only done for one day. Several LTO teams assessed the time period as being too short given the time between announcement of MVR to the public and the beginning of the exercise. In a number of locations MVR began before or immediately after announcement and education efforts, providing little time for those eligible to take time from other obligations to register or make it to registration sites from remote locations.

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<sup>26</sup> People wishing to register with ODR were still able to register at the DEO. In most districts ODR was not observed as occurring; however, in several VDCs and wards of four districts (Dhankuta, Ilam, Kailali and Morang) LTOs observed staff registering citizens with ODR. Observers in the Eastern Region were told by various ANROs that they had been instructed to register as many people as possible, including people from other districts, although it was not ECN policy.

- **Overall, MVR appeared to be conducted in an acceptable manner in the places visited. However, problems previously observed in other phases of voter registration persisted.** Notably, registration details were rarely or never confirmed with registrants at over half of the registration sites visited (meaning an opportunity to check data accuracy was missed). Similarly, although registrants were almost always given their enumeration receipt, registration staff rarely or never instructed them to keep it or what its significance was. In two locations (VDCs in Ilam and Dhankuta districts) some registrants were not asked for proof of migration or residence; in one location in Tanahu district, registrants were observed filling out enumeration forms themselves and making errors on the forms. In some places, MVR was located at municipal level rather than at ward level, so that ward secretaries could do other work. This appeared to lower the number of registrants in these locations.
- **Material problems also affected registration at times.** In one VDC in Tanahu, there was an insufficient number of enumeration forms, and at least 10 people left before being registered due to the resulting interruption. In one VDC in Kalikot a generator problem delayed the opening of registration opening by half a day. In almost half of registration sites visited, the generator was not working or was not present, although battery backup was available in most instances. Liquid for cleaning registrants' fingers was present in only six of 23 locations. In almost all cases, however, computers, cameras and fingerprint capturing devices equipment worked sufficiently well.

#### D. VOTER EDUCATION EFFORTS

The ECN undertook voter education efforts at the national and local levels to inform people about the display, claims, and objections period and about MVR. The ECN purchased advertising on national television and radio networks and placed advertisements in national daily newspapers. At the district level, some DEOs purchased airtime on local FM stations, and funds were made available for posters, fliers and loudspeaker messages. In several districts, voter education was also conducted in local schools and colleges. Despite these efforts, awareness about and turnout for the processes remained low in many areas visited by LTOs.<sup>27</sup>

The two most common explanations given for the low turnout for the display, claims and objections and MVR processes were lack of interest/attention by the public and lack of awareness. LTO interviews with citizens suggest that primary voter education activities had limited visibility in some areas observed.<sup>28</sup> In VDCs in Banke and Kailali, ANROs said that lack of awareness among citizens about the process and about the importance of checking their names on the register led to low turnout. An ANRO in Banke suggested that more voter registration education activities be held to address this problem. According to one Ward Citizen Forum representative in Tanahu, there was insufficient voter education. For example, he said there was no miking and only some general radio announcements without information for specific VDCs. In a VDC in Bara, interviews with citizens and VDC staff revealed that there was a very low level of awareness about the ongoing processes; no citizens interviewed said they had been reached by voter education efforts. By contrast, some civil society representatives in districts such as Ilam, Dhankuta, and Kalikot noted they were satisfied with ECN outreach efforts. Civil society interviewees suggested the ECN consider including more visual content in voter education materials, increasing the quality of the materials, tailoring the materials to

<sup>27</sup> As noted above, 20 of 28 ANROs interviewed by LTO teams said the level of turnout in their VDC or municipal ward was low. Slightly more than 350,000 citizens registered during MVR while the ECN had hoped that between 500,000 and one million new registrants would be added to the register.

<sup>28</sup> Interviews with 215 new registrants revealed that 60 percent heard of MVR through word of mouth, while 24 percent learned of it from VDC and ward officials, police, teachers and other government employees. Radio advertisements were cited by seven percent interviewed, miking by six percent, political parties by four percent, TV and newspapers by one percent, and posters by no interviewees. The primary means of education funded by the ECN (radio, miking, mobilization of parties, TV, newspapers and posters) had limited direct reach on those who participated in MVR, but may have had higher secondary impact by reaching those who spread the word to others.

each voter registration phase, making voter education efforts more targeted to specific audiences, and recommended that the ECN consider holding more interaction programs.

#### **E. TRAINING AND WORKLOAD OF LOCAL ELECTION OFFICIALS**

The ECN conducted a one-day training for DEOs on the claims and objections process, and the DEOs in turn trained ANROs. DEOs reported to observers that they found the training useful. However, some of the training sessions took place before training materials were approved and published, and one-third of the ANROs met by LTO teams said that the training they received to do their job was not long or thorough enough. These shortcomings contributed to some of the confusion and problems with the display, claims and objections process.

In several districts visited, LTO teams found that the additional workload of display, claims and objections was difficult for ANROs to complete given their normal workload as VDC and municipal ward secretaries.<sup>29</sup> In several VDCs and municipal wards visited, teams found that ANROs had given the voter roll and claims and objections forms to registration staff or other staff to complete as they performed other duties. At one site in Kailali, LTO teams observed voters who had claims to file leaving the ward office because ANROs were absent in order to complete their routine work. At another site in Tanahu, the ANRO delegated management of the voter roll to the assistant accountant, which was only available for viewing when she was in the VDC (she was based in the district headquarters).

#### **F. PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS AND POLITICAL PARTIES**

Similar to previous Carter Center statements, observers found minimal involvement of political parties and civil society organizations during this phase of registration. Political party representatives checked the voter rolls in a handful of locations visited but were criticized in several others for not playing a more active role. On the whole, LTO teams heard limited reports of political parties mobilizing voters to either check the voter rolls or register to vote in areas visited.

Civil society organizations were visibly active in several locations visited by LTO teams such as in Kailali, Kanchanpur, Rupandehi and Surkhet districts. In Surkhet, a Dalit NGO (NEPSCON, Dalit NGO Federation) was coordinating actively with the DEO and conducting voter registration education in 30 VDCs with IFES funding. The group was present and assisting registration staff in Dasarathpur and Ghumkhahare VDCs at the time of observers' visits. According to IFES, voter education programs targeting Dalits, women, freed Kamaiyas, and youth were held in 342 VDCs in 25 districts and these programs reportedly assisted over 6,200 people to check their registration and almost 33,000 to register. Finally, the National Election Observation Committee (NEOC), which was accredited to observe the voter registration process, told the Carter Center that it had extended its observation efforts in order to observe the most recent phase of the voter registration process in 15 districts, mainly through its volunteer networks. NEOC released a report on its findings on July 13, 2012.<sup>30</sup>

### **VI. Continuing National-Level Challenges**

The Carter Center's third interim statement outlined three main national-level challenges facing the voter registration process: turnout; eligibility documents, particularly access to citizenship certificates; and voter registration management. Challenges in these areas persisted during the period this statement covers. More detailed overviews of these challenges can be found in the Carter Center's third interim statement. These challenges are briefly revisited in the context of the current situation below:

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<sup>29</sup> For example, in Dhankuta, Ilam, Kaski, Kavrepalanchowk and Morang districts.

<sup>30</sup> NEOC's most recent statement, "Voter Registration Observation: Comprehensive Report," July 2012, will be available on the organization's website soon at: <http://www.neoelection.org>.

## A. VOTER REGISTRATION TURNOUT

Despite the ECN's extensive efforts, a significant number of potentially eligible voters remain 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 percent of the ECN's original target of 14.7 million voters.<sup>31</sup> The ECN's decision to reopen 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.<sup>32</sup> 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.<sup>33</sup> Nonetheless, this figure and LTO findings indicate that a significant segment of the Nepali population may remain without citizenship certificates, though the total number remains unknown. The continued DEO participation in "mobile integrated service delivery teams" is encouraging.

The Carter Center believes MoHA should conduct an additional, coordinated effort to reach out to potentially eligible citizens who lack citizenship certificates, as required by the Supreme Court ruling of Feb. 7, 2011.<sup>34</sup> As noted previously, given that the ECN has collected nationwide data on this issue, MoHA could use this data to target its efforts toward areas where large groups of people are without citizenship certificates. Further, the Carter Center continues to encourage MoHA to consider ways to overcome legal barriers to registration by otherwise eligible persons, such as the children of those individuals who received citizenship by special provision in 2007. The Carter Center recognizes the political sensitivities around issues of citizenship in Nepal and the need to ensure that only eligible individuals receive citizenship documents but also notes the obligation of states to ensure that eligible voters do not face undue hurdles while registering to vote.<sup>35</sup>

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<sup>31</sup> As noted in The Carter Center's third interim statement, multiple contradictory informal assessments based on preliminary census data exist of what the total estimated new target should be. Some estimates place the total target near the ECN's original projection of 14.7 million (derived from 2011 census projections) while others place it closer to 12-12.5 million. The Carter Center recommends that the new census data be used to determine more accurate targets for the voter registration process once it is available. Until this happens, the ECN should continue to aim for the previous 14.7 million target in order to demonstrate it is seeking to reach the maximum number of people and to build public trust in the process.

<sup>32</sup> The first recommendation in the Carter Center's third interim statement was: "After official CBS figures are available, revise ECN registration turnout targets in line with new 2011 census data and, as done previously, provide clear justification for the revised figures..."

<sup>33</sup> The total number could be higher than indicated due to incomplete data from the enumeration process (data from all municipalities, 262 VDCs, and Taplejung district have not been included), or significantly lower because of the way the question was asked by enumerators. Furthermore, an unknown number of people have secured citizenship certificates in the period following enumeration in order to participate in the registration process, which would reduce this overall figure.

<sup>34</sup> As part of its ruling on citizenship on Feb. 7, 2011 the Supreme Court instructed the government to make effective arrangements for issuing citizenship to all eligible Nepalis.

<sup>35</sup> States may regulate the law concerning nationality, citizenship, or naturalization, but may not discriminate against any particular nationality in doing so (nor, race, sex, religious belief and other grounds). See for example, UN, International Convention on the Elimination of All Forms of Racial Discrimination, art. 1(3). Moreover, though restriction of voter registration to citizens is reasonable, the requirement to provide a citizenship certificate should not pose an excessive

### 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 Center's 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 found to be the result of shortcomings in the data verification process due at least in part to unclear directives, insufficient training, and an unrealistic timeline for completing the process. In addition, the timeline for MVR was relatively short, which caused some administrative difficulties and potentially prevented some voters from registering.

One step for the ECN to prevent similar problems in the future could be to implement the Center's previous recommendation to "revise and maintain an updated voter registration timeline, and communicate the current status of the process and future plans of the ECN to election and administrative officials, political parties and voters." Planning for voter education and operational/logistical activities would benefit from greater clarity regarding next steps, as well as the ECN producing guidelines sufficiently in advance of the start of new phases of the process. All of these measures would be useful in ensuring that all election administration staff and other stakeholders have a common understanding of how the process will proceed. These measures would also ensure enough time for training and for increased communication between the ECN, field staff, and other stakeholders about concerns and potential problems with upcoming and ongoing activities and allow the ECN ample time to properly address them.

### VII. **Conclusion and Recommendations**

The Carter Center commends the efforts undertaken by the ECN thus far to ensure the success of the voter registration program. The Carter Center encourages both the ECN and the government to build on positive efforts to date and to take further steps to promote greater fairness, access and opportunity for all Nepalis who wish to register. The following recommendations to strengthen the process are offered in the spirit of cooperation and respect, and with the hope they will provide useful discussion points for future action:

#### **The Election Commission of Nepal should:**

##### Concerning data quality:

- **Continue to take all necessary steps to correct and manage problems that were identified on the register during display, claims and objections.** This includes continuing to transparently and systematically correct all serious problems, such as ward and polling station misallocation, which if left uncorrected could disenfranchise affected citizens. Other problems on the rolls (such as name misspellings and typos in citizenship certificate numbers) should also be properly managed and corrected over time. Conducting subsequent rounds of display, claims and objections, and publicizing the continuous claims and objections process at DEO offices will help to identify, fix, and reduce the overall number of errors on the register.
- **Closely monitor the ongoing efforts to correct ward misallocations as well as future data verification processes in order to ensure that verification is carried out uniformly and thoroughly and that problems and questions that arise during the process are addressed.** Some data problems were not identified and fixed during the previous round of data verification but were only discovered afterwards, resulting in the need for another round of verification. Increased ECN monitoring and responsiveness to problems found will help to ensure that this and

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obstacle to registration. The Nepali state must take necessary steps to ensure those rights may be exercised. UN, ICCPR art. 2(2).



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 significant concern and is inconsistent with Nepal's international obligations regarding the 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.** Despite the ECN's 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. As recommended in the Center's previous interim statement, the ECN should 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 highlighted in the Carter Center's 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 around voter registration, there is still room for further efforts to support the process more broadly.

## **ANNEX 1 – Overview of the Voter Registration Process to Date**

The ECN is creating a new computerized voter register to replace the register used in the 2008 Constituent Assembly elections, which was believed to contain many mistakes, including missing or misspelled names, entries of the same voters' names in multiple locations, and possibly some ineligible voters. The computerized register contains registrant photos and fingerprints, as well as additional personal information intended to enable greater quality control over the voter list and reduce the possibility of voter fraud. At the same time, the ECN is implementing a long-term project to provide permanent continuous registration facilities at the district level, which will be electronically linked to a central database in Kathmandu. These activities are being carried out with the technical support of UNDP and IFES. The ECN is also coordinating with the MoHA to share registrant information for the purposes of creating a civil registry and proposed national identification cards.

The ECN is implementing voter registration in accordance with the Interim Constitution of Nepal (2007) and the Voters' Roll Act (2006). In line with this legal framework, the ECN has developed policies and procedures to govern the conduct of voter registration, including voter registration eligibility requirements and implementation measures. To be included on the voter roll, citizens must come in person to a registration site. Individuals are eligible to register if they are aged 16 or older and possess a Nepali citizenship certificate. In principle, citizens register to vote for the municipality or Village Development Committee (VDC) listed on their citizenship certificate. If a citizen wishes to register for a different municipality or VDC, he or she must present proof of migration.

The vote registration program was initiated with a pilot program in seven VDCs in five districts in March/April 2010. The program began with a door-to-door enumeration campaign to identify, inform and document eligible individuals, which was followed by actual voter registration. Following the successful completion of the pilot exercise, voter registration has continued in multiple phases, with major field phases accompanied by voter education campaigns:

- A municipalities phase that registered eligible voters residing in 58 municipalities in 43 districts (completed between September and December 2010).
- A “bridging” phase that registered voters in areas nearby municipalities in 43 districts (completed between December 2010 and March 2011).
- A nationwide phase to register voters throughout the rest of the country (March 2011 through mid-July 2011). The nationwide phase entailed mobile registration teams visiting most remaining VDCs in Nepal.
- In June 2011, the ECN announced that people residing outside their home district would be allowed to register for their place of permanent residence through “out-of-district registration.”
- Following the end of the nationwide phase, registration continued at District Election Offices throughout the country. In some districts, “enhanced continuous registration” was conducted on a temporary basis at District Administration Offices and Area Administration Office locations (July 2011 – February 2012).
- From November 2011 to January 2012, mobile voter registration was conducted at municipality and VDC level in 11 “priority” districts where the process could not be finalized previously and/or data was lost during the nationwide phase.
- From December 2011 to March 2012, registration data was verified at district level and then transferred to the ECN. The ECN aggregated the data and screened it for duplicate registration records.
- In April 2012, the ECN printed the voter roll and distributed copies to the districts. Public display of the voter roll at VDC and municipal ward level began on April 15, 2012 on a rolling basis within each district, with provision for registering claims and objections. Simultaneously, the ECN also conducted another round of mobile field registration for voters who had not previously registered (“missed voter registration”). This field registration was conducted in all VDCs and municipal wards in Nepal, except those in which field registration had already been held in 2012.

## **ANNEX 2 – Carter Center Observation Methodology**

The Carter Center conducts its observation through meetings with the ECN, political parties, domestic observers, civil society, marginalized groups, citizens, and other stakeholders at the central and local levels, and through visits by long-term observer (LTO) teams to registration sites for direct observation. Carter Center LTO teams are composed of international and national observers and are based in all five development regions of Nepal. The Carter Center has customized its methodology to each phase of the voter registration process.

LTO teams gather both qualitative and quantitative information about the voter registration process through interviews and direct observation. In addition to data collected from election officials regarding the registration process, observers conduct interviews with citizens in each location in order to gather data about their awareness of the voter registration process and their ability to be registered.

The reporting period for this fourth interim statement primarily covers the display, claims, and objections process and the missed voter registration process. Observation was conducted in 16 different districts. LTO teams interviewed election officials, civil society organizations, VDC and municipal ward secretaries and citizens to gather information on the technical quality of these processes and to assess the effectiveness of voter education efforts. In total, LTO teams observed these activities in 19 VDCs and 18 municipality wards.

As observers were not deployed to a representative sample of registration locations, it is not possible to extrapolate the quantitative data obtained by LTOs for the purposes of generalization across the country. However, the data obtained in observation efforts offers illustrative insights into the conduct of voter registration during this reporting period and the challenges faced by the ECN in increasing the number of registered voters.

The Carter Center conducts its observation activities in accordance with Nepali law, the ECN Code of Conduct for Election Observation, and international election observation standards laid out in the Declaration of Principles for International Election Observation. The Center performed its assessment of the voter registration process with reference to the Nepali legal and regulatory framework governing the process, specifically the Interim Constitution of Nepal (2007), Voters' Roll Act (2006) and Electoral Roll Rules, and ECN policies and procedures. The Center also considered international standards governing democratic elections, specifically those which Nepal has signed or ratified.<sup>36</sup>

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<sup>36</sup> Including: the UN Universal Declaration of Human Rights (Article 21); International Covenant on Civil and Political Rights (Article 2); UN Human Rights Commission General Comment 25; UN Declaration on the Right and Responsibility of Individuals, Groups and Organs to Promote and Protect Universally Recognized Human Rights and Freedoms; and UN covenants which prohibit discrimination against individuals based on race, nationality, ethnicity, sex, age, and education, such as the Convention on the Elimination of All Forms of Discrimination Against Women, International Convention on the Elimination of All Forms of Racial Discrimination, Convention Concerning Indigenous and Tribal Peoples' Rights; and Convention on the Rights of Persons with Disabilities, and Guiding Principles on Internal Displacement, among others.