Executive Summary of 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. 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 executive summary provides a brief description of the main observation findings and recommendations of the Carter Center’s Fourth Interim Statement on the ECN’s Voter Register with Photograph Program. The 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.\(^1\)

It is also 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. Following the dissolution of the Constituent Assembly (CA), 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.

II. Context
Following a nationwide field-level registration effort by the ECN which took place in 2010 and 2011, the ECN verified registration records at the district level and then transferred the data to its central database. Although incomplete and subject to data collection errors, the consolidated database marked the beginning of a unified electronic voter register with biometric data for all registrants. From April 15 to May 28, 2012, the ECN conducted a display, claims, and objections process which included the public display of the voter rolls and a period in which citizens and other stakeholders 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 conducted during this time period.

III. Methodology
The Carter Center has continued its limited observation of the voter registration process, focused mainly during this period on the display, claims and objections process and the MVR exercise. Carter Center observation activity during this period was somewhat limited by bandhs and protest programs in April/May 2012 in the lead-up to the May 27 CA deadline. In total, five teams of long-term observers (LTOs) conducted direct observation of the process in 19 VDCs and 18 municipal wards in

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\(^1\) 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.
16 districts. 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 Ministry of Home Affairs (MoHA), political parties, domestic observers, and other stakeholders at the central level.

IV. Summary of Observation Findings

1. 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. Key positive developments include:

- 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. Additionally, 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 also 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 being on the voter rolls who should not be;
- The missed voter registration exercise represented an effort to increase turnout on the voter register and addressed a previous Carter Center recommendation;
- The ECN took steps to increase public access to the process, including making registration information available on its website for registrants to check and file a claim if problems are found, reopening registration centers at DAO and AAO offices for a limited period, and opening an Electoral Education and Information Center in Kathmandu.

There were, however, several areas of 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. Key challenges include:

- 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. The ECN is currently in the process of correcting these errors;
- 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. Additionally, the period of time allotted for display of the voter rolls and MVR was noted as too short in some areas and both processes suffered from low levels of turnout;
- 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;
- The absence of any specially targeted effort by the Ministry of Home Affairs (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.

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2 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.
2. **Assessment of the legal framework for display, claims and objections and MVR**

The Carter Center has reviewed the three documents which govern the conduct of voter registration: the amended Electoral Roll Rules, the ECN Guidelines, and the Implementation Plan. Several concerns and areas for improvement were noted regarding the guidance provided to election officials by these documents, particularly the Electoral Roll Rules. Most importantly, the lack of safeguards against unwarranted removal of voters from the electoral rolls is potentially inconsistent with Nepal’s international obligations regarding the protection of voting rights and due process. This should be rectified. (For more information on this issue, please see the Carter Center’s fourth interim statement pp. 5-6). Additionally, 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.

3. **Quality of voter registration data**

The display of the voter rolls and the claims and objections 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 wards within VDCs and municipalities, but there were also instances of wrong polling station assignment, registration records being omitted from the rolls, 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 were avoidable. The ECN recognizes that there are data quality issues in the rolls and has begun the process of fixing the ward allocation mistakes. 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.

4. **Display, claims, and objections process**

The display, claims, and objections process, as well as fulfilling a legal obligation, was important in improving the accuracy of the voter register. 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. However, the turnout to check the voter rolls was relatively low across the country. This means that some errors have likely gone undetected. The ECN should be prepared to manage these errors properly and efficiently when they are discovered. Additionally, the ECN directives for the display, claims and objections period were found to be unclear and confusing to many DEOs and VDC and municipal ward secretaries (called Assistant Name Registration Officers or ANROs by the ECN). LTO teams observed that due to the lack of clarity, directives were interpreted and implemented in different and often incorrect ways across the country. Specific concerns included:

- Officials had different understandings of how claims, corrections, and removals should be processed. Additionally, the duration and location for displaying the voter rolls and filing claims and objections varied significantly between sites visited by Carter Center observers (in some places, the voter roll was in practice only available to the public for two days);
- Officials’ response to incorrect ward allocation varied widely due to misunderstanding of directives and lack of resources to deal with the number of errors found;
- 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 all districts visited officials and voters expressed varying levels of dissatisfaction about which information was included on the rolls and how the rolls were organized. In a number of districts there were also complaints about the quality of the voter rolls received by the DEO from the ECN.

5. **Missed Voter Registration (MVR)**

The nationwide MVR process 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 (two to three days at most sites visited) and better
advertisement may have resulted in higher turnout. Second, Out of District Registration (ODR) was not conducted at VDC/municipal ward level, effectively excluding internal migrants from easier access to registration. Third, the ECN appeared to have made limited provisions to specially 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 MoHA made no provision to coordinate the issuance of citizenship certificates with the MVR process, for instance, by having mobile teams accompany the MVR staff.

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, such as: 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), and registration staff rarely or never instructed citizens to keep their registration receipt or explained its significance as proof of registration. Material and equipment problems also sometimes affected registration.

6. 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, for example by purchasing television, radio and newspaper advertising. At the district level, some DEOs purchased airtime on local FM stations, and funds were made available for posters, fliers and loudspeaker messages; some DEOs also made presentations in local schools and colleges. Despite these efforts, awareness of and turnout for the processes remained low in many areas visited by LTOs. The two most common explanations given for the low turnout 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.

7. 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. Finally, in several districts visited, LTO teams found that the additional workload of display, claims and objections was difficult for ANROs to complete alongside their normal workload as VDC and municipal ward secretaries.

8. 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. On the whole, LTO teams heard limited reports of political parties mobilizing voters to either check the voter rolls or to register to vote in areas visited. Civil society organizations were visibly active in a few locations visited by LTO teams such as in Kailali, Kanchanpur, Rupandehi, and Surkhet districts.

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3 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.

4 IFES-sponsored programs were reportedly held in 342 VDCs in 25 districts of the Tarai and the Mid and Far Western development regions targeted Dalits, women, freed Kamaiyas, and youth. According to IFES, these programs assisted over 6,200 people from these targeted groups to check their registration and almost 33,000 to register.

5 Twenty out 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; the ECN had hoped that between 500,000 and one million new registrants would be added to the voter register.
V. Summary of National-Level Challenges Facing the Voter Registration Process

1. Voter registration turnout to date
Despite the ECN’s extensive efforts, a significant number of eligible voters remain unregistered (potentially between approximately one to four 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 voter register to approximately 10.8 million, this represents only 73 percent of the ECN’s original target of 14.7 million voters.\(^6\) 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 other steps to move towards meeting registration targets. The ECN should also revisit registration targets in a transparent and systematic manner when 2011 census data is available. Both of these efforts will help to ensure that unregistered but eligible individuals are registered and that the voter register is ready when an election is held.

2. 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, although 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.\(^7\) Nonetheless, ECN data 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.\(^8\) 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.\(^9\)

3. 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. Planning

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\(^6\) 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 2001 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.\(^7\) 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.\(^8\) As part of its ruling on citizenship issues on Feb 7, 2011 the Supreme Court instructed the government to make effective arrangements for issuing citizenship to all eligible Nepalis.\(^9\) 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.”
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. 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.

VI. Conclusion and Recommendations
The Carter Center commends the efforts undertaken by the ECN 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 are offered in the spirit of cooperation and respect, and with the hope they will provide useful discussion points for the future:

The Election Commission of Nepal should:
- Continue to take all necessary steps to correct and manage problems that were identified on the register during display, claims and objections. Additionally, closely monitor 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.
- Develop an effective plan to transparently and systematically verify all ODR records for accuracy.
- 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. Base these exercises on lessons learned from the ECN’s recent previous experience.
- Review the Electoral Roll Rules to ensure that voters cannot be removed from the voter rolls without due process, and to ensure that they are clear, sufficiently detailed, and compatible with a continuous voter registration system.
- Revise relevant voter registration directives, instructions and forms as needed to ensure that they are also clear and sufficiently detailed, and conduct sufficient training for relevant staff.
- Continue efforts to reach all eligible but unregistered citizens across Nepal and revisit registration targets when necessary 2011 census data becomes available.
- Work to overcome continuing challenges with voter registration management, including issues with timeline and calendar planning, data management, and staffing.

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.
- Promulgate a new Electoral Roll Act that fully reflects the continuous voter registration system now in use in Nepal.

Political parties and civil society should:
- Play a more active and supportive role in the voter registration process.