

Constituent Assembly Member By-Election 2014

ELECTION OBSERVATION REPORT



आम निर्वाचन पर्यवेक्षण समिति, नेपाल
GENERAL ELECTION OBSERVATION COMMITTEE, NEPAL (GEOC)

General Election Observation Committee, Nepal

Executive Committee



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Publishers' Note

The second election for the Constituent Assembly (CA) was held in November, 2013 and the elected CA is currently working expeditiously to complete the constitution making. In the November election, there were four members who got elected from two constituencies under the FPTP. Each of them had vacated one constituency making it necessary to hold by elections in Kathmandu constituency number 2; Chitawan number 4; Bardiya number 1; and Kailali number 6. The by elections for those constituencies were held on June 22, 2014. Like in the past, the General Election Observation Committee (GEOC) carried out observation of the by-elections. With the objective of gaining comprehensive information about each step of election management process and the activities, the observation was carried out regarding the security arrangement of polling centers, polling centers management, electronic voting system and election results.

All the 10 affiliate organizations of the GEOC took part in the observation. There were 85 GEOC observers. The GEOC is thankful to Mr. Govinda Das Shrestha for writing the report based on information received from GEOC national observers and 1140 voters. Mr. Ashwothama Pokharel who tabulated the data and Mr. Madhav Ghimire who copy edited the report also deserve our thanks.

Mr. Krishna Man Pradhan, the executive director of NLS, and executive members of GEOC have provided important contributions through their invaluable suggestions over the draft report. The GEOC thanks all the national level observers for providing policy suggestions and actively taking part in the election observations. Likewise, the district level, municipal and village level observers who observed the election process and management and helped in report preparation also deserve our sincere gratitude.

The GEOC would like to take this opportunity to express its appreciations to Mr. Ganesh Man Pradhan, Ms. Alina Shrestha, Mr. Sanju Pathak, Mr. Bhawani Kayastha, and Mr. Nile Shrestha for their involvement in the election observation process from the beginning to the end.

The GEOC also appreciates the cooperation rendered by the Election Commission, Home Administration, District Election Officers, political parties, candidates, voters, observers, journalists, and representatives of civil society by permitting to carry out observation and by providing necessary information about the election.

Furthermore, the GEOC would like to express sincere thanks to His Excellency Norwegian Ambassador and the Norwegian Embassy in Nepal for providing financial support and reposing trust in us for the observation and publication of this report.

August, 2014

Himalaya Shumsher Rana

Chairperson

General Election Observation Committee

Summary

After the four members who had won from two constituencies each during the November election of second CA, the by election in those respective constituencies were held in June, 2014. Unlike the November polls, the by elections did not witness any uncomfortable environment. It was carried out in free, fair and credible manner.

This time, the GEOC had dispatched 85 observers for the purpose. The aim was to continuously observe the process of voting and vote-counting of 57 polling centers. In every polling centers, our observers talked to 20 voters including men and women based on set questionnaire to gain their viewpoint about the by election.

The Norwegian Embassy provided the support for the election observation as well as publication of the observation report.

As per its normal routine, the Election Commission had updated its voters' rolls and improved existing legal framework on polling process, vote-counting, enforcement of election code of conduct and dispute settlement mechanism for more effective election. It had also prepared a procedural. This helped in ensuring that local officials become active in dealing with violations of election code. The Election Commission was commended for strict enforcement of the election code.

The provision of voters' ID greatly helped in ensuring that the election was free and fair. But there was not enough improvement in the distribution of such IDs.

The system of electronic voting made the polling fast and efficient. There should be some improvements to overcome weaknesses of the electronic voting. The system did contribute to increasing the voters' participation.

The use of electronic voting system, the clarity in the transport process of voting machines from the polling centers to the office of election officer greatly helped the objective of holding free and fair elections.

Voters were asked about the by election on the basis of set questionnaires. Many of them opined that holding by election is not only financially burdensome, it also disrespects the voters. They suggested scrapping the provision of allowing a person to stand in the election from two constituencies.

Since the country's political situation had normalized, the issue of security was not of primary concern. The Nepal Police and Armed Police Force ensured security arrangement for the by elections.

In the coming days, there should be further improvements in election process by taking the following aspects into utmost consideration:

- Additional efforts required to make voters' rolls free of error. The voters' roll should be subjected to independent audit.
- The voters' ID cards were of temporary type, so they should be laminated before distribution
- Reform the law to bar a candidate from standing in two constituencies in an election since there is much public dissatisfaction over the current provision
- Provide permission to travel by vehicle or put in place alternative arrangement to ease the travel of elderly people and disabled during the polling day
- There should be effective voters' education about the use of electronic voting system
- The color of voting panel was found to be very light, its size small and was less visible in polling centers that had less light. Rather than pressing a button on the side of election symbol, it would be better to have a device where symbol themselves could be pressed
- Discuss the election code of conduct over the option of allowing only hand pamphlets. Control electronic campaigning. Reconsider provisions of the election code that cannot be enforced
- It will make it difficult for voters to easily participate when elections are held during season of paddy plantation. Consider such aspects while determining election date.
- Increase the number of women staff and women police
- Provide additional training to staffs deployed for election

Table of Contents

Publisher's Note

Summary

Chapter 1 **Constituent Assembly By Election and Election Observation**

1.1	Introduction	1
1.2	Observation Method	1

Chapter 2 **Election Environment and Enforcement of Code of Conduct**

2.1	Election Environment	3
2.2	Public Enthusiasm	3
2.3	Enforcement of Code of Conduct	3
2.4	Security Arrangement	4
2.5	Gender Sensitivity	4
2.6	Mass Media	5

Chapter 3 **Election Management**

3.1	Election Management	7
3.2	Preparations for Polling Centers and Polling	7
3.3	Provision of Voters' ID	8
3.4	Use of Electronic Voting Device	8
3.5	Processes after Polling	9
3.6	Vote Counting	9
3.7	Reactions from Representatives of Political Parties	9
3.8	Reactions from Polling Officers	9
3.9	Voters' Participation	10
3.10	Security of Polling Center and Management	10

Chapter 4 **Polling in the Eyes of Voters**

4.1	Election System	11
4.2	Enforcement of Code of Conduct	12
4.3	Impartiality in Election	13
4.4	Intimidations in Election	13
4.5	Security Arrangement	14
4.6	Gender Sensitivity	14

Chapter 5 **Conclusion and Recommendations**

5.1	Conclusion	15
5.2	Recommendations	18
Schedule 1: Comparative votes secured by three main parties		19
Schedule 2: List of Names of Observers		20

Constituent Assembly By Election and Election Observation

1.1 Introduction

Context of By Election

The Constituent Assembly (CA) election was held for the second time in November 19, 2013. It led to the formation of second CA. In this election, there were four candidates who had won from two constituencies, each, under the FPTP system. Each of them vacated one constituency – Kathmandu-2, Chitawan-4, Bardiya-1 and Kailali-6. The by elections for these four constituencies were held on June 22, 2014. While the elections held in November faced various challenges posed by the political situation, transitional period and boycott call made by a front of 33-parties led by CPN-Maoist (Baidya group), the election in June, 2014 did not face those challenges.

Objective of Observation of By Election

Since the by election was to be held in four constituencies only, the main objective of the observation was focused on the managerial aspects of the Election Commission. It sought comprehensive information about the polling and vote counting. In order to receive qualitative information, observers were dispatched to only 57 polling centers across four constituencies. The number observers were 85 including observers who would station themselves in polling centers and those who would take part in mobile observation. In course of observation, information was gathered about publication of voters' rolls, distribution of voters' ID cards, conduct of polling, impartiality and access of observers to the polling centers. That apart, the observation also included aspects of the complaint-addressing system put in place to immediately deal with complaints that will be made about polling and vote counting. Questionnaires were also prepared to seek quantitative information from voters.

The review of pre-election political atmosphere of respective districts, security arrangement, enforcement of code of conduct and role of mass media, as well as qualitative reports filed by observers form the basis of by election observation.

1.2 Observation Method

In order to get comprehensive information, three questionnaires were prepared to assess the three stages: election, polling and vote counting. The first two questionnaires aimed at getting information and opinion about aspects such as preparations of polling centers and its management till the polling closed. These two questionnaires were to be filled in by the polling center observers. The third questionnaires on vote counting were to be filled in based on information from various district observers.

The district and mobile team observers were asked to provide information about the political environment in the area, state of code enforcement, security arrangement, use of economic enticements to lure voters and role played by media, to be incorporated in the observation report. Data received from the forms and descriptions filed by district observers were analyzed to prepare this report.

In each constituency, the observer would ask 10 male and 10 female voters to fill the form-1. As such, 1140 voters were subjected to the questioning. Likewise, the form-2 was used to collect information about entire polling process.

One-day orientation program was held for district and national observers in respective districts. National observers were dispatched from the center for this purpose.

2.1 Election Environment

The formation of the second Constituent Assembly with the holding of election in November, 2013 had led to the creation of a favorable political environment on the eve of by elections in the districts. It was only after the distribution of election symbols to the candidates on June 1, 2014 that the activities of campaigning picked up in the districts. Besides, since the results of the by elections would not have made any impact on the national political scene, there was an apparent lack of heated campaigning that were witnessed during general election. Furthermore, it was safe to assume that in most of the seats being contested in by election, the party that vacates it is generally in the strongest position – thus providing less hope for any big change.

2.2 Enthusiasm of People

In November 19, 2013, a large number of people had participated in the voting despite the boycott call by 33-party alliance because they yearned for new constitution. In the current by election, the enthusiasm was much less apparent.

Apart from Bardiya -1, the constituencies of Kathmandu – 2, Chitawan – 4, and Kailali – 6 mostly consist of urban centers where people are engaged in socio-economic activities and are less drawn towards the election processes. Besides, as it coincided with the paddy plantation season, even rural population was less attentive. It became clear with the 70 percent voting rate in by election compared to 79 percent in general election. Even this much of participation might have been spurred by the attraction of the use of novel electronic voting system.

2.3 Enforcement of Code of Conduct

Since the by election had much less importance compared to the general election, the campaigning was not very intense. However, the parties and the candidates were not found to be keen on fully abiding by the code of conduct. In course of campaigning, it was found that parties were pasting their posters on the top of posters of opponents; gifting voters with calendars; hosting parties and engaging in campaigning even in silent period. Such violations could be seen in all of the constituencies. However, in Chitawan and Kailali, sitting ministers could be found misusing their authority. For example, in Chitawan, the office of chief election officer had to issue directive after the opponents claimed that votes were being sought by Congress candidates as a representative of prime minister Sushil Koirala. Likewise, other parties protested after Industry Minister Karna

Bahadur Thapa addressed an election rally in Dhangadi Campus road on Asar 4, 2071. The Election Commission decided to slap a fine of Rs 100 on the minister. Likewise, on June 18, during silent period, there were clashes between workers of two parties after it was alleged that the CPN-UML had campaigned in Depot Bazaar of Phulbari VDC. There was an FIR filed at the border police post Bahuliya against two UML cadres on charge of vandalizing motorcycles and engaging in arson.

In Chitawan, there were incidents of financial impropriety. In all districts, there were reports of partying. On the day of voting, almost all major parties provided food. In Kathmandu, the election commission was reported to have seized vehicles after it found that parties were using higher number of vehicles, beyond the ceiling fixed.

2.4 Security Arrangement

Since the security situation in the country had normalized after the 2013 election, the by election did not face any major security challenge. There was satisfactory arrangement of security. Unlike in the past, the army did not have to be mobilized. Nepal Police and Armed Police Force managed the security. The provision of mobile security team was effective. In most places, the security teams were posted from two days before the election.

The security arrangement ensured that the polling center, polling venue, voters and polling staffs were secure. Security personnel checked vehicles plying in the region and stopped those without necessary permit. However, people did complain that in view of conducive atmosphere, the authorities might have done well had they not stopped the highway and rather focused on securing polling venues alone. In each polling center there were 1 to 3 women personnel posted. The mobile police team helped increase security in rural places.

There were few reports of assault, arson and violent incident in some constituencies.

2.5 Gender Sensitivity

Polling centers and polling venue were women-friendly. There were separate queues and toilet facility for women. There was balanced representation of women among election staffs. Volunteers were also composed of women. Women volunteers were posted to apply ink on the fingers of women voters. In the past, there was some discomfort in few Terai districts after male volunteers were posted to do that job. This time, too, some of the polling centers were entirely managed by women. Even there were totally women police personnel posted in such centers.

The reports by GEOC observers showed that voters did not face discrimination owing to their gender. There was substantial participation of women voters in all constituencies.

2.6 Mass Media

Since the role of mass media is crucial in ensuring free and fair election, the election code of conduct involves points applicable to the mass media. The mass media have the responsibility of fairly dealing about the election news. They have to remain objective and impartial. Likewise, they also have the duty to inform the public and give priority to election-related news.

In case of by election, the mass media played their role of supplying objective information to the public. In local level, there were some reports where the election officer had to caution local media outlets for violating the code in some instances.

3.1 Election Management

The election management begins from the process of updating the voters' rolls themselves. In the four constituencies concerned, the number of voters registered during 2013 was 235,845. It increased by 15,459 during the updating and reached 251,304. Voters ID were also distributed in course of updating the record. There were a total of 76 candidates including 9 women and 67 men in the fray in the four constituencies. Sixty of those candidates belonged to political parties and 16 were independent. There were 14 independent candidates in Kathmandu – 2 whereas there were 1 each independent candidates in Chitawan – 4 and Bardiya – 1. There was no independent candidate in Kailali – 6 constituency.

In these four constituencies, there were 137 polling venues and 324 polling centers. A total of 3564 election staffs were deployed by the Election Commission for the purpose.

As per the calendar prepared by the Election Commission for the election under First-Past-The-Post system in the four constituencies including Kathmandu – 2, May 25, 2014 was fixed for filing of candidates' nomination and their final list was released on May 31. On June 1, they were provided with election symbols. The by elections had to be held in these four constituencies after the winning candidates of 2013 election vacated them.

3.2 Preparations of Polling Centers and Voting

The preparations of polling depend upon the pre-election activities. It was informed that all preparations including the ones required for using electronic voting system were made on time. Police teams including 1 to 3 women personnel were posted to polling centers. In many places, staffs were moved to the venue one day prior to the voting. Observers sought information about the preparations and the voting process from 7 am till the polling closed. There were some confusion on how to manage the tents in case there was a downpour – since the voting day was in the middle of monsoon season. In some places, local organizations provided tents. It came to our notice that budget allocated for polling center management was not adequate to manage those contingencies. In some places, the polling station had to be hurriedly shifted due to rainfall, which led to delay in voting.

In some remote areas, it was later found out that the staffs who had reached the venue a day before for preparations had to stay back without adequate food and lodging facility due to rainfall.

Rural and elderly voters were clearly unaware about the ways of using the electronic voting machine. Some of them were found to be inquiring how they could vote the candidate of their choice. Some of them said they pushed the first button they saw while some tried to push the election symbols instead of proper button. Staffs posted at the center frequently demonstrated the way of using the machine. But still voters seemed confused about whether they were able to vote for their candidate.

There was lack of uniformity among the centers on how to facilitate the disabled or indisposed voters. Many election officers were found to be assisting such voters themselves – which is not what the directives had laid down. In Chitawan, following a rumor that election officer Sudip Prasad Timilsina had forced a voter to push a particular button, the polling was obstructed for around five minutes. Likewise, in Shardanagar secondary school polling center, the voting was obstructed for 15 minutes from 9 am after there were disputes among the representatives of political parties on who should assist a disabled voter to cast his vote – his family member or the election officer. The election directives state that a disabled voter can cast his/her vote by asking for assistance from his relative or somebody he/she trusts. The election officer can only ‘assist’ in such exercise.

3.3 Provision of Voters ID

Everybody has felt that the provision of voters’ ID has made the job of identification much easier. It has cut down the time one has to stay in queue and has also reduced the changes for proxy voting. However, there are problems in its distribution. In Shibnagar VDC ward 3 of Chitawan, a woman was denied voting after she failed to produce voter ID despite her name being listed in the rolls. In Kailali, a person entrusted for distributing the voters’ ID card to a ward was found to have failed to do so. Many voters who had not safely kept their voters’ ID thinking it was a temporary one, had to face troubles. In some centers of Kailali – 6, person other than the one for whom the ID had been issued were found to have cast vote. Polling officer said that this problem arose because of discrepancy in the name in the list and the voters’ ID.

3.4 Use of Electronic Voting System

In some polling centers, such as the Saraswati higher secondary school center (d) of Koteshwore of Kathmandu – 2, the machine broke down at the outset. Likewise, it was reported that in Motipur VDC, Nepal Rastriya higher secondary school, Bansgadhi polling center of Bardiya - 2, the machine frequently broke down.

Although the voters were highly enthusiastic about the use of electronic voting system, the staffs were not fully assured about their use. At the end, the system was successfully tested and people did not have to stand in long queue for a long time. There were sporadic incidents of concern. Before the election, the machines had been tested in the presence of representatives of political parties and the candidates at the office of chief election officer. All were informed about the election symbols, buttons etc and the machines were sealed. The seals were broken on the day of the voting in presence of representatives of parties and candidates.

3.5 Post Poll Process

The process of stopping the polling unit and putting the seal was found to have been performed as per the CA Member By Election, Polling Officer Directives 2014. The representatives of parties and candidates had signed the seal. Arrangements had been made to ensure that representatives of parties and candidates who wished could accompany the vehicle that transported the machines back to counting venue. This facility was used by many parties.

3.6 Vote Counting

The reports filed by observers from all the four constituencies make it clear that the process of vote counting was found to have been performed as per the CA Member By Election (Electronic) Vote Counting Directives 2014. Since the machine itself counted the votes, it was not only swift but also free of disputes. The counting started the same night and concluded in the following afternoon on June 23, 2014.

As per the final results, Dipak Prasad Kuikel of Nepali Congress won the Kathmandu – 2; Ram Krishna Ghimire of Nepali Congress won the Chitawan – 4; Shyam Prasad Dhakal of CPN-UML won the Bardiya – 2; and Pushkar Nath Ojha of Nepali Congress won the Kailali – 6 constituencies. Compared to 2013 polls, NC bagged 10 percent more votes in these four constituencies. Likewise, the votes of UCPN-Maoist, too, increased by 2 percent whereas that of CPN-UML decreased by 15 percent (Schedule 1).

3.7 Reactions from the representatives of political parties

In course of observation, all of the representatives of various parties agreed that the election was held in free, fair and fearless environment. Since the election in four constituencies would not impact the national politics, there were lesser interest in districts. Nobody was concerned that there will be rigging.

Since the constituencies of by election are often the area of strong influence of particular parties, other parties were not very keen. All agreed that the election officers, staffs, and security personnel carried out their job impartially.

3.8 Reaction from Polling Officers

Polling officers reacted that they did not face any trouble in conducting the polls. They talked about satisfactory cooperation from political parties. Elections went off without untoward incidents. When asked further, they said the election was held in swift and efficient manner due to the use of electronic voting machine. Voters did not have to stay in long queues and the centers were not overly crowded.

Some voters, particularly elderly and women, had to be told about the way of using the machine. Extra demonstrations had to be carried out for them. In course of observation it was seen that in Mulpani Nepal Rastriya higher secondary school polling center (a) of Kathmandu – 2, the polling officer had to convince family member of a woman that he cannot teach her about the use of machine in the center. The officer himself taught her

instead. Many voters found it amusing how the machine itself signaled the successful casting of a vote by producing a beeping sound.

Parties and candidates were found to have abided by the code of conduct in general. The sizes, colors of posters were found to be in line with the guideline. But there were posters pasted in walls of private citizens in some places. There were no formal complaints, though. Most posters were pasted in electric or telephone poles. There was no unhealthy competition among candidates/parties. There was no obstruction in voting.

3.9 Participation of Voters

There was a good participation of voters. Since it was the season of paddy plantation, there were fewer voters in morning time. Their numbers increased as the day progressed. There was no overcrowding. Nobody had to stay in queue for a long time. One polling officer even wondered that people would be surprised to know about the high turn out given the lack of crowd they would see in the centers.

Voters faced no difficulty in entering into the polling centers due to lack of crowds. Almost all carried voters' ID. Those who did not have ID with them could get a copy of the ID from the center itself. Most of the newly registered ones, barring a handful, came with their IDs. One polling officer said that copies of IDs were being given without any fee. The use of electronic voting machine was convenient for most voters except few elderly persons and women. In Kathmandu – 2 Lapsifedi, two elderly people who seemed to have been confused in its use were later asked how they found it. Surprisingly, they said they had no problem. In Nanglebhare, one elderly person said that his habit of using mobile phone made it easier to use the machine. The reactions from ordinary voters were highly positive about the machine.

A few polling officers said they had some problems since some voters were not informed adequately about the use of machine. One polling officer narrated how a voter approached him asking where to cast the vote after he had already pressed the button in the machine. It could be assumed that due to lack of knowledge, some voters may have pressed wrong buttons casting vote to candidates not of their choice. It was found that voters took time to locate their candidate and election symbol because they were in very light blue in color.

3.10 Security and Management of Polling Centers

Security arrangements of polling centers were appropriate. There were 1 to 3 women personnel in every center. Security personnel and staffs carried out their duties responsibly. They were polite in their answers when observers approached them with questions. Despite petty weaknesses in the preparation and management of polling centers, there was no untoward effect on the overall conduct of election.

In Indrayani VDC building polling center (a) of Kathmandu – 2, there was confusion for a brief period when a discrepancy was noted in the number of voters and number registered in poll book. But the problem was sorted out after the polling officer checked it with control unit of the machine.

By Election in the Eyes of Voters

In the earlier paragraphs, the election process and the management of the by election was analyzed on the basis of reports by the observers. In course observation, voters had also been asked a number of questions in the form of questionnaire to know about their feeling regarding the by election. The total number of such respondent voters was 1140 including people from all age groups in all four constituencies. Analyses of their responses are presented in the following paragraphs.

Table 1: Number of Voters Participating in Questionnaire Response

Gender	Kathmandu	Chitwan	Bardiya	Kailali	Total
Woman	130	151	141	151	573
Man	130	149	139	149	567
Total	260	300	280	300	1,140

Their responses were reviewed and analyzed under separate heading such as election system, political aspect, fair election, enforcement of code of conduct, threats/intimidation to voters, security situation and gender sensitivity.

4.1 Election System

When asked how they felt to be casting their votes second time after the election of November, 2013, 62 percent replied by saying they were exercising their civic rights; 44 percent said it constituted wastage of public money and time, disrespect of their earlier vote and misuse of state coffer. Since this question had multiple answer, the total exceeded 100 percent. This percent stood at 73 in Kathmandu-2, 35 in Chitawan-4, 34 in Bardiya-1 and 38 in Kailali-6. There is a clear pattern in this reply. It is the difference in response between urban and rural voters. In this course, voters were found to be opposed to the provision allowing a candidate to stand from two constituencies. Although voters from all constituencies were opposed to the provision, those from Kathmanu-2 and Kailali-6 were found most vocal.

Table 2: How do you feel to be casting the vote again after the election for the same purpose was held in November, 2013 (Multiple choices)

Reasons	Kathmandu	Chitawan	Bardiya	Kailali	Total
Exercise of citizen's right	45.8	67.0	68.6	63.7	61.7
Wastage of resources, materials and time	30.8	18.3	12.1	20.0	20.1
Disrespect of previous vote	41.9	17.0	15.4	18.0	22.5
Misuse of state coffer	0.4	-	6.1	-	1.6
Regular legal process	-	0.3	-	-	0.1
Another opportunity to elect one's representative	0.4	0.3	-	-	0.2

On what prompted the voters for coming out for the second time, there were multiple choice answers and, therefore, the total percentage exceeds 100. In their replies, 38 percent of respondents from Kathmandu-2 pointed at candidate and 42 pointed at political party. In other words, people were found to be reposing more trust in party (institution) than candidate (individual). In other constituencies, this percentage favors candidate more than party.

Table 3: What prompted you to come out again to cast vote? (Multiple choices)

Reasons	Kathmandu	Chitawan	Bardiya	Kailali	Total
Because of candidate	37.7	44.3	40.4	44.7	41.9
Because of party	41.9	36.7	35.7	26.0	34.8
Because of campaigning by parties	18.8	11.0	21.4	13.3	16.0
Because of mass media	18.8	12.0	12.5	16.3	14.8
Others (Family/self)	19.6	10.3	5.0	3.0	9.2

To a question whether you voted for the same party that you had voted in November, 2013, 64 percent of Kathmandu-2 respondents said yes while 36 percent said no. In other constituencies, the respondents saying yes stood at 74 percent in Chitawan-4; 71 in Bardiya-1; and 75 in Kailali-6.

4.2 Enforcement of Code of Conduct

To a question whether the campaign expenditures seemed to be managed under the prescribed limit, 30 percent of respondent, on average, said no. Breaking down this average into constituencies would show that 19 percent of Kathmandu-2 respondents said no while 32 percent in Chitawan-4; 39 percent in Bardiya-2 and 28 percent in Kailali-6 said no.

When asked how much you felt the candidates abided by the code of conduct, 22 percent, on average, said they did not feel it. In Kathmandu-2, 23 percent of respondents

said they could not feel it whereas in Chitawan-4, the percent was 26; in Bardiya-2, the percent was 24 and in Kailali-6, the percent was 16.

Table 4: How much did the political parties and the candidates participating in the election abide by the election code of conduct?

Reasons	Kathmandu	Chitawan	Bardiya	Kailali	Total
Fully abided by	71.9	73.3	75.0	83.7	76.1
Did not abide by	22.7	26.0	24.3	15.7	22.1
Don't know	5.4	0.7	0.7	0.7	1.8

4.3 Impartiality in Election

The average percent of respondents who said the election was impartial stood at 90. The figure stood at 84 percent for Kathmandu-2; 95 percent for Chitawan-4; 87 for Bardiya-2 and 95 for Kailali-6. The two percent respondents replied that the election was not impartial. When further asked, 52 percent of those who felt it was not impartial said the reason was because they breached code of conduct; 59 percent said the reason was because voters were influenced by financial incentives; and 37 percent said the reason was because of improper activities by representatives of parties and volunteers beyond acceptable limit. Since it was also a multiple choice question, the total percentage exceeds 100. One out of six such respondents who felt the election was not impartial blamed staffs for meting out partial behavior among voters. Although the number of such respondents is very small, it will be prudent to note that such behavior of staffs is not conducive for free, fair and credible elections.

Table 5: In your opinion, was this CA member election fair/impartial?

Reasons	Kathmandu	Chitawan	Bardiya	Kailali	Total
Yes	83.5	94.7	87.1	94.7	90.3
No	2.3	1.3	3.9	1.7	2.3
Can't Say	14.2	4.0	8.9	3.7	7.5

4.4 Threats/Intimidations in Election

The question was like this – Was there any threat, intimidation or enticement from any side to vote for any particular party or candidate? 97 percent of the respondents said no. There were not much difference in the figure in all four constituencies – where the percentage of such respondents ranged from 95 to 98.

Table 6: Was there any threat, intimidation or enticement from any side to vote for any particular party or candidate?

Reasons	Kathmandu	Chitawan	Bardiya	Kailali	Total
Yes	1.9	2.0	4.6	5.0	3.4
No	98.1	98.0	95.4	95.0	96.6
Total	260	300	280	300	1,140

4.5 Security Arrangement

To a question on how the security arrangement was, the average of 99 percent of respondents of four constituencies replied it was good and okay. The percent stood at 95 for Kathmandu-2 constituency respondents. In other constituencies, the figure stood at 100 percent.

Table 7: How did you find the security arrangement for the CA member election?

Reasons	Kathmandu	Chitawan	Bardiya	Kailali	Total
Good	69.2	63.7	65.0	70.7	67.1
Okay	25.8	36.0	34.6	29.3	31.6
Unsatisfactory	5.0	0.3	0.4	-	1.3

4.6 Gender Sensitivity

To a question on how they found the sensitivity of women addressed in terms of election management, the average of 99 percent of respondents of four constituencies replied it was good and okay. In all four constituencies, 99 percent of the respondents said they found the gender sensitivity addressed well.

Table 8: How did you find gender sensitivity in election management?

Reasons	Kathmandu	Chitawan	Bardiya	Kailali	Total
Good	63.8	61.3	55.0	71.0	62.9
Okay	34.6	37.7	44.3	29.0	36.3
Bad	1.5	1.0	0.7	-	0.8

5.1 Conclusion

The by election for the CA member held on June 22, 2014 was concluded in free, fair and credible manner. Vote counting and the publication of election results were carried out in cordial atmosphere. The provision of voters ID card implemented by the Election Commission from November election was given continuity in these by elections, too. The electronic voting machines, being used for the first time, also led to swift and convenient holding of the election. The voting process and the management of polling centers were generally good. All the processes of the election such as checking the name of voters, preparing the electronic devices, use of seals, transport of machines, arranging for representatives of parties/candidates to accompany the machines during their transport, and vote counting – were carried out appropriately.

The recently held by election process can be summarized in following points:

Voters' Rolls

The voters' list or voters' rolls were updated as per the regular process of the Election Commission. With the updating, additional 15,459 new voters were able to exercise their rights in these four constituencies. The Commission had a big responsibility of distributing photo ID cards to voters. The Commission has made big effort and spent a lot of resources for this purpose. However, there were still some errors in the names/photos of voters in the list and in the card.

Registration Process for Election Candidates

All the steps of the registration of election candidates – from filing of nomination papers, publication of nomination list, complaints and protests, and publication of final list following investigation by the Commission, and the distribution of election symbols – were carried out appropriately. In course of its investigations over complaints and protests, the Commission cancelled the nomination paper of some candidates and it published the final list of candidates. The Commission carried out these tasks responsibly and on schedule.

Election Process

The 1140 respondent voters when asked about the utility of holding by elections gave varying replies. Around 44 percent said it constituted wastage of public money and time, disrespect of their earlier vote and misuse of state coffer. This percent stood at 73 in Kathmandu-2, 35 in Chitawan-4, 34 in Bardiya-1 and 38 in Kailali-6. It showed that generally the voters are opposed to the practice allowing a candidate to stand from two

constituencies. In Kathmanu-2 constituency, people also referred to 'tourist candidates' signaling the candidates who were not from the area.

Setting up of Polling Centers

The setting up of polling centers and management of voting process were completed on time. However, there were apparent weaknesses in the lack of preparations in case of rainfall – even though the election was being held in monsoon season. In some places, the polling centers were very small and narrow. In some places, tents had to be re-erected after rainfall and windstorm dismantled them. As a result, there were delays in voting in some places.

Voters' Identity Card

It is the big achievement of the Election Commission to make it compulsory to have voters' ID for election. It was felt in the November, 2013 election how the ID cards helped make the polls a lot easier. However, the problems in its distribution and enforcement recurred in the by elections, too. There has not been the expected improvement in its distribution. In Kailali-6, voters could not obtain their ID cards after a person entrusted for the distribution failed to do so. In many places, people suffered because they had not safely kept their ID cards thinking it was a temporary paper. Discrepancies in the name of voter in the list and in the card also led to few problems resulting in denial of voting right to some. In some places, some voters could not cast their vote because they neither had the voter's ID nor any other official ID.

Use of Electronic Voting Machine

The electronic voting machines were successfully used, for the first time, in all the four constituencies. It not only helped to make the election swift and efficient, but also increased the enthusiasm of voters. There were few incidents where the machines encountered technical problems. But such problems were mostly overcome, at some places the new device had to be brought in also.

The only major problem with this system was the lack of adequate voter education on its use and management. Polling officers and other staffs were found providing useful information about its use at the venue itself. A few elderly voters found the use of machine troublesome. But most voters used it conveniently. There were also problems about assisting disabled and indisposed voters. Although there is clear provision regarding this in the guideline, in practice polling officers were found assisting them in a clear breach of guideline. This will not help the Commission in its bid to ensure fair election. In some places, it was found that polling officers assisted voters by pushing the button – which does not conform with the guideline that talks about only providing assistance to such voters. Polling officers addressed these problems individually. Such behavior can raise question about the role of Commission in fair election.

Post Poll Process and Vote Counting

The steps of this phase were efficiently carried out as per the election guideline. Everybody seemed satisfied with the arrangements made for the transport of voting machines after the polls. The vote counting started from the same night and final results were out the

following afternoon of June 23. There were no obstructions in these processes. Votes won by candidates were immediately announced. However, since some vote counting venues were narrow and small, not everybody could observe the process well.

Participation of Voters

There was good participation of voters. The voting percentage stood at 64 in Kailali-6; 67 in Kathmandu-2; 73 in Chitawan-4; and 75 in Bardiya-1. Despite fears that bad weather might reduce the participation, the overall figure was very good, indeed. However, in the election of November, 2013, these percents stood at 75 for Kailali; 81 for Kathmandu; 79 for Chitawan; and 83 for Bardiya. Reports from most places stated that excitement about the use of voting machines was also a big draw for the voters to the by election.

Compared to the national average of 78 percent voters' participation in November election, the average for four constituencies during the by election was 70 percent. Likewise, compared to 75 percent vote share by three major parties in November election, their share in the by election increased to 86 percent. Likewise, compared to 2.3 percent votes bagged by independent candidates in November election, they only obtained 0.8 percent votes in the by election.

Enforcement of Code of Conduct

Since the parties did not face big challenge or competition in the by election, there were still some instances of violation of the code particularly in campaigning and campaign expenditures. There were incidents such as pasting posters on top of rival candidates' posters, distributing gifts like calendars, use of name and photo of ministers in the pamphlets, pasting posters in public places, campaigning in silent period and hosting parties. The SMS were widely used. Election officers were also found to be taking actions against violations of code. The Commission had reformed the Election Dispute Resolution Guideline 2014 and empowered the Election Dispute Resolution Committee as well as changed the procedural to clarify the actions that could be taken by election officer, polling officer and monitoring teams. The Commission even took action against government minister signaling its strict stand.

Election Security Arrangement

There was no big security challenge for the by election. The Nepal Police and Armed Police Force made satisfactory security arrangement. Ordinary voters felt secure. There was good participation of voters even in remote areas. Due to mobile police security teams, voters felt safe and secure in their movements. Unlike in the past, the Nepali Army did not have to be mobilized.

Gender Sensitivity in Election

There was no problem for women voters to travel and participate in the voting. They took part in the voting without any fear. It has now become a norm to have separate queues and toilets for women in the polling centers along with the presence of women security personnel. Likewise, there were arrangements made to facilitate the participation of elderly, disabled and indisposed voters.

5.2 Recommendations

The use of voters' ID card and the electronic voting machines made the by elections very effective and efficient. There were lesser logistical hassles. The Commission dealt with the violations of the election code very strictly. There are some recommendations to further improve the future elections:

- Additional efforts required to make voters' rolls free of error. The voters' roll should be subjected to independent audit.
- The voters' ID cards were of temporary type, so they should be laminated before distribution
- Reform the law to bar a candidate from standing in two constituencies in an election since there is much public dissatisfaction over the current provision
- Provide permission to travel by vehicle or put in place alternative arrangement to ease the travel of elderly people and disabled during the polling day
- There should be effective voters' education about the use of electronic voting system
- The color of voting panel was found to be very light, its size very small and was less visible in polling centers that had less light. Rather than pressing a button on the side of election symbol, it would be better to have a device where symbol themselves could be pressed
- Discuss the election code of conduct over the option of allowing only hand pamphlets. Control electronic campaigning. Reconsider provisions of the election code that cannot be enforced
- It is inappropriate to hold elections during season of paddy plantation.
- Increase the number of women staff and women police. In far and mid western regions, there was only one women police personnel in many polling centers. Their number should be increased.
- Provide additional training to staffs deployed for election

Votes Obtained by Candidates of Three Main Parties in 2014 & 2013

S.No.	Constituency	Elected Candidate (2014)	Party	Votes Obtained	Elected Candidate (2013)	Party	Votes Obtained
1.	Kathmandu-2	Mr. Dipak Prasad Kuikel	Nepali Congress	18,200	Mr. Madhav Kumar Nepal	CPN-UML	21,748
		Mr. Krishna Gopal Shrestha	CPN-UML	13,421	Ms. Pratima Gautam	Nepali Congress	12,475
		Mr. Lilamani Phokhrel	UCPN-Maoist	4,604	Mr. Lilamani Pokharel	UCPN-Maoist	7,154
2	Chitwan-4	Mr. Ram Krishna Ghimire	Nepali Congress	20,318	Mr. Sushil Koirala	Nepali Congress	20,760
		Ms. Dil Kumari Rawal Thapa	CPN-UML	17,272	Mr. Chitra Bahadur Shrestha	UCPN-Maoist	10,739
		Mr. Khushi Ram Tamang	UCPN-Maoist	7,855	Ms. Dil Kumari Rawal Thapa	CPN-UML	10,067
3.	Baridiya-1	Mr. Shyam Prasad Dhakal	CPN-UML	16,996	Mr. Bam Dev Gautam	CPN-UML	18,347
		Mr. Sode Bista	Nepali Congress	11,335	Mr. Bhaban Kumar Tharu	UCPN-Maoist	11,628
		Mr. Bhaban Kumar Tharu	UCPN-Maoist	11,031	Mr. Bhubaneshwore Chaudhari	Nepali Congress	8,598
4.	Kailali-6	Mr. Puskar Nath Ojha	Nepali Congress	14,784	Mr. Sher Bahadur Deuba	Nepali Congress	16,489
		Mr. Maheshwore Pathak	CPN-UML	11,959	Mr. Maheshwore Pathak	CPN-UML	8,563
		Mr. Sundar Raj Regmi	UCPN-Maoist	1,766	Ms. Lila Kumari Bhandari	UCPN-Maoist	4,765

List of People Involved in Observation

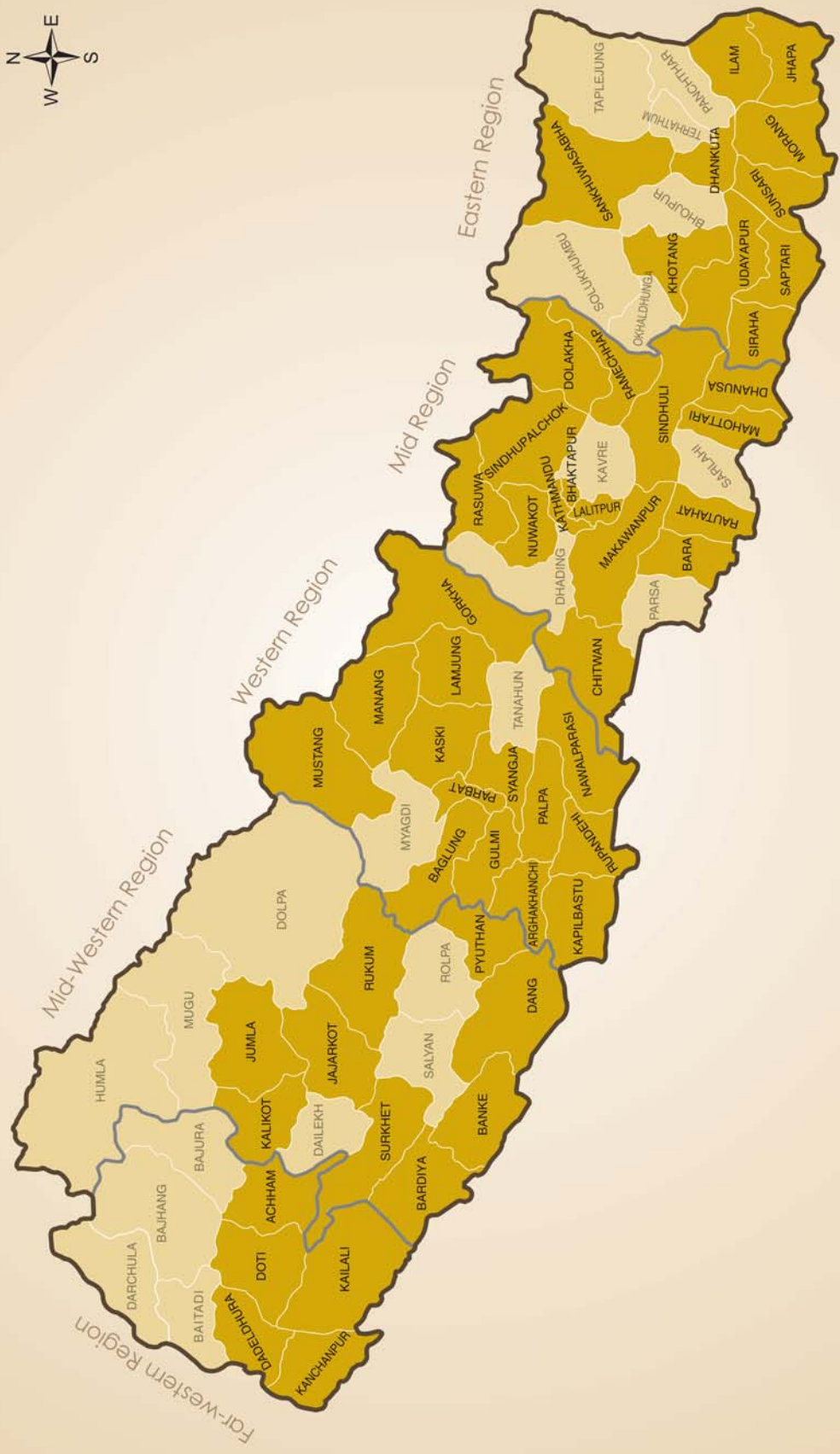
National Observers

S.N	Name	Occupation	Address
	Mr. Himalaya Shumsher Rana	Chairperson, GEOC	Chairperson, NCF
	Mr. Komal Prakash Ghimire	Senior Advocate, Supreme Court	Chairperson, Nepal Law Society
	Mr. Bharat Bahadur Thapa	Former Secretary, Chairperson, CFPS	Kathmandu
	Mr. Udaya Nepali Shrestha	Former Secretary	Executive Member, ICJ
	Mr. Khem Raj Regmi	Former Secretary	Chairperson, Nepal Civil Society
	Ms. Sunita Regmi	Advocate	Treasurer, RDF
	Prof. Chiranjibi Khanal	Director, NPI	Kathmandu
	Mr. Ganesh Kumar Mandal	Social Worker	Madhesi Civil Society
	Mr. Hasta Bahadur Gurung	Senior Journalist	Center for Investigative Journalism
	Ms. Babita Basnet	Reporter	Chairperson, Media Advocacy
	Mr. Krishna Man Pradhan	Executive Director, Nepal Law Society	Member Secretary, GEOC
	Mr. Govinda Das Shrestha	Expert, Election and Governance	Lalitpur
	Mr. Shashi Kumar Upadhaya	Senior Advocate	Member, NLS
	Mr. Milan Shrestha	Advocate	Member, NLS
	Ms. Mana Dahal	Advocate, Supreme Court	Kathmandu
	Mr. Tirtha Narayan Subedi	Executive member, Nepal Citizen's Forum	Kathmandu
	Mr. Shiva Kumar Shrestha	Advocate	Secretary, RDF
	Ms. Sabita Baral	Senior Advocate, Supreme Court	Member, ICJ
	Ms. Manteshwori Rajbhandari	Treasurer, NPI	Lalitpur
	Mr. Umesh Mainali	Former Secretary, Home Ministry	Kathmandu
	Mr. Babu Ram Bishowkarma	Senior Journalist	Center for Investigative Journalism
	Ms. Aruna Rana Thapa	Expert, Women Issues	Kathmandu
	Ms. Sushma Banskota	Woman Activist	Kathmandu
	Mr. Dor Prasad Aryal	Executive member, Nepal Civil Society	Kathmandu

List of People Involved in Observation

District Observers

S.N	District	Name	Adress
	Chitawan	Mr. Sudip Wasti	Advocate, Wasti Legal Service
	Kathmandu	Ms. Saraswoti Shrestha	Advocate, Executive Member, Nepal Bar Association
	Bardiya	Mr. Rishi Ram Kafle	Advocate, Bardiya
	Kailali	Mr. Narendra Bahadur Shaha	Advocate, Dhangadi



 GEOC Working Areas



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