



**Summary of Observation Findings on the
Election Commission of Nepal’s “Voter Registration with Photograph” Program
19 April 2011**

Introduction

The Election Commission of Nepal (ECN) is conducting a nationwide voter registration process to create a new computerized voter register. Following an invitation from the ECN and as part of broader efforts to observe the peace and constitutional processes at the local level, Carter Center observers were deployed to 13 districts in February and March 2011 to gather information about the voter registration process. 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.

Carter Center Methodology

Carter Center teams of international and national long-term observers (LTO) were deployed in late February and March 2011 to collect information about the voter registration process in 13 of 43 districts where registration took place during the “bridging” phase. Specifically, observers collected information from nine Tarai districts (Banke, Bara, Dang, Dhanusa, Kanchanpur, Kapilvastu, Morang, Parsa, and Rupandehi) and four Hill districts (Doti, Ilam, Kathmandu, and Kavrepalanchok). Carter Center LTO teams gathered information about registration turnout targets, voter awareness and participation, voter registration management, data management, and political party participation, and also conducted direct observation at 25 voter registration places. The Carter Center conducted 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.

Main Findings

Overall, the ECN voter registration process is moving forward, with field data collection conducted in multiple phases: 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); and a nationwide phase to register voters throughout the rest of the country (launched in March 2011 and scheduled to continue through the end of June 2011). At the same time, continuous voter registration is ongoing at District Election Offices in all districts to accommodate individuals who missed voter registration in their location of permanent residence.

The Carter Center commends the positive efforts undertaken by the ECN thus far to ensure that all Nepalis who wish to register to vote are provided with the opportunity to do so. The ECN has faced many challenges – political, legal, and administrative – in implementing voter registration, but has demonstrated flexibility and good will as the registration process has gone forward. The Center recognizes the hard work and dedication of all ECN officials and commends the ECN for:

- Proactively responding to concerns about the quality of the 2008 CA voter list raised by election observers and others and embarking upon a major effort to create a more accurate voters' list;
- In response to the February 2011 Supreme Court ruling on the requirement of a citizenship certificate for registration, sending a letter to request the Government of Nepal to issue citizenship certificates to all eligible Nepalis;
- Engaging in dialogue with protesting political parties to seek ways to accommodate their concerns; and
- Broadening its policy on proof of migration requirements in order to facilitate easier access for eligible registrants who are no longer living in their home location.

The Carter Center encourages the ECN to build on its positive efforts to date and to take further steps to promote greater access and opportunity for all Nepalis who wish to register to vote.

Voter Registration Turnout Targets

The ECN established voter registration turnout targets of 75 percent of the 2008 CA election voters' list for the municipalities phase and 60 percent of the 2008 list for the bridging and nationwide registration phases. The 2008 CA list contained approximately 17.6 million voters; the ECN's current registration target stands at nearly 11 million registrants, representing a significant reduction when compared to the previous 2008 list. According to the ECN, the targets are based on previous actual voter turnout and a range of statistical data sources. However, given concerns about the accuracy of the 2008 list and significant differences between different population data sources, these expected turnout figures require stronger justification from the ECN to demonstrate that they are in fact accurate and realistic targets for Nepal. If the new voter list is significantly shorter than the 2008 list, the ECN may be asked by the Nepali public, political parties, civil society, and the international community to explain this discrepancy.

It is positive that the ECN has created a form (called a "Lagat" form) that, if properly used by enumerators, should accurately identify the number of persons who have not been registered and the reasons why. However, timing remains a critical issue. The Center is concerned that the Lagat data will be compiled and analyzed too late in the process to be of use in proactively addressing shortcomings in registration during the main nationwide phase and in responding to questions from stakeholders about the size of the list. An accurate population and migration assessment, prior to the consolidation of the Lagat data, is therefore desirable.

Municipalities Phase

Registration data from the 58 municipalities shows that the ECN registered 1,261,557 voters (as of March 23, 2011) but fell short of its target of 1,724,818 by approximately 25 percent. This can be partially explained by the fact that a large number of Nepalis are working abroad. However, other factors, including political party obstructions of the voter registration process in 12 of 58 municipalities by several Madhesi parties and the Federal Democratic National Forum-affiliated Federal State Limbuwan Council (FDNF-affiliated FLSC), and the fact that an unknown number of individuals do not possess required documents to prove voter eligibility, also affected registration turnout.

"Bridging" Phase

Carter Center observers found that voter education efforts in the bridging phase were generally weak. By contrast, voter enumeration efforts were strong, but enumerators at times struggled to meet their targets. According to enumerators, the most common reasons citizens were not enumerated (aside from not being at home) were: lack of a citizenship certificate; working abroad; and working outside the district. Voter registration at registration places was found to be peaceful and largely without incident. There were some technical and procedural areas in which the ECN could improve, specifically by ensuring that individuals who have not been enumerated can be enumerated and registered on site, remedying problems in

capturing registrant fingerprints, and confirming registration details with individuals on site before capturing their information. Additionally, in five of 13 districts (Banke, Bara, Ilam, Kapilvastu and Morang) visited by observers during the bridging phase, obstructions or threats of obstructions by political parties negatively affected the process, despite ECN efforts to resolve the disputes.

Voter Eligibility Requirements and Barriers to Registration

Voter eligibility requirements, specifically requirements that individuals produce a citizenship certificate and, if they have relocated, possess official proof of migration, likely served as barriers to registration for an unknown number of eligible Nepali citizens during the municipality and bridging registration phases. The citizenship certificate requirement was confirmed by the Supreme Court in a February 2011 ruling. No clear data exists on the number of eligible Nepalis who do not possess citizenship certificates, although past research conducted by the Government of Nepal as well as an internal study conducted jointly by the ECN and IFES may provide some indication as to the scale of the problem. Additionally, a 2008 Nepal Labor Force Survey found that 33% of Nepalis are either working abroad or have moved from their home district to a new location, indicating that a large number of voters may be affected by proof of migration requirements.

Continuous Registration

Thus far, relatively few individuals – including both municipality residents and VDC residents – have registered via the continuous registration process. With the exceptions of Kathmandu and Parsa, election officials reported that around five people or fewer per day came to the DEO to register. Given the relatively low number of individuals who have registered via continuous registration to date, public awareness of continuous registration appears to be limited.

Additional Observations

The Center found that data management and security should be a priority for the ECN as data captured during the bridging phase was in some cases at an unnecessarily increased risk of being lost, stolen, or corrupted. The Center also found that political party involvement in the voter registration process appeared to be weak. Those parties that did engage with the process mainly did so in an obstructive, rather than constructive manner.

Voter Registration Timeline

Finally, The Carter Center is concerned that, in order to complete district-level voter registration efforts by June 2011, projected timeframes for voter registration, enumeration and on-site registration may need to be compressed. This would be inadvisable based on the possibility of ongoing obstructions of the voter registration process in several districts, noted concerns about the significant number of individuals who do not readily possess required documents to prove voter eligibility, difficulties experienced by some enumerators in meeting daily enumeration targets, and the slow process by which data is retrieved from the district level.

Main Recommendations

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 Government of Nepal should:

- Increase its efforts to issue citizenship certificates to all eligible Nepali citizens, as called for by the Supreme Court in February 2011.
- Make all efforts to support the ECN in the ongoing voter registration process.
- Fill vacant posts at the ECN, including appointment of a Chief Election Commissioner.

The Election Commission of Nepal should:

- Consider extending the existing timeline for voter registration for three months to make up time lost due to factors largely outside the ECN's control.
- Conduct additional research to establish voter registration turnout targets in line with population data for use during the nationwide registration phase.
- Consider re-opening voter registration in areas affected by political party obstructions wherever possible, and continue to engage in dialogue with political parties obstructing the voter registration process.
- Continue lobbying the government to make effective arrangements to issue citizenship certificates to eligible citizens.
- Consider further amending proof of migration requirements to reduce barriers to proving voter eligibility.
- Ensure voter education efforts are conducted well in advance of enumeration and voter registration, and increase efforts to raise awareness of continuous registration.
- Review data management processes to reduce data vulnerability and improve data processing.
- Address technical problems related to capturing fingerprints of registrants, ensure voter registration staff follow procedures to allow individuals who have not been enumerated to register on site, ensure realistic enumeration targets, and take steps to reduce the possibility of data entry mistakes.

Political parties and civil society organizations should:

- Political parties and groups obstructing the voter registration process should use proper legal channels to raise their grievances rather than blocking the process and should ensure that their protests are peaceful.
- Play a more active and supportive role in the voter registration process, including encouraging citizens to register and supporting voter education efforts.