



**FOR IMMEDIATE RELEASE**

investigate thoroughly and adjudicate individual claims to enhance the credibility and transparency of the election.

The Carter Center will continue to follow the complaints mechanism and political events in the coming months, and in early 2014 will release a final report summarizing its overall observations and provide recommendations for future elections.

The Center observed Nepal's constituent assembly election at the invitation of the Election Commission of Nepal and Chairman of the Interim Council of Ministers Khil Raj Regmi. Former U.S. President Jimmy Carter and former Deputy Prime Minister of Thailand Dr. Uwtcmkctv"Ucvjktevjck"ngf"vjg"Ectvgt"Egpgvtø"ujqtv-term mission of 66 observers from 31 countries. Vjg"Egpgvtø"nqpi-term observers remained deployed to observe the conclusion of the counting process, tabulation of results, the resolution of complaints, and the post-election environment.

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## **Carter Center Post-Election Statement**

### **Assembly Election**

**Dec. 19, 2013**

#### **Introduction**

will be published in early 2014 and will include recommendations to help strengthen the conduct of future elections in Nepal.

All assessments are made in accordance with the *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers*

by the returning officer (RO). In most cases, after severa

By far the most common error resulting in an invalid ballot was the presence of two swastika marks stamped on different party symbols on the same ballot. Presumably, these voters knew they had two votes but did not understand that there were two separate ballots. This would also explain the lower number of invalid votes in the PR system, despite the larger and more unwieldy ballot paper. Other commonly noted reasons for invalid votes were: the stamp not being placed properly on the ballot; ballot not stamped; ballot not signed by polling officer, or a fingerprint or other mark used instead of the swastika stamp. At times, observers noted the inconsistent application of rules. Some ballots not signed by polling officers or marked with a fingerprint instead of a swastika stamp sometimes were counted, at other times not. In general, however, procedures were followed and inconsistencies (such as counting of unsigned ballots) appeared to be unintentional and mainly due to the exhaustion of counting staff, as the counting continued for several days.

There were also some gray areas, where the determination of validity appeared to be at the discretion of the RO. In one counting center in the Western Region, a small number of PR ballots emerged from the FPTP ballot box, apparently cast by mistake in the wrong box. After a short deliberation with party agents, the RO ultimately invalidated them.

### **Party Agent and Observer Access to Counting Centers**

The presence of observers and party representatives during the counting process is an integral part of ensuring the transparency and integrity of an election, and provisions should be in place to allow their access.<sup>5</sup> Moreover, the state is required to take necessary steps to help to realize this right and therefore access to the counting process, especially for party agents, should be carefully considered in the preparations undertaken before counting begins.<sup>6</sup> In spite of initial confusion regarding the rights and procedures of observers at counting centers, the majority of Carter Center observers reported that they were able to adequately observe the counting process.

On some occasions, observers were told that they would need a special permit to gain admittance to the counting center but that they would have no difficulties in receiving this permit. At other times, observers were informed that although such a permit did exist, it would not be necessary for them to obtain it.

In a few counting centers, Carter Center observers were told that they would not be allowed inside for more than a few minutes at a time, but some observers reported that after their arrival, they were allowed to stay throughout the process. Notable exceptions were: Banke,

Party agents were present in all observed counting centers, and although the procedures for their admittance differed from district to district, they were allowed to stay throughout the whole counting process. However, observers noted that the number of party agents significantly decreased as the counting process went on, with only a few remaining towards the end of the PR count.

UCPN (M) pulled their party agents out of the counting centers across the country early in the morning of Nov. 21, demanding that the counting process be stopped and alleged fraud during the transfer of ballots be investigated. All Carter Center observers present in counting centers at this moment reported that the party agents left quietly and without any undue disruption, although in a few cases party agents or candidates announced loudly that they were leaving the process before departing. Prior to their departure, UCPN (M) party agents had participated in the process on an equal level with other party agents and had at no point been disruptive or aggressive. UCPN (M) party agents would intermittently return to counting centers on later days, but did not agree to sign any of the forms required to acknowledge the process.

In constituencies six and seven in Morang district, two other political parties, Madhesi Jana Adhikar Forum-Nepal (MJF-Nepal) and Madhesi Jana Adhikar Forum-Democratic (MJF-Democratic), demanded in writing that the counting process be stopped due to suspicion of fraud and formally handed over their accreditation temporarily leaving the counting center. MJF-Nepal continued to attempt to disrupt the counting process by arranging protest rallies outside the counting center as well as padlocking the door to the ballot box storeroom in constituency five. Both parties returned to observe the counting on Nov. 23.

### **All Party Meetings**

returning officers should clearly inform the political parties, candidates, or their agents about the procedures and provisions related to vote counting and make any agreements prior to the beginning of vote counting. This information sharing and agreements are usually conducted in a so-called All Party Meeting (APM). The stated purpose of the APMs was to build consensus between the ECN and party

process. In general, observers should have full access to any meetings involving election officials amidst the electoral process.

In most instances, observers reported that APMs were attended by a large number of people and were conducted in a relatively calm manner. In some instances, however, observers reported heated disputes between party agents and chief ROs, specifically on the method of counting. Some party agents wanted ballot boxes to be counted by polling center, while the ECN directives and election law clearly stated that ballots from one polling center need to be mixed with ballots from another polling center after the initial reconciliation. In these cases, ROs stood firm on the rules laid out by the ECN. Some delays in the counting process nevertheless were observed due to the aforementioned disagreements.

Other issues discussed at these meetings included how to determine the validity of a ballot, the numbers of party agents allowed in the counting center, discussions on designated areas for observers and party agents, and the timetable for when results would be announced. In some instances, the APMs were also used as a forum for the airing of complaints on the electoral process, including distribution of voter identity cards, allegations of booth capturing and allegations of bias amongst polling staff.

### **Security at Counting Centers**

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	Others (19 parties with less than 5 seats)	32
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According to the ECN, voter turnout nationwide as a percentage of registered voters stood at 78.8 percent (with the lowest turnout under FPTP in Baitadi constituency two with 67.32 percent and Dolpa constituency one the highest at 89.50 percent). These figures are commendable, but the fact remains that the total absolute number of votes cast in 2013 (9,516,734) had decreased when compared to 2008 (10,866,131) and that a wide range of local variations exists. Thus in Rolpa and Panchthar districts, observers noted the localized impact of poll-boycotting parties. For instance, in two remote VDCs in Panchthar, threats and pressure from poll opposing parties resulted in exceptionally low turn out (less than two percent of registered voters). Observers noted that even two weeks after the election, citizens of one of the VDCs were still fearful of reprisals against those who did manage to vote.

### **Election Disputes**

Nepal has an international obligation to provide effective remedies for the violations of rights and to ensure that there are adequate venues for addressing election complaints.<sup>10</sup> On election day, different political parties filed 28 complaints with the ECN. Of these, 25 complaints alleged booth capturing and three were based on the fact that more ballot papers were found in a particular ballot box than the number of voters recorded to have cast their votes. In only two cases were reports of irregularities corroborated by reports from election officials and re-polling was scheduled for those two polling centers. For the remaining complaints, the ECN directed the RO to continue counting after a short inquiry did not substantiate the claims. The ECN has not conducted an independent inquiry into these allegations and they have encouraged the complainants to petition the Constituent Assembly Court (CA Court) if they

Given the seriousness of some allegations, The Carter Center encourages all parties to make formal complaints through official channels and encourages the respective institutions to thoroughly investigate and adjudicate individual claims in order to enhance the credibility and transparency of the election.

The Carter Center will continue to follow the complaints mechanism and political events in the coming months and in early 2014 will release a final report summarizing its overall observation of the constituent assembly election.

### **About The Carter Center**

The Carter Center has maintained a team of observers in Nepal since 2007 and launched the current election observation mission on Sept. 25, 2013, following written invitations from the Election Commission of Nepal and Chairman of the Council of Ministers Khil Raj Regmi. Former U.S. President Jimmy Carter and former Deputy Prime Minister of Thailand

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