THE
CARTER CENTER

Third Interim Statement on the
Election Commission of Nepal's "Voter Register with Photograph" Program
Jan. 31, 2012

I. Executive Summary

The Election Commission of Nepal (ECN) is conducting a nationwide voter registration process to create a new computerized voter register. The Carter Center has been invited by the ECN to observe the ongoing 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. Overall, the ECN's voter registration process is moving forward positively, despite multiple delays. However, there are also many challenges facing the ECN, which are outlined in detail in this report.

A. Progress during the reporting period

As of Jan. 22, 2012, a total of 10,146,723 Nepalis had registered to vote. This represents a significant achievement and is an important step toward the aim of building a comprehensive and accurate voter register. Additionally, the ECN has taken multiple steps in line with Carter Center recommendations including: re-opening voter registration in locations previously affected by obstruction from political parties; establishing registration locations outside of district headquarters; discussing with the Ministry of Home Affairs about how to facilitate issuance of citizenship certificates to all eligible Nepalis; improving data management capacity; and making plans to conduct a "missed voter" registration phase in spring 2012.

B. National-level observation findings

The voter registration process is progressing despite a number of issues and challenges. The three main challenges facing the ECN currently are issues of turnout, eligible citizens' access to citizenship certificates, and voter registration management:

1) Despite the ECN's extensive efforts, a significant number of potentially eligible voters remain unregistered. A key challenge, therefore, is to reach out to these citizens. Unregistered but eligible individuals could potentially be disenfranchised unless further efforts are made to reach them.

2) Another important challenge related to voter turnout is the issue of eligibility for, and access to, citizenship certificates. Possession of a citizenship certificate is a requirement to register on the new voter list. However, questions around citizenship certificates remain politically controversial and sensitive, presenting a particular challenge to the voter registration process.

3) While the ECN has done a laudable job implementing the voter registration process overall, voter registration management challenges persist. These include the ECN timeline and calendar planning, data management, and staffing concerns.

In addition, due to the ongoing discussions of constitutional arrangements in the Constituent Assembly (CA), there is uncertainty regarding virtually all aspects of a future election process, creating a difficult context in which the ECN must work.

C. Local-level findings

The ECN is currently conducting the following voter registration activities: "enhanced continuous voter registration"; field-level registration in 11 "priority" districts; and verification (quality checking) of voter registration data at the district level. Carter Center teams have observed all three of these activities in selected districts.

1. "Enhanced continuous voter registration"

Enhanced continuous voter registration refers to registration ongoing both at district headquarters and at a small number of locations outside of district headquarters where citizenship certificates are issued. Carter Center observers assessed registration in these areas as going well but facing the same issues as previous phases of the process, such as: computer operators not consistently confirming data with registrants to ensure that it has been entered accurately; ECN staff not informing registrants to keep their proof of registration slips; and occasional problems with capturing fingerprints.

In some districts, District Election Offices (DEOs) have also participated in the Government of Nepal's newly created "mobile integrated service delivery teams." The results have been mixed but there is clearly positive potential and the ECN should make full use of this opportunity. Finally, Carter Center observers have continuously noted low awareness among citizens that they may register while outside their district of origin through "out-of-district registration."

2. Field-level registration in 11 "priority" districts

The ECN has re-opened field-level registration in 10 districts that were affected by political party obstructions during earlier phases of the process. Registration was reopened in an eleventh district, Taplejung, because a fire had destroyed data from four registration sites. Resuming registration in districts where political obstruction occurred required the ECN to successfully negotiate with various obstructing groups, a significant achievement. Registration is underway or completed in all 11 districts. In general Carter Center teams assessed the field-level registration process in these districts positively, as did local stakeholders. However, if concerns related to citizenship certificates or other issues are not addressed, obstructions could resume in some districts in later phases of the process.

3. Verification of registration records

Verification of registration records is the process of comparing electronic voter registration data against paper records for each registrant. Verification is currently taking place at the district level to correct any discrepancies before the data is centralized. The overall quality of the registration data is still unknown. However, Carter Center observation data from previous registration phases suggests that registration staff in many locations frequently neglected to check registration data with citizens at the time of registration. This increased the potential for errors in the data.

LTO teams generally assessed the verification process to be reasonably in line with ECN guidelines but noted a high rate of records requiring corrections and highlighted a number of concerns, some of which could affect the overall quality of the data. These included: insufficient training on the verification process for DEOs and computer operators; a high percentage (on average 50 percent) of records reportedly requiring at least minor corrections, which were made rapidly and not logged by verification teams; at times a stronger emphasis on meeting high daily targets than data accuracy; some teams entering fictional data when no data was available in order to complete the record (such as inserting a fictitious citizenship certificate date of issue), which could lead to problems later; resolution of minor errors being done in ad hoc or varying ways between teams and between districts due to unclear guidelines; changes made to individual registrant information not being conveyed to registrants, potentially causing future administrative problems; on a small number of occasions lack of clarity among staff about the difference between minor errors that may be corrected immediately and significant errors that require investigation; and a lack of physical space for verification teams to perform their work.

4. Political parties and civil society

Although political parties are generally sympathetic toward the registration process, their actual level of participation continues to be low. Carter Center observations also showed that a limited number of civil society groups were working on voter registration issues. However, teams found some evidence of civil society organizations carrying out voter education among Dalit, Muslim, Freed Kamaiya or student communities in some districts. Meanwhile, the National Election Observation Committee (NEOC), the only domestic group accredited to observe the voter registration process, has informed the Carter Center that while it assesses the voter registration effort positively overall, there are several areas for improvement, including: strengthening voter education and information, improving dialogue between election officials and political parties at local level, fully appointing senior ECN staff, and ensuring that those persons who meet citizenship criteria can obtain citizenship certificates without difficulty.

D. Recommendations

The Carter Center commends the positive efforts undertaken by the ECN thus far to ensure that all Nepalis who wish to register are provided with the opportunity to do so. The Center encourages the ECN to build on its positive efforts to date and to take further steps to promote greater fairness and access for all Nepalis who wish to register to vote. In particular, the Center recommends:

The Election Commission of Nepal should:

- Revise ECN registration turnout targets in line with new 2011 census data as soon as it is available, and as was done previously provide clear justification for the revised figures.
- Address weaknesses in technical and procedural aspects of the ongoing verification process, particularly those related to major discrepancies in the data.
- Conduct a refresher training course prior to any new field-level registration phases to ensure that registration staff correct the minor errors Carter Center observers have consistently observed during all phases of the process to date.
- Consider continuing and expanding voter registration efforts outside of District Election Offices, including through participation in "mobile integrated service delivery teams."
- Revise and maintain the voter registration timeline, and communicate the current status of the process and future plans of the ECN to election and administrative officials, political parties, and voters.
- Formalize plans to conduct a missed voter registration exercise to reach eligible individuals who have not yet registered, focusing especially on areas of low turnout.
- Develop a targeted voter education plan and communication strategy for upcoming and future phases of the registration process as well as plans for facilitating registration for people who may be unaware of the process, who may not know about out-of-district registration, or who may have difficulties registering.
- Establish clear procedures for key upcoming phases in the voter registration process such as the complaints and objections phase and the central-level checking of the voter list.
- Continue efforts to improve the capacity of the ECN IT department.
- Plan ahead for the possibility that national identity cards are not available by the next election.
- Develop civic education plans to be implemented prior to eventual elections.

The Government of Nepal should:

- Increase its efforts to issue citizenship certificates to all eligible Nepali citizens, as required by the Supreme Court in Feb. 2011.
- Coordinate closely with the ECN regarding the creation of planned national identity cards.
- Reduce turnover and uncertainty in ECN staffing by filling vacant posts and considering reforms in civil service rules.

Political Parties and Civil Society should:

- Play a more active and supportive role in the voter registration process.

II. Introduction

The Election Commission of Nepal (ECN) is conducting a nationwide voter registration process to create a new computerized voter register. As part of broader efforts to observe the peace and constitutional processes at the local level, Carter Center observers have gathered information about the voter registration process from 49 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 report is intended to provide an impartial assessment of the voter registration process to date, including highlighting positive aspects, identifying potential weaknesses, and offering recommendations for steps that could be taken to strengthen the process.

II. Context

a) Background

The ECN is creating a new computerized voter register to replace the previous register, which was believed to contain many mistakes, including missing or misspelled names, entries of the same voters' names in multiple locations, and possibly some ineligible voters.[1] The computerized register will contain registrant photos and fingerprints, as well as additional personal information intended to enable greater quality control over the voter list and reduce the possibility of voter fraud. At the same time, the ECN is implementing a long-term project to provide permanent continuous registration facilities at the district level, which will be electronically linked to a central database in Kathmandu. These activities are being carried out with the technical support of UNDP and IFES. In addition, the ECN is coordinating with the Ministry of Home Affairs (MoHA) to share registrant information for the purposes of creating a civil registry and proposed national identification cards.

b) Legal framework and eligibility rules

The ECN is implementing voter registration in accordance with the Interim Constitution of Nepal (2007), the Voters' Roll Act (2006), and the Voters' Roll Rules (2007). In line with this legal framework, the ECN has developed policies and procedures to govern the conduct of voter registration, including voter registration eligibility requirements and implementation measures. There is no legal obligation for citizens to register in Nepal. Registrants must come in person to a registration site.[2] Individuals are eligible to register if they are aged 16 or older[3] and possess a Nepali citizenship certificate.[4] In principle, citizens register to vote for the municipality or Village Development Committee (VDC)[5] listed on their citizenship certificate. If a citizen wishes to register for a different municipality or VDC, he or she must present proof of migration.[6]

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[1] Concerns about the previous voter list were highlighted by the Carter Center's observation mission to the Constituent Assembly Elections in 2008, and "Create a more inclusive and accurate voter list" was the top recommendation of the Carter Center mission's final report. See "Observing the 2008 Nepal Constituent Assembly Election," The Carter Center, available at: www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/FinalReportNepal2008.pdf.

[2] Registration is conducted on an 'active' basis in Nepal, meaning that citizens must actively apply to be registered on the voter roll. By contrast, in 'passive' systems a person may be automatically (passively) added to the voter roll by having been part of another process (e.g., by being part of a national population register or applying for a driving license).

[3] Individuals aged 16 or above are eligible to register but only individuals who are aged 18 and above on election day will be eligible to vote and included on the final voter rolls.

[4] The Supreme Court of Nepal ruled on Feb. 7, 2011 that a citizenship certificate is the only means by which Nepalis can demonstrate citizenship for the purposes of registering to vote.

[5] Municipalities and VDCs are local administrative units, below the district level.

[6] Specifically, this proof may consist of a migration letter issued by an individual's home VDC or municipality, a letter issued by an individual's present VDC or municipality attesting to his or her permanent residence, a land or house ownership certificate, a marriage certificate, or an electricity or water bill indicating the individual's new address.

c) Overview of previous phases of the voter registration process

The voter registration process has been conducted in several phases since it began in March 2010. The process started with a pilot project in seven VDCs in five districts. It was then launched in full with a mobile registration exercise in multiple phases at more than 8,000 locations in municipalities and VDCs across Nepal. An important part of the registration process was a door-to-door campaign to identify, inform, and document individuals who were eligible to register. This process is known as "enumeration." The nationwide mobile registration phase concluded in July 2011 (for a full description of all of the voter registration phases to date, please see Annex 1).

In previous reports on the voter registration process,[7] the Carter Center has recognized the ECN's strong efforts to ensure that all Nepalis who wish to register to vote are provided with the opportunity to do so. Demonstrating good will, the ECN has remained flexible on dates, policies and extensions throughout the process in order to reach the maximum number of citizens. The ECN has also made persistent efforts to resolve political obstructions; implemented policies to increase chances for internal migrants to register; actively lobbied the government to increase citizenship certificate distribution in order to facilitate access to necessary documents for all eligible Nepalis; and set up registration sites in areas throughout the country where citizenship documents are being distributed.

However, previous Carter Center reports also identified multiple challenges facing the ECN and made recommendations for improvement. These challenges included: ECN difficulties to meet registration turnout targets; many potentially eligible voters being unable to register due to their lack of eligibility documents, in particular citizenship certificates; political party obstructions in some areas; difficulties reaching internal migrants; limited capacity and delays on data management and technology issues; weak voter education; and minimal support from political parties and civil society organizations to raise awareness of the registration process or encourage eligible individuals to register.

d) Current voter registration efforts[8]

The ECN is currently conducting three voter registration efforts: "enhanced continuous voter registration"; field-level registration in 11 "priority" districts; and verification of registration records.

i. <u>"Enhanced continuous voter registration"</u>

Voters not registered previously are currently able to register at District Election Offices (DEOs) during normal working hours in all 75 districts. This service, intended to be permanent, is called "continuous registration." In some districts, temporary voter registration sites were also opened at District Administration Offices (DAOs) and Area Administration Offices (AAOs) in order to facilitate the registration of voters who had just obtained citizenship certificates, which are issued from these offices.[9] This phase of temporary registration sites at DAOs and AAOs, which this report refers to as "enhanced continuous registration," was initially planned for the period Aug. 18 to Nov. 16, 2011. The ECN subsequently decided to extend the phase until Feb. 12, 2012 with adjustments in the number and location of the registration sites.

ii. <u>Field-level registration in 11 "priority" districts</u>

In Oct. 2011, the ECN decided to re-open mobile voter registration in 11 districts where voter registration was interrupted or could not take place in the nationwide phase due to political party

[7] See: "Assessment of March/April 2010 ECN Pilot Voter Registration Exercise," The Carter Center, June 16 2010; "First Interim Statement on the Election Commission of Nepal's 'Voter Registration with Photograph' Program," The Carter Center, April 19, 2011; "Second Interim Statement on the Election Commission of Nepal's 'Voter Register with Photograph' Program," The Carter Center, July 7, 2011. Available at: http://www.cartercenter.org/news/publications/peace/democracy_publications/nepal-peace-reports.html.

[8] Carter Center observations on each of these phases can be found in Section V.

[9] The District Administration Office (DAO) is the chief administrative office in a district. Area Administration Offices (AAO) are sub-units of the DAO established in certain districts and responsible for administration in assigned VDCs of a district. They were primarily created to facilitate access to government services by rural citizens.

obstruction, or where registration data was lost.[10] This process began on Nov. 6, 2011 in 10 of 11 districts and was completed by Jan. 21, 2012. The process began in Banke on Jan. 3, 2012 and is expected to be completed by March.

iii. Verification of registration records

The ECN is also checking the quality of the data it has collected to date, a process called data verification. In this phase, ECN staff at the district level are comparing computer and paper records to check the accuracy of the registration data and to correct errors. The verification of district voter registration records began on Dec. 1, 2011 at DEOs in 74 districts and is expected to last up to three months (i.e., through Feb. 29, 2012).[11]

e) Future ECN planning

Following the end of the verification process, all DEOs will transmit the voter registration data to the ECN's data center in Kathmandu, where it will be aggregated. At the time of writing, the ECN at a senior level has expressed an intention to then screen this aggregated data for errors and duplicate registration records on the basis of selected text categories. However, it is unclear whether a final decision on this has been taken yet, or whether the screening and de-duplication process may ultimately be left for a later date. Provisional voter rolls will then be printed centrally by the ECN and delivered to DEOs.[12] The DEOs will distribute the provisional voter rolls for public display. The complaints and objections period will then start, in which citizens can request correction of their data, complain against omission from the rolls, and challenge the presence in the rolls of ineligible voters. After decisions are reached on complaints or objections, the voter register will be updated. The ECN also expects to organize a "missed" voter registration exercise throughout the country at the VDC level, concurrent with the complaints and objections period, in order to provide further opportunities to eligible individuals who have not yet registered.[13]

The ECN has planned that voter rolls will contain the photograph of each registrant. In addition, the ECN has informed the Carter Center that it is considering requiring additional forms of identification in the next elections in the event that national identity cards have not yet been developed and distributed. It is positive that the ECN is thinking ahead about this possibility. In addressing this issue, the ECN should carefully consider how to balance the goal of fraud prevention against the need to ensure that additional voter identification documents do not unintentionally disenfranchise eligible citizens due to nominal technical discrepancies between the voter list and identification documents presented (e.g., differences in name spelling, address, or date of birth).

f) Carter Center observation activities

The Carter Center has continued its observation activities since the issuing of its "Second Interim Statement on the Election Commission of Nepal's 'Voter Register with Photograph' Program" in July 2011. Five teams of Long-Term Observers (LTOs) have observed various aspects of voter registration in 22 districts in Nepal, including enhanced continuous registration, the return of registration teams to the 11 priority districts, and the verification of registration data at the DEO level. The Carter Center also met with the ECN, political parties, domestic observers and other stakeholders at the central level

[10] For more information on political party obstructions, see The Carter Center's "Second Interim Statement." In Taplejung, mobile voter registration was re-opened due to a fire that destroyed data from four registration centers.

[11] It is likely that verification in Banke district will be delayed, given that political party obstructions of the voter registration process from Oct. 2010 have only just been resolved in Dec. 2011 and that registration only recently restarted on Jan. 3, 2012.

[12] While revisions to the relevant ECN rule are still in draft form, current understanding is that the provisional rolls will be printed for each registration center but displayed at the VDC and the municipal ward levels only, not at the registration or polling centers. According to the ECN this is due to cost constraints. This will make it more difficult for those living far from the VDC headquarters to verify that they are on the roll and that their registration information is accurate.

[13] An important part of this exercise will be to register those who have turned 16 since the last registration drive.

during the preparation of this report. More information on the Carter Center's methodology and its observation activities is available in Annex 2.

III. Progress During the Reporting Period

As of Jan. 22, 2012, a total of 10,146,723 Nepalis had registered to vote since the start of voter registration.[14] This represents a significant achievement and is an important step towards the aim of building a comprehensive and accurate voter register, especially in light of the challenges faced by the ECN to date.

Additionally, in its second interim statement released in July 2011, the Center made several recommendations to assist the ECN in its efforts to conduct an effective voter registration process in line with national and international obligations. Since the release of that report, the ECN has taken several positive steps proposed in these recommendations, including:

- Re-opening voter registration in locations previously affected by obstruction from political parties. In particular, the ECN successfully negotiated the reopening of voter registration in Banke, the final remaining district which was facing political party obstructions.
- Registration locations have been opened outside district headquarters in certain districts to provide increased access to potential registrants.
- The ECN has met with the Ministry of Home Affairs (MoHA) to discuss how to facilitate issuance of citizenship certificates to all eligible citizens. Additionally, MoHA is reportedly working to find a way to distribute certificates to the children of individuals who received certificates during the 2006-2008 distribution drive.[15]
- Efforts have been made to improve data management capacity, in particular the establishment of a data center at the ECN, the delivery of software to manage the voter registration data at the central level, and the use of servers to aggregate and store data in all districts. However, further efforts should be made to improve data management capacity.
- The ECN has confirmed its intention to conduct a "missed" voter registration exercise, though this exercise has been postponed until spring 2012.

The Carter Center commends the positive efforts undertaken by the ECN to ensure that all Nepalis who wish to register to vote are provided with the opportunity to do so. Such efforts continue to demonstrate the ECN's flexibility and good will as the process continues.

IV. Carter Center National-Level Findings

The voter registration process is progressing despite a number of issues and challenges. In particular, due to the ongoing discussions of constitutional arrangements in the Constituent Assembly (CA), there is uncertainty regarding virtually all aspects of a future election process, including the state structure, the offices to be elected, the electoral system, the timing of elections, and the rules for voter rolls and voter identification. This requires the ECN to operate in a difficult context. Recognizing the above, there are three main challenges facing the ECN, all of which are discussed in detail below:

1) Despite the ECN's extensive efforts, a significant number of potentially eligible voters remain unregistered. A key challenge, therefore, is to reach out to these citizens. Unregistered but eligible individuals could potentially be disenfranchised unless further efforts are made to reach them.

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[14] According to Jan. 22, 2012 ECN *Voter Registration Progress Report*.

[15] As reported in the media on Dec. 25, 2011 MoHA has proposed new provisions that are pending Cabinet approval on the distribution of citizenship to the sons and daughters of parents who obtained their own certificates in the 2006-2008 drive. As of Jan. 24, 2012, the provisions are with MoHA, having been sent back to the Ministry for revision. For more on the Dec. 25, 2011 decision see: http://www.myrepublica.com/portal/index.php?action=news_details&news_id=39965#.

2) Another important challenge related to voter turnout is the issue of eligibility for, and access to, citizenship certificates. Possession of a citizenship certificate is a requirement to register on the new voter list. However, access to and eligibility for citizenship certificates remains a politically controversial and sensitive issue.

3) While the ECN has done a laudable job implementing the voter registration process overall, there are voter registration management challenges that persist. These include the ECN timeline and calendar planning, data management, and staffing concerns.

1) VOTER REGISTRATION TURNOUT

As mentioned above, as of Jan. 22, 2012, a total of 10,146,723 Nepalis had registered to vote.[16] This represents 93 percent of the ECN's internal target for this phase of the process, and approximately 69 percent of its total overall target of 14.7 million.

Preliminary results of the recently completed 2011 census have found a total population of 26,620,809 persons, a lower total figure than was previously projected on the basis of 2001 census data.[17] As soon as the Central Bureau of Statistics has fully processed the new census data, the ECN should update its projections and revise its target number of total eligible citizens aged 16 and older to be included in the new voter list. As previously done in May 2011, the ECN should provide clear justifications for the revised figures.[18]

At present, 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, while others place it closer to 12-12.5 million. Until new census data is available, and the ECN is able to use this data to produce a revised target, the Carter Center recommends the ECN continue to use the previously established total target of 14.7 million potential registrants for planning purposes. This is the most accurate target that exists to date, and it may reduce the possibility of missing eligible citizens due to turnout targets that are unintentionally set too low.

Within the population of Nepal that is above 16 years of age but not registered, there are three categories: 1) Those who have the necessary documents to register but have not been reached, or have chosen not to participate; 2) Those who in principle should be eligible to register but cannot participate because they lack the necessary documents; and 3) Those who should not register because they are not eligible. The ECN has an obligation to reach as many of the unregistered but eligible citizens as possible who choose to participate in the process. Identified below are some of the key challenges the ECN may face.

a) Possible challenges towards registering all eligible citizens

i. Documentation requirements

Access to proper documentation, primarily citizenship certificates, has been a serious issue throughout the voter registration process. As was highlighted in the Center's second interim statement, LTOs continue to find that Nepalis lacking citizenship certificates remains a nationwide problem. Furthermore, rough estimates based on incomplete enumeration data show that approximately 2.1 million persons at the VDC level may not have citizenship certificates – however there is serious concern over the quality of the data used to generate this figure and it should not be considered reliable.[19] Nonetheless, this figure and LTO findings clearly indicate that a significant segment of the

[16] As stated in the ECN Jan. 22, 2012 *Voter Registration Progress Report.* The ECN reported its internal target for this period as 10,910,604.

[17] From "Preliminary results of National Population census 2011" released by the Central Bureau of Statistics in Sept. 2011. The total population figure includes the 'Absent (abroad) Population' of 1,917,903.

[18] Second Interim Statement, p.4.

[19] The ECN has indicated that this figure should not be considered reliable. The total number could be higher than indicated due to incomplete data from the enumeration process (data from all municipalities, 262 VDCs,

Nepali population remains without a citizenship certificate, even though the total number remains unknown. Section 2 of this report goes further into detail about this topic.

Additionally, as was reported in the Carter Center's "Second Interim Statement" on voter registration, there remains some inconsistency and confusion amongst VDC secretaries about what documents they should require in order to issue proof-of-migration letters.[20] As recommended in the "Second Interim Statement," the ECN should continue to work with the Ministry of Local Development (MoLD) to ensure that guidelines for the issuance of VDC letters are reasonable and properly communicated in order not to undermine efforts to increase access to registration to otherwise eligible citizens.

ii. Out-of-district registration

Another challenge for the ECN will be increasing the number of Nepal's internal migrants who register as out-of-district registrants (ODR). As with other citizens, internal migrants must register for their original locality stated in their citizenship certificate unless they can prove 'habitual residence' in a different locality.[21] Prior to June 2011, internal migrants who could not prove habitual residence had to return to their locality of origin in order to register. In June 2011, the ECN instituted an ODR process to allow individuals to register for their locality of origin at any registration site, regardless of its location. Data on the number of ODR has not yet been compiled by the ECN.[22] Rough estimates from data provided by Carter Center observers show that a low percentage of internal migrants have taken advantage of the ODR option.[23] The low number may be due in part to insufficient awareness. Carter Center LTO teams found in random interviews with citizens that some of those who had not registered were internal migrants who were unaware that they could register while outside their district of origin.

iii. Additional factors

In addition to the above, there are multiple reasons why some citizens have not yet registered, including by choice. According to citizens interviewed, inability to reach the registration center in time due to distance from home, lack of motivation to register due to there being no election scheduled, political disillusionment, and a lack of awareness that voter registration is the likely basis for the future issuing of national identification cards were all contributing factors. Similar issues have been noted by the National Election Observation Committee (NEOC).[24] Additionally, the enumeration process, though clearly extensive, could not reach everyone in Nepal. This is not due to a lack of effort by the ECN but, as previously reported, related to issues such as the large numbers of young males working in other districts or abroad at the time of enumeration.[25] One method for the ECN to register Nepalis who are living and working abroad would be to establish a registration site at Tribhuvan International Airport.

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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.

[20] Second Interim Statement, p. 10.

[21] It is unknown how many internal migrants have registered in their current locality using proof of habitual residence.

[22] The ECN has not compiled an official ODR number, as the data was stored on the same laptops as the mobile registration data in some districts and considered not easy to separate. An ODR number is not expected to be compiled until data has been sent to the ECN and cleaned on the server. The ODR data has been sent compiled with 'mobile team data' and is being included in total registered figures released by the ECN.

[23] Rough estimates from ECN enumeration data show there are more than 1.4 million internal migrants in Nepal. However, as noted above, there is concern over the quality of the data used to generate this figure and it should not be considered reliable..

[24] See the NEOC "Central Monitoring Mission Report," Sept. 2011, available at: http://www.neocelection.org/pics/1319445216.pdf.

[25] See "Second Interim Statement on the Election Commission of Nepal's 'Voter Register with Photograph' Program," The Carter Center, July 7, 2011.

b) Possible unregistered groups

Some of those who have not yet registered, and potentially were not enumerated, are persons who have difficulty accessing the voter registration process. Although the number of persons affected is difficult to quantify, observation reports from both Carter Center LTO teams and NEOC have indicated that these persons include people without citizenship certificates, internal migrants, overseas migrant workers, the elderly, the disabled, persons living in remote areas, landless persons and members of marginalized socio-economic groups. Some of these categories also overlap, presenting additional obstacles.

While registration turnout varies widely between districts, turnout per population remains lowest in remote areas most likely due to lack of infrastructure such as roads. Estimates from comparing 2011 preliminary census data and the most recent ECN registration turnout data show that the Eastern Region districts of Ilam and Jhapa currently have among the highest turnout rate of all districts. Conversely, in the Mid-Western Region the more remote districts of Dolpa, Jajarkot and Kalikot have among the lowest turnout rate of all districts to date. Broad trends from available data show that districts with better infrastructure (such as most of the Tarai districts) have a higher turnout rate per population, while the more remote hill and mountain districts across the country – specifically in the Mid-Western and Far-Western regions – have on average a lower turnout rate per population. It is important that the ECN carefully analyzes such variations to focus on areas of low turnout, particularly remote areas that are hardest to reach, when conducting the planned "missed" voter registration exercise in the future.

The ECN is aware that some potential registrants in these categories have not yet been reached by registration efforts and has acknowledged the need for additional outreach to citizens who might otherwise be excluded from the process. To date, the main programs specifically working to educate and motivate citizens from these categories are IFES-funded civil society education programs that focus on marginalized groups.[26] The ECN has stated that cooperation with the government, civil society groups and political parties may be necessary in order to develop a targeted strategy for marginalized groups.

c) Future steps to reach persons who have not yet registered

The ECN intends to conduct a nationwide "missed" voter registration exercise in order to provide another opportunity for eligible individuals not previously registered. This exercise had been planned for autumn 2011 but was postponed. According to the ECN, the "missed" voter registration exercise is likely to be conducted in conjunction with the posting of preliminary voter rolls and the complaints and objections period, tentatively scheduled for spring 2012. The ECN has reiterated its intention to try to register all eligible voters but also noted that registration is not compulsory and that there will inevitably be a certain percentage of people who do not register.

2) PERSONS WITHOUT CITIZENSHIP CERTIFICATES

The issue of persons residing in Nepal who do not have citizenship certificates has been detailed in previous Carter Center interim statements with LTOs continuing to find this to be a nationwide problem. As noted above, rough estimates based on incomplete enumeration data show that approximately 2.1 million persons at the VDC level may not have citizenship certificates – although serious concerns remain over the quality of the data used to generate this figure and its reliability.[27] Nonetheless, it can still be inferred that there is a significant number of persons in Nepal that lack the documentation necessary to be able to register to vote.

[26] IFES reports that between Sep. to Dec. 2011, IFES-funded civil society organizations had direct contact with around 966,000 people from marginalized groups in 535 VDCs of 26 districts in the Tarai and Far-Western Region. The ECN could capitalize on these efforts by ensuring that DEOs are encouraged and funded to send mobile registration facilities to target areas identified, in collaboration with these CSOs, as having groups of unregistered individuals.

[27] See footnote 19 for more detail about the reliability of this estimate.

The reasons for people lacking citizenship certificates vary. Some otherwise eligible people have never acquired one because they have not needed it for any purpose or because travel or other costs related to applying are too high. Others, however, do not possess the necessary documents to acquire a citizenship certificate or have faced discrimination while attempting to acquire one.[28] The Carter Center has consistently reported that there are people without citizenship certificates across the country in mountain, hill and Tarai districts, and that the issue is not limited to any particular geographic region. Recent ECN data indicates possibly large numbers of people without citizenship certificates in hill districts such as Surkhet, Gulmi, and Dhading, and Tarai districts such as Parsa, Kailali, and Nawalparasi, and also confirms that in all 74 districts reporting data people without citizenship certificates were found.

The Ministry of Home Affairs is responsible for issuing citizenship certificates, and does so mostly at district level through DAOs and AAOs. The ECN has continued to make efforts to facilitate voter registration for persons who have newly obtained citizenship certificates by opening registration sites at some DAOs and AAOs. Additionally, the recent deployment of "mobile integrated service delivery teams" (discussed further in Section V) to issue citizenship certificates, and the participation of DEOs in registering voters during these teams' VDC and municipality visits, is a positive step. However, given the significant number of potentially eligible citizens without citizenship certificates, the Carter Center believes there is still a need for an additional, coordinated effort by the Ministry of Home Affairs to reach out to these individuals. Given that the ECN has collected nationwide data on this issue, the MoHA could use this to target its efforts towards areas where large groups of people are without citizenship certificates.

It should also be noted that the deployment of mobile teams does not address the situation of the unknown number of persons who consider themselves Nepali citizens but who currently find it difficult or impossible to meet the legal requirements for obtaining citizenship certificates.[29] There remains some political disagreement about how to address this category of people. While recognizing the political sensitivity of the citizenship issue and the need to ensure that non-eligible persons are not included on the voter roll, the Carter Center encourages the Ministry of Home Affairs to consider ways to overcome legal barriers to registration by otherwise eligible persons, as required by the Supreme Court ruling of Feb. 7, 2011.[30]

3) VOTER REGISTRATION MANAGEMENT ISSUES

i. Voter registration timeline and planning

The ECN has been obliged to reschedule phases and activities identified in the initial calendar for voter registration largely due to external factors such as court cases and political party obstruction. The ECN has shown flexibility in adapting to new circumstances, such as by re-opening registration in the 11 districts described above. However, the ECN calendar has not always reflected actual ECN planning, or has not been updated when plans change, which has led to some lack of clarity both inside and outside the ECN.

The broad outline of the next steps for voter registration is known and is described in Section II of this report. These steps include aggregating the verified data, central-level screening for errors and duplicate registration records, printing of provisional voter rolls, and posting of the rolls for a complaints and objections period. The ECN also expects to conduct a "missed" voter registration exercise at the same time as the above.

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[28] Additionally, some persons in this category are not Nepali citizens and are therefore not eligible for citizenship certificates.

[29] Details of the legal requirements can be found in the Citizenship Act, 2006: http://www.nrn.org.np/downloads/citizenship_act_eng.pdf and the Citizenship Regulation, 2006: http://www.constitutionnet.org/files/Citizenship%20Regs%20English.pdf.

[30] As part of its citizenship ruling in Feb. 7, 2011 the Supreme Court instructed the government to make effective arrangements for issuing citizenship to all eligible Nepalis.

However, the timeframe for conducting each of these steps has not been finalized and the procedures for the most part have not been defined. For example, as of the time of writing, the ECN has not yet decided how to conduct the de-duplication process. While checks of some data fields such as name, citizenship certificate number, and date of birth are relatively simple, checks involving the use of fingerprint scans would be lengthy and complicated, even if done on a limited basis (e.g., comparing fingerprints of men only with those of other men, or comparing registrants only within a district).

A number of these issues have been previously identified by the Carter Center and were the subject of a recommendation to "develop a new, realistic voter registration calendar to track progress and schedule activities according to a new timeline."[31] Although the ECN's flexibility in the face of unexpected developments is positive, a new timeline that is kept up-to-date would be useful in ensuring that all election administration staff and other stakeholders have a common understanding of how the process will proceed. Planning for voter education and operational/logistical activities would also benefit from greater clarity regarding next steps. A realistic timeline about when the voter register could be prepared and ready for an election would also be helpful for political leaders and others as they discuss the potential of holding future elections.

ii. Data management

Data management has previously been identified as an area needing further improvement, and some progress has been made by the ECN. Specifically, the ECN has reported that DEOs have all been able to transfer their data to district servers. The ECN's data center has now been established, with a central server and MegaMatcher software to aggregate and process the data. The ECN, with support from UNDP, has also deployed IT staff to the five regions of Nepal to provide support to DEOs. Nevertheless, the ECN, UNDP and IFES all noted that further efforts are needed to ensure that staffing levels and staff capacity are sufficient. The creation of a computerized, biometric register requires high levels of understanding of complicated technology. External international consultants are providing useful support but are not continuously present. It would therefore be beneficial to recruit additional ECN staff with significant IT expertise to build on the good work already being done. Equally important, the ECN also should begin planning and formalizing procedures and rules for the longer-term maintenance of the continuous voter registration system.

Another aspect of data management is sharing of information. The ECN has been responsive in providing information to the Carter Center when requested. Nevertheless, to enhance transparency for political parties, observers and voters, it would be helpful for the ECN to publish updates on the registration process on a regular basis including on the number of persons registered in each district and the number of persons registered through the out-of-district process, and share these updates widely, including with the media.

iii. ECN staffing

The voter registration process may be affected to some extent by ongoing staffing issues. The acting Chief Commissioner of the ECN has not been officially confirmed in his position, and two additional Commissioner positions are currently vacant. In addition, civil service rules mean that senior staff are rotated out of the ECN on a regular basis. Establishing a more stable management team, including Commissioners, could contribute to improved planning and oversight of the registration process.

V. Carter Center Local-Level Findings

a) Enhanced continuous voter registration

Following the close of the nationwide phase in July 2011, voter registration continued at DEOs throughout the country. After an initial pilot phase in the Kathmandu Valley, the ECN decided to open additional registration locations at DAOs in 19 districts and at AAOs in 24 districts (26 AAOs in

[31] Second Interim Statement, p.17.

total). A registration site was also opened at the Ministry for Foreign Affairs until mid-December to facilitate registration when citizens came to obtain passports.[32]

Carter Center LTOs visited 12 enhanced continuous registration sites in 6 districts between Sept. 22 and Oct. 19, 2011.[33] As in previous phases, the observer teams generally assessed the conduct of registration positively. They did, however, identify a few issues that could impact the quality of the registration process. Each of these issues has been the subject of recommendations in previous Carter Center interim statements:

- At six of the 12 sites, registration staff did not confirm data with registrants after it was entered into the computers, potentially increasing errors or discrepancies in the data collected.
- Although staff provided registrants with stamped enumeration receipts as proof of registration in all locations, at nine of the 12 sites registrants were rarely or never advised to keep the receipt in case the individual were to need it at a later date, such as during the complaints and objections period.
- In Jhapa district, it appeared that it was not possible for potential registrants from areas where enumerators could not visit due to party obstruction to be enumerated at continuous registration sites. Those who had not yet been enumerated were turned away by registration staff and asked to return only after enumerators had visited them, though no enumeration was planned.
- There were occasional problems with capturing fingerprints in four of the registration sites visited. The isopropyl alcohol supposed to be used to clean registrants' fingers was not present at any of the sites visited.

During this phase of registration DEOs also reportedly deployed mobile registration units in several districts in order to register special categories of individuals, including Nepal Army members, Armed Police Force members, Nepal Police, prisoners, former Maoist combatants living in cantonments, and those at elderly homes.[34] Mobile registration was carried out at the discretion of the DEO in each district. There have been some reports, including by NEOC, that some locations have not been visited. The Carter Center encourages the ECN to review the data gathered during the deployment of mobile registration teams in order to identify whether any such special locations and categories were missed and to ensure that all are visited by mobile registration teams.

Also during this phase, the Government of Nepal has recently created "mobile integrated service delivery teams" to facilitate staff from a variety of district-level government offices to visit clusters of VDCs to provide better access to coordinated services. These teams can include staff from district health, administration, election, development, and other offices. Carter Center observers have already noted examples of DEOs participating in these teams in districts such as Achham, Baglung, Baitadi, Dang, Darchula, Gorkha, Pyuthan, Rolpa, and Udayapur. Meanwhile in other districts such as Jhapa, Kavrepalanchok, Lalitpur, and Siraha DEOs are planning to participate in such teams in the near future.[35]

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[32] The registration center at the MoFA was closed in mid-Dec. because citizens can now obtain passports through DAOs. However, many citizens still obtain their passports at the MoFA Passport Center, meaning the continued presence of a registration center at the site would likely increase the number of registrants, especially of those who are going abroad and could potentially be missed in the next planned phases of registration.

[33] The districts visited were Jhapa (3 registration sites), Surkhet (1), Kaski (2), Kailali (2), Bara (2) and Bardiya (2).

[34] According to the ECN, registration happened in all cantonments except in Chitwan, where the commander refused to let the mobile teams enter.

[35] However, in at least one district visited, there seemed to be no current or planned coordination between the mobile integrated service delivery team and the DEO. The DEO was aware that a team had been constituted but the CDO reportedly did not invite the DEO to join. Additionally, the DEO did not see a great need to coordinate with the team given that DEO teams will be deployed as part of the "missed" registration phase. The Carter Center has also received reports that where DEOs have not been allocated special funding by the ECN to join these teams they may be reluctant to do so.

From the small sample of districts where Carter Center observers noted such teams visiting VDCs, the results appeared mixed but with much positive potential. In Achham and Darchula districts the interest to register was reported as so high that the DEOs had to turn potential registrants away due to not being prepared with enough forms, computer and staff. In Dang, DAO representatives distributed 192 new citizenship certificates and the DEO representatives registered 170 new voters. Similarly in Pyuthan, in Sept. 2011, the DAO staff distributed 309 new citizenship certificates and the DEO staff registered 155 new voters[36]; while in Jan. 2012 the DAO distributed 195 new citizen certificates and the DEO staff registered 173 voters. In Rolpa, the process was less successful due to technical problems and therefore only 25 new citizenship certificates were issued on the spot and only 11 new voters were registered. DEOs interviewed were mainly positive about the prospect of participating in these teams in order to reach more remote areas. Concerns raised by DEOs included not having enough staff and resources to register all citizens who received citizenship certificates and the short duration of visits.[37]

Finally, despite efforts by the ECN to continue registering all eligible citizens, Carter Center interviews with a random sample of citizens in 16 districts found that only a small minority of 221 citizens interviewed were aware of the possibility to register on an out-of-district basis. Many citizens said that there should be more publicity from the ECN and political parties on the issue. The ECN should consider a targeted voter education campaign to better inform citizens of the possibility to register out-of-district prior to conducting the "missed voter" registration phase in spring 2012.

b) Field-level registration in 11 districts

According to the ECN, voter registration was interrupted or did not take place at all during the nationwide phase in 10 districts in the Tarai and the Eastern Hills, due to political party obstruction[38] (in the eleventh district, Taplejung, registration was reopened due to a fire that destroyed data from four registration sites).

In order to resolve political obstructions, the ECN engaged in dialogue with the obstructing parties: the Federal Democratic National Forum-affiliated Federal Limbuwan State Council (FDNF-affiliated FLSC, Kumar Lingden faction) and the Madhesi parties. The ECN successfully reached an agreement in May 2011 with the FDNF-affiliated FLSC to allow registration to proceed.[39] While the ECN did not reach a nationwide deal with Madhesi parties, after much long-term effort the ECN was able to negotiate on a district-level basis to reopen voter registration in affected districts. Moreover, the four-point deal between the UCPN (Maoist) and the United Democratic Madhesi Front (UDMF), which resulted in the inclusion of five Madhesi parties in the government coalition, also contributed to a conducive atmosphere to reopen voter registration.

On the basis of the agreements discussed above, as well as the need to recollect data in Taplejung district, the ECN decided to reopen mobile voter registration in 193 VDCs and 7 municipalities in the Eastern Hills and the Tarai from Nov. 6, 2011 to Jan. 14, 2012. The ECN expected to register approximately 650,000 voters in this exercise. The process initially commenced in 10 districts and, at

[36] The reason for the significant difference between the number that received citizenship certificates and the number that registered was due to the DEO leaving the exercise one day before the DAO was finished issuing certificates.

[37] DEOs in some districts noted that the short duration of team visits made it difficult to process a high level of registrants in the brief period of time allotted, forcing them to turn away potential voters in some districts (e.g., Achham and Darchula). The short duration of visits also prevented teams from reaching all citizens in the area visited. Longer visits would potentially allow DEOs to process more registrants and reach a larger number of people in areas visited.

[38] These districts included: Ilam, Jhapa, Sankhuwasabha, Terathum, Dhankuta, Morang, Sarlahi, Bara, Kapilvastu, and Banke. Nine out of 10 districts finished the process by Jan. 14, 2012 with Kapilvastu finishing registration on Jan. 21, 2012. Obstruction also occurred in three other districts (Nawalparasi, Rupandehi and Sunsari) but, according to the ECN, the DEOs in those districts reportedly successfully finished registration so there was not a need to reopen it.

[39] Second Interim Statement, p.7.

the time of this writing is reported as having been completed without any significant problems. In Banke, the remaining district, voter registration resumed on Jan. 3, 2012 (after obstructions by Madhesi parties since Oct. 2010). This was the result of persistent efforts by the ECN as well as the willingness of Madhesi party representatives to compromise.

Carter Center LTOs visited seven registration sites in four districts in these re-opened areas and gathered information by phone from DEOs and others in the remaining seven districts. Many of the technical issues identified by LTO observers during the enhanced continuous phase of voter registration were also observed during this process. Additionally, observers noted several points specific to the 11-district process:

- In general, awareness of the restarting of voter registration in the districts was high because citizens had been visited by enumerators a few days before the process began and because many had heard about the process through ECN-organized publicity on local FM radio.[40]
- Political parties were following central party decisions and were generally supportive of the process. Many DEOs had arranged all-party meetings before restarting voter registration. However, in at least one Tarai district (Morang), Madhesi parties had raised concerns about the citizenship certificate issue but were told these would be addressed at the central level and were convinced not to obstruct the process for the time being. MJF-D in Morang said they would obstruct the process again if access to citizenship certificates was not improved in the future.
- Some citizens and other stakeholders, including some who did not have citizenship certificates, wanted registration to continue for even longer. They stated that some people would still miss out on registering (especially those who did not have a citizenship certificate, worked in foreign countries or were elderly, disabled or landless).
- In Morang and Sarlahi some stakeholders complained to Carter Center observers that the registration phase was taking place during harvest time when villagers were at their busiest.

In general Carter Center teams assessed the field-level registration process in the 11 districts positively, as did local stakeholders. However, it is worth noting that if concerns related to citizenship certificates or other issues are not addressed, obstructions could begin again in some districts at a later phase of the process.[41]

c) Verification of registration records

As of Dec. 1, 2011, the process of verifying electronic voter registration data against the paper enumeration forms and hand written registration books began at the district level. The verification process is intended to correct any discrepancies between the paper and electronic records and to ensure that records are as accurate as possible before the data is centralized. To undertake data verification, DEOs hired temporary staff, usually persons who worked as registration staff at VDC level during the nationwide phase. The ECN expects verification to take from one to three months.

The ECN has issued a directive providing rules for verification, indicating what data the verification teams[42] have the authority to change and what data discrepancies require further investigation.[43] In

[40] This contrasts with Carter Center visits to other districts during this period of observation, where few official voter information efforts were underway.

[41] Carter Center observers have noted some instances of the ECN trying to incorporate the concerns of identity groups into the voter registration process in order to avoid protests and possible obstructions. For example, in Sankhuwasabha district, a sub-group of Rai people successfully reached agreement with the ECN for the suffix "Kulung" to be added after "Rai" in their registration records.

[42] According to ECN directives, verification teams are supposed to consist of two individuals working together to verify the same set of records. The number of teams at each DEO varies based on the number of records needing verification.

[43] A data verification checklist (a simplified version of the directives) was also approved by the ECN, although not as a formal directive, and was issued to DEOs in late November.

cases of minor discrepancies or errors, staff may change the data without special authorization and without further investigation. For example, verification staff may change a record to write a registrant's full first name rather than initials. In other cases, the DEO must follow up with the DAO, with the VDC, with the responsible registration official, or with the registrant directly. Such additional investigation is required, for example, if a registrant's photograph is not clearly identifiable or does not match the data relating to gender or age of the registrant. Verification teams are supposed to verify 240 records per day, meaning that they have limited time to spend on each individual record. Additionally, despite the ECN's efforts to provide clear guidelines for the process, Carter Center observers noted that in several locations the ECN verification directives and checklist did not seem to provide sufficient guidance to ensure consistent implementation across teams and districts.

The overall quality of the registration data is still largely unknown. However, Carter Center observation data from the municipality, bridging and nationwide phases suggests that registration staff in many locations frequently neglected to check registration data with citizens at the time of registration. This increased the potential for errors in the data.

LTO Verification Observation Findings

Carter Center LTOs observed the verification process in 16 districts between late Dec. 2011 and early Jan. 2012. LTO teams generally assessed the verification process to be reasonably in line with ECN guidelines but noted a high rate of records requiring corrections and highlighted a number of concerns, some of which could affect the overall quality of the data:

- All DEOs found the verification process to be an important check on the accuracy of the registration data, although nearly half of them indicated that training had been insufficient.
- In nearly all districts observed, the percentage of records that needed correcting – often for small changes like spelling errors – was on average 50 percent. Often this was blamed on poor data collection during the enumeration process as compared to reportedly more reliable data collected during registration.
- Small changes were made very rapidly and were generally not logged by verification teams, meaning there is no record of them. In some districts, verification staff appeared more focused on meeting daily targets than on ensuring data accuracy.[44]
- While most verification problems appear to be minor, some DEOs reported problems with double entries, poor photo quality and missing data, which have been sometimes difficult to resolve. The solution to missing data has often been to enter fictional data, which could lead to problems at a later stage (e.g., by assigning a voter to an incorrect polling station).
- Verification teams in general lacked a common approach to resolving small technical problems, meaning that there could be future data discrepancies or additional problems. For example, a common problem of having a mismatch in form numbers (between the enumeration form and the computer record) was resolved in different, ad hoc ways at the local level. Similarly, in Kaski ECN staff noted that because of unclear guidance regarding acceptable photo quality, they were relying on their own judgment regarding whether photos should be considered "approved" or needed to be retaken.
- Changes made to individual registrant information, including major changes, were usually not conveyed to registrants, potentially causing future administrative problems. For example, staff in Kaski and Syangja districts were told by the ECN to assign new serial numbers when mismatches or duplicates were found on forms. However, registrants were not informed about the changes – and without changes being consistently logged, it will be difficult to do so – which could cause confusion, delays or other problems when registrants present documents that do not match the new records.

[44] Observers found that although the directive set the target at 240 records per day, in some districts verification teams have often been asked to do more to compensate for time lost due to power outages, the delayed start of the verification process in particular districts, and other technical issues (server breakdown, networking problems, etc.).

- In some cases, the difference between a minor change and a significant one according to ECN guidelines was unclear to verification staff. For example, in Lamjung district observers saw verification teams correct a citizenship certificate number. It was unclear to the verification team that this should have been considered a significant change and logged for further investigation.
- Records with serious discrepancies and that require further checks according to ECN guidelines have been left to handle at the end of the process in most districts.
- Physical space for the verification process was a problem for nearly all verification teams observed. In Bara district LTOs found 28 verification staff working in a small tent. In Jhapa district LTOs found the verification center did not have enough space for 12 teams and could probably not accommodate the additional four teams expected to join the center after the completion of field registration.[45]

The ECN should take steps to limit the possibility that the verification process itself may inadvertently create new errors in some records. One way to do this would be to publish additional nationwide guidelines that cover common problems and mistakes in order to ensure that registration and enumeration errors will be rectified in the same way across the country, especially for significant changes. For all significant discrepancies which have been left to the end of the process to resolve, the ECN should ensure that there is a written record of all changes, and emphasize to staff that quality is more important than speed (i.e., the deadline can be extended if needed in order to ensure accurate final information).

As the verification process continues, the ECN should establish and ensure compliance with a clearer system to authorize and record changes to information between different forms, and train staff sufficiently to ensure a high quality process. Any changes made to registrant data should be clearly logged so that there is a paper trail that matches the computer entries on the register. Finally, ECN IT staff should be aware that the verification process may unintentionally create new errors in some records and consider this factor in planning for the national-level list review.

d) Political party and civil society participation

Although political parties are generally sympathetic toward the registration process, their actual level of participation continues to be low. In interviews conducted by Carter Center LTO teams, several parties claimed that they were actively encouraging their members and sympathizers to register, although none of the 221 citizens interviewed said that they had been informed of the registration process by a political party. In meetings with LTOs, some parties in Tarai districts disagreed with the requirement for a citizenship certificate and had complaints regarding the difficulty for some in getting a citizenship certificate. Many party representatives across Nepal believed that voter education had been insufficient in their district and felt that little was being done to reach excluded groups.

LTO observations in 22 districts visited from Sep. 2011 to Dec. 2011 showed that a limited number of civil society groups were working on voter registration issues. Most citizens interviewed were not aware of civil society voter education projects. However, during visits to Dang and Kailali, for example, LTO teams did find evidence of civil society organizations carrying out voter education among Dalit, Muslim, Freed Kamaiya or student communities.[46]

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[45] Additionally, in at least one district visited, several verification teams were under-staffed, with one person performing the work of two people. In some cases this appeared to compromise the quality of data checking. Full staffing is required to avoid error in the verification process.

[46] For example Carter Center LTOs were told that the Nepal National Social Welfare Association was conducting a voter education project for freed Kamiya in Bardiya, Kanchanpur, Kailali, Banke and Dang districts. The NGO "Youth Initiative" was meeting young people at schools in Kaski, Dang and Kailali to raise awareness of voter registration. In Dang and Saptari districts groups targeting Dalits were active in voter education. The Carter Center recognizes that some CSOs have been working in VDCs and districts not visited by LTO teams, such as the efforts of IFES-funded civil society organizations discussed in more detail in footnote 26.

The National Election Observation Committee (NEOC), a coalition of civil society organizations, is the only domestic group that is accredited to observe the voter registration process and has more than 100 observers in 38 districts. NEOC informed the Carter Center that while it assesses the voter registration effort positively overall, improvements could be made in strengthening voter education and information, improving dialogue between election officials and political parties at local level, fully appointing senior ECN staff, and ensuring that those persons who meet citizenship criteria can get citizenship certificates without difficulty.

Finally, in early Dec. 2011 the National Election Monitoring Alliance (NEMA)[47] organized an interaction program together with NEOC on voter registration involving the ECN, CA members, and other stakeholders. Major concerns raised included people lacking citizenship certificates, low registration turnout in some areas, provisions for Nepalis living abroad to register, and inclusion of marginalized communities. The Carter Center noted that CA members present had fairly negative, and sometimes inaccurate, perceptions of the voter registration process in their districts, indicating that the ECN should increase its public information efforts to ensure politicians and opinion leaders are well informed about the achievements of the voter registration process to date and its current status. A second interaction program was organized by NEOC in early January 2012.

VII. Conclusions and Recommendations

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. Since the outset of the voter registration process, the Commission has faced many challenges – political, legal, and administrative – but has continually demonstrated flexibility and good will as the registration process has gone forward. The Center recognizes the hard work and dedication of all ECN officials it has encountered and congratulates the ECN on its successful registration of more than ten million Nepali citizens to date. The Carter Center encourages the Commission to build on its positive efforts to date and to take further steps to promote greater fairness, access and opportunity for all Nepalis who wish to register. The following recommendations to strengthen the process are offered in the spirit of cooperation and respect, and with the hope they will provide useful discussion points for future action:

a) The Election Commission of Nepal should:

After official CBS figures are available, revise ECN registration turnout targets in line with new 2011 census data and, as done previously, provide clear justification for the revised figures. The Carter Center recommends that the new census data be used to determine more accurate targets for the voter registration process. 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 continue building public trust in the process.

Address weaknesses in technical and procedural aspects of the verification process, particularly those related to significant discrepancies in the data. Given that the verification process is ongoing, the ECN should consider rapidly issuing brief supplemental guidelines regarding common problems faced by verification teams in order to ensure that data verification is undertaken uniformly and accurately. The ECN should also communicate clearly that data accuracy, not speed, is the primary goal. The ECN should ensure that all major errors and discrepancies found during verification are fully investigated and resolved so that no voter is disenfranchised. Finally, the ECN should plan to improve procedures and training for any future verification or data cleaning exercises that take place.

[47] NEMA is a coalition of civil society organizations that formed to observe the 2008 Constituent Assembly elections.

Conduct a refresher training course prior to any new field-level registration phase to ensure that registration staff correct the minor errors the Carter Center has consistently observed during all phases of the process to date. The ECN should modify its training guidelines for voter registration to ensure that small weaknesses noted repeatedly by Carter Center observers are fixed. A refresher course should be held before the "missed voters" phase to ensure registration staff accurately implement the guidelines. Specifically, the training should seek to: ensure that registration staff confirm data with registrants to reduce the possibility of errors; address problems in capturing fingerprint scans through provision of cleaning alcohol; ensure that registration staff instruct registrants to keep their registration receipts and inform them why this is important; and ensure that individuals can be enumerated on site and allowed to register, in line with ECN policy.

Consider continuing and expanding voter registration outside of District Election Offices. Registration could be continued at District Administration Offices where significant numbers of persons come to obtain citizenship certificates and could be expanded to additional districts. DEO participation in "mobile integrated service delivery teams" should be fully supported by the ECN centrally, including encouraging DEOs to allocate sufficient resources for participation, and further expanded where possible.

Revise and maintain an updated voter registration timeline, and communicate the current status of the process and future plans of the ECN to election and administrative officials, political parties and voters. A new timeline that is kept up-to-date would be useful in ensuring that the process is transparent and that all stakeholders have a common understanding of how it will proceed. The planning for voter education and operational/logistical activities – which require support from others – would also benefit from greater publicity. Additionally, a public information campaign to inform politicians and opinion leaders about the process will be critical to ensure the new list is accepted as credible. A realistic timeline about when the voter register could be prepared would also be helpful for politicians and others as they discuss the potential of holding local government elections.

Formalize plans to conduct a "missed" voter registration exercise to reach eligible individuals who have not yet registered, focusing especially on areas of low turnout. The Carter Center commends the ECN for its intention to conduct another round of voter registration at the local level in order to maximize access and opportunities for individuals to register. The Center encourages the ECN to formalize these plans in accordance with a revised voter registration timeline. District-level data should be used to focus on areas of low turnout during this phase, as some districts are severely under-target. The ECN should ensure that sufficient time is allotted for those that do not have citizenship certificates to be able to obtain them during the exercise.

Develop a targeted voter education plan and communication strategy for upcoming and future phases of the registration process as well as plans for facilitating registration for persons who may be unaware of the process, may not know about out-of-district registration, or may have difficulties registering. This should include targeted efforts to inform internal migrants of the possibility to register by out-of-district registration, as well as the "missed" voter registration exercise, and the complaints and objections process. An intensive campaign is required to ensure that citizens in all localities are able to check if they are on the register when displayed. Groups that may be less likely to have registered, such as people without citizenship certificates, the elderly, disabled persons and their families, landless persons, persons from remote areas and disadvantaged ethnic or other groups, should be specifically targeted.

Establish procedures for key upcoming phases in the voter registration process such as the complaints and objections phase and the central-level checking of duplicates in the voter register. Clear, transparent and public guidelines will help avoid disputes and increase trust in the process. Producing these guidelines sufficiently in advance of when they are needed would increase the time available for training, and could help ensure effective implementation and avoid the kinds of problems which have arisen in the data verification process.

Continue efforts to improve the capacity of the ECN IT department. This includes increasing IT-specific staffing levels as well as building the IT capacity of staff inside the ECN.

Plan ahead for the possibility that national identity cards are not available by the next election. While the ECN has planned that voter rolls will contain the photograph of each registrant, it is also considering requiring additional forms of identification to vote in the event that proposed national identity cards are not available. It is positive that the ECN is thinking ahead about this possibility. In addressing this issue, the ECN should carefully consider how to balance the goal of fraud prevention against the need to ensure that additional voter identification documents do not unintentionally disenfranchise eligible citizens due to nominal technical discrepancies between the voter list and identification documents presented (e.g., differences in name spelling, address, or date of birth).

Develop civic education plans to be implemented prior to eventual elections. This civic education campaign should update citizens on requirements for voting, including opportunities for voter registration, as well as other information on the voting process.

b) <u>The Government of Nepal should:</u>

Increase its efforts to issue citizenship certificates to all eligible Nepali citizens, as required by the Supreme Court in Feb. 2011. The Carter Center encourages the Ministry of Home Affairs to work with the ECN to formalize plans to deploy mobile teams that will be able to issue citizenship certificates at field level. This is currently being done to a limited extent through the "mobile integrated service delivery teams" but needs to be improved and expanded to be fully effective. The Carter Center also encourages the government to consider ways to overcome legal barriers to registration by otherwise eligible persons. Plans by the Ministry of Home Affairs to grant citizenship to children of people who received citizenship certificates during the 2006-8 citizenship drive are welcome and would help address some of the problems of access.

Coordinate closely with the ECN regarding the creation of planned national identity cards. It is the Center's understanding that legislation that would authorize national identity cards has not yet been passed. However, it is envisioned that the Ministry of Home Affairs would use the data collected by the ECN to create the national identity cards. If this becomes the case, it will require increased coordination between the ECN and the MoHA regarding data transfer and other planning.

Reduce turnover and uncertainty in ECN staffing by filling vacant posts and considering reforms in civil service rules. This could include appointing the position of Chief Commissioner of the ECN, filling vacant Commissioner positions and reforming civil service rules so that relevant staff are more permanent to the ECN.

c) <u>Political Parties and Civil Society should:</u>

Play a more active and supportive role in the voter registration process. There continues to be little evidence that political parties are conducting public activities to raise awareness of the registration process or encouraging eligible individuals to register. It is in the interest of all parties to support the registration process now by mobilizing potential supporters to register. Finally, there are already some positive CSO activities around voter registration that have reportedly reached nearly one million people, though in a limited number of VDCs. At the same time, there is room for additional efforts to support the process more broadly.

ANNEX 1 – Field Data Collection Phases of the Voter Registration Process

Voter registration has thus far been composed of a) a voter education campaign; b) a door-to-door enumeration campaign to identify, inform, and document eligible individuals; and c) on-site registration at more than 8,000 places at which enumerated individuals have been physically registered. At the same time, continuous voter registration is ongoing at District Election Offices (DEOs) to register remaining eligible citizens.

The voter registration process was launched in March 2010 with a pilot exercise in seven VDCs in five districts. Following the successful completion of the pilot exercise, field data collection has continued in multiple phases:

- A municipalities phase that registered eligible voters residing in 58 municipalities in 43 districts (completed between Sept. and Dec. 2010);

- A "bridging" phase that registered voters in areas nearby municipalities in 43 districts (completed between Dec. 2010 and March 2011);

- A nationwide phase to register voters throughout the rest of the country (March 2011 through mid-July 2011). The nationwide phase entailed mobile registration teams visiting most remaining VDCs in Nepal.

- An ongoing, "enhanced continuous" phase during which voter registration is being conducted on a permanent basis at all DEOs, as well as on a temporary basis at DAOs, AAOs, and other locations (July 2011 – present). During this phase, mobile voter registration was also conducted at municipality and VDC level in 11 districts where it could not be finalized during the earlier nationwide phase. In June 2011, the ECN announced that people residing outside their home district would be allowed to register through "out-of-district registration."

ANNEX 2 – Carter Center Observation Methodology

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

LTO teams gather both qualitative and quantitative information about the voter registration process through interviews and direct observation. In addition to data collected from election officials regarding the enumeration and registration processes, observers conduct interviews with at least 10 citizens chosen at random in each location in order to gather data about citizens' awareness of the voter registration process and their ability to be registered.

The reporting period for this third interim statement covers the following parts of the registration process:

- Voter registration at DEOs, DAOs and AAOs was observed in 6 districts, at 12 different locations.

- The renewed voter registration process at municipality and VDC level in 11 districts was observed at seven registration sites in four districts. LTO teams interviewed officials by telephone in the remaining seven districts. As registration had previously been obstructed in 10 of these areas earlier this year,[48] the LTO teams gathered information as to whether individuals could now register freely in all areas or whether their participation was affected by intimidation, obstruction or violence. In addition, LTO teams gathered information on the technical quality of the registration process in these districts.

- LTO teams also visited 16 districts to assess the verification of voter registration records. During these visits, LTO teams met with election officials and observed the work of verification teams.

As it is not possible to deploy observers to a scientifically representative sample of registration and verification locations, it is also not possible to extrapolate the quantitative data obtained by LTOs for the purposes of generalization across the country. However, the data LTOs obtained offers illustrative insights into the conduct of voter registration to date and the challenges faced by the ECN.

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. The Center performed its assessment of the voter registration process with reference to the Nepali legal and regulatory framework governing the voter registration process, specifically the Interim Constitution of Nepal (2007), Voters' Roll Act (2006) and Voters' Roll Rules (2007), and ECN policies and procedures. The Center also considered international standards governing democratic elections, specifically those which Nepal has signed or ratified.[49]

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[48] In Taplejung district registration was reopened due to a fire that destroyed data from four registration sites.

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