Local Bodies (Election Procedure) Act, 2048 (1992)

Date of Authentication and Publication
2048.12.26(8 April 1992)

Amendments:

2. Local Election Related Some Nepal Acts Amendment Act, 2054(1997) 2054.5.6 (22 Aug. 1997)

Act Number 38 of the year 2048 (1992)
An Act Made to Provide for Election to Local Bodies

Preamble: Whereas, it is expedient to make provisions on election to Members of Village, Municipal and District Local Bodies;

Now, therefore, be it enacted by Parliament in the Twenty-first year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

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1 This Act came into force on 15 Jestha 2065, "Prasast" and the word "Kingdom" has been deleted.
Chapter-1

Preliminary

1. Short title and commencement: (1) This Act may be called as the “Local Bodies (Election Procedures) Act, 2048 (1992).”

(2) This Act shall come into force immediately.

2. Definitions: Unless the subject or the context otherwise requires, in this Act,-

(a) “Commission” means the Election Commission constituted pursuant to the 2Interim Constitution of Nepal, 2063(2007).

(b) "Local Bodies" means the Village Development Committees, Municipalities or District Development Committees.

(c) “Election” means the election to the Local Bodies, and this term also includes a by-election.

(d) "Member" means the Chairperson, Vice-Chairperson and Member of a Village Development Committee, Mayor, Deputy Mayor and Member of a Municipality, and President, Vice-President and Member of a District Development Committee, 3and this term also includes the Ward Member of a Village Development Committee and Municipality.

(e) "Election Officer" means the Election Officer as referred to in Section 4.

(f) “Polling Officer” means the Polling Officer as referred to in Section 7 and this term also includes the Assistant Polling Officer.

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2 Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).
3 Inserted by the Local Election Related Some Nepal Acts Amendment Act, 2054(1997)
"Voter" means the following person for the following post:

1. A voter as per the Act Relating to Electoral Rolls, 2063(...) for the Chairperson, Vice-Chairperson or Ward Chairperson and Ward Member of each Village Development Committee or for Mayor, Deputy Mayor or Ward Chairperson and Ward Member of each Municipality.

2. For the election to the office of Member of any Area of each District Development Committee, the elected Members of the Village Councils and Municipal Councils within that Area.

3. For the election to the President and Vice-President of each District Development Committee, the elected Members of all the Village Councils and Municipal Councils within the concerned District.

"Candidate" means the candidate as referred to in Section 18.

"Prescribed" or "as prescribed" means prescribed or as prescribed in this Act and the Rules framed under this Act or in the order issued by the Commission by a Notification in the Nepal Gazette.

Chapter 2

Election Officer and Polling Officer

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4. **Appointment of Election Officer:** (1) The Commission shall appoint an Election Officer in each District for election.

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4 Amended by the Local Election Related Some Nepal Acts Amendment Act, 2054(1997).
5 Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).
6 Amended by the Local Election Related Some Nepal Acts Amendment Act, 2054(1997).
7 Amended by the Local Election Related Some Nepal Acts Amendment Act, 2054(1997).
8 Amended by the Local Election Related Some Nepal Acts Amendment Act, 2054(1997).
9 Amended by the Local Election Related Some Nepal Acts Amendment Act, 2054 (1997).
(2) The Election Officer may engage or depute the employees of the Government of Nepal or of autonomous organizations owned by the Government of Nepal in the act of election.

(3) The Election Officer may delegate any or all of the powers conferred to him or her for the purposes of election to the employees engaged or deputed in the act of election.

5. **Appointment of Assistant Election Officer:** The Election Officer may, as required, appoint Assistant Election Officers for the purposes of the act of election.

6. **Functions and duties of Election Officer:** (1) The Election Officer shall freely and impartially carry out, or cause to be carried out, all the functions relating to holding election in the District assigned to him or her, subject to the directions given by the Commission.

   (2) The Election Officer shall, in discharging the functions as referred to in Sub-Section (1), supervise, control, direct and coordinate all functions relating to the election to the Local Bodies within the District assigned to him or her, subject to the directions given by the Commission.

7. **Appointment of Polling Officer and Assistant Polling Officer:** The Election Officer may appoint as Polling Officers and Assistant Polling Officers the employees of the Government of Nepal or of autonomous organizations owned by the Government of Nepal, for the election to the Local Bodies within the District assigned to him or her.

8. **Functions and Duties of Polling Officers and Assistant Polling Officers:** (1) The Polling Officer shall fairly, freely and impartially carry out and cause to be carried out all of the functions relating to the polling to be held as specified by this Act and the Rules or orders framed under this Act, at the polling station assigned to him or her.
(2) The Assistant Polling Officer shall, under the direct control and direction of the Polling Officer, complete all of the functions relating to the polling freely and impartially.

Chapter-3

Electoral Rolls

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11. **Electoral rolls:** (1) The Election Commission shall, under its supervision, control and direction, cause to be prepared the electoral rolls for the election to the President, Vice-President and Area Members of the District Development Committees.

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(3)  
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(4) The Election Officer shall publish the electoral rolls as per the schedule provided by the Commission.

(5) The Election Officer shall, as per the direction given by the Commission, give a time-limit of at least Five days for making a claim and registering his or her name by a person whose name registration is omitted from the electoral rolls published pursuant to Sub-section (4) or for correcting the name, age, residence or any other description of a registered voter or for making a complaint for the removal of the name of any person who should not have been registered.

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(6) The procedures for making a claim for registering name in the electoral rolls or for correcting the name, age, residence or any other description of any registered voter or for making a complaint for the removal of the name of any person who should not have been registered, pursuant to Sub-section (5), shall be as prescribed by the Commission.

(7) If a complaint of claim and objection is made pursuant to Sub-section (6), the Election Officer shall make necessary inquiry into the matter and make necessary alteration in the electoral rolls if so required. The electoral rolls so altered shall be final.

(8) The Election Officer shall, as per the direction given by the Commission, publish the final electoral rolls as referred to in Sub-Section (7).

**Chapter-4**

**Election Program**

12. **Election**: (1) The election to the Members of Local Bodies shall be held in the year in which the tenure specified by the laws in force expires.

   (2) The Commission may hold the election to Local Bodies in Two or Three phases throughout Nepal. Provided that, in so holding election, the election to the Local Bodies of one Development Region shall be held at the same time.

   (2a) Notwithstanding anything contained in Sub-section (2), the Commission may, taking into consideration the geographical situation, natural calamity and peace and security situation as well, hold the election to

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one or more than one Local Body or to any post of any Local Body even within one Development Region at the same or different dates. The election so held by the Commission at the same or different dates shall be deemed to have been held at the same time.  

(3) If the office of any elected Member of the Local Body falls vacant prior to the expiration of his or her tenure, the Commission shall hold a by-election for the remainder of tenure.

Provided that, no by-election shall be held where the tenure is less than Six months.

13. **Act of election:** (1) The Government of Nepal shall publish a notice setting out the name of a District where the election to all the Local Bodies in that District is to be held or the name of a District and Body and post where the election to any post of the Local Body of that District is to be held, and give information thereof to the Commission.

(2) Upon receipt of the information as referred to in Sub-section (1), the Commission shall complete the act of election as promptly as possible.

14. **Notification of Election Program:** (1) The Election Officer shall, in accordance with the direction given by the Commission, publish a Notification of the election to the Local Bodies, specifying the date, time and place for the registration of nomination papers of candidates, publication of the list of candidates whose nomination papers have been registered, the filing of petitions against candidates, scrutiny of nomination papers, publication of the name list of candidates nominated, withdrawal of candidature, publication of the final list of candidates and allotment of election symbols to the candidates, and for polling.
(2) Such period as specified by the Commission shall be given for the election program as referred to in Sub-section (1).

(3) The period between the day of publication of the final list of candidates and the day of polling shall be as specified by the Commission.

(4) Time of no less than Seven days shall be given for canvassing election to the Local Bodies.

**Chapter - 5**

**Candidates and Nomination**

15. **Candidate:** (1) The following person whose name is registered in the Electoral Rolls and who is qualified to vote in the election to the Local Bodies may be a candidate for the election to the following Local Body:

(a) One who has completed the age of Twenty One years and whose name is registered in the Electoral Rolls of that Ward, for the election to the Ward Chairperson and Ward Member of a Village Development Committee or Municipality,

(b) One who has completed the age of Twenty One years and whose name is registered in the Electoral Rolls of the area of that Village Development Committee or Municipality, for the election to the Chairperson or Vice-Chairperson of the Village Development Committee and Mayor or Deputy Mayor of the Municipality,

(c) One who has completed the age of Twenty One years and who is an elected Member of a Village Council or Municipal Council within the Area of the District Development Committee, for election to the Area Member of that Area of that District Development Committee,

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22 Amended by the Local Election Related Some Nepal Acts Amendment Act, 2054(1997).
23 Amended by the Local Election Related Some Nepal Acts Amendment Act, 2054(1997).
(d) One who has completed the age of Twenty One years and who is an elected Member of a Village Council or Municipal Council within a District Development Committee, for election to the President or Vice-President of that District Development Committee.

16. **Disqualification of candidate:** (1) Any of the following persons shall be disqualified to become a candidate in the election:

(a) One who is not qualified pursuant to Section 13.

(b) One who is not a citizen of Nepal,

(c) One who is of unsound mind or insane,

(d) One who has been insolvent.

(e) One who is an incumbent employee of the Government of Nepal or an autonomous organization owned or controlled by the Government of Nepal or an organization receiving grants from the Government of Nepal.

(f) One who is an incumbent employee of any Local Body,

(g) One who has not completed Six years after serving the sentence of imprisonment awarded by an Election Special Court that has been formed pursuant to the laws in force, on an offence relating to election,

(h) One who has been convicted of a criminal offence involving moral turpitude and been sentenced to imprisonment for Two years or more and has not completed Six years after serving that sentence,

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Amended by the Local Election Related Some Nepal Acts Amendment Act, 2054(1997).
Provided that, this Clause shall not apply to the first election to be held after the commencement of this Act.

(i) One who is not disqualified by the laws in force.

(2) For the purposes of Clause (h) of Sub-section (1), a person who has been sentenced on a state affairs related case or whose sentence is pardoned on the political basis and name is mentioned in a notice published in the Nepal Gazette shall not be deemed disqualified pursuant to that Clause.

17. **Computation of age of candidate:** While computing the age of a candidate to become a candidate for the election, he or she must have reached Twenty One years of age by the date of attaining the age for polling pursuant to the Act Relating to Electoral Rolls, 2063.

18. **Nomination of a candidate:** (1) A voter may nominate a person who is qualified to be a candidate for the election to the Local Bodies pursuant to this Act, by proposing the name of that person, as specified by the Commission.

(2) A person who is nominated pursuant to Sub-section (1) has to be seconded by one other voter, as specified by the Commission.

(3) In the case of a candidate set up by a political party or organization that has been registered with the Election Commission and is represented in the Constituent Assembly, the nomination paper has to be accompanied by a formal letter provided by that party or organization to that candidate. The format and procedures of such a formal letter shall be as prescribed by the Commission.

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26 Amended by the Local Election Related Some Nepal Acts Amendment Act, 2054(1997).
27 Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).
28 Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).
(4) Any person who is proposed as a candidate shall have to set down his or her consent in the nomination paper and sign it, and his or her proposer and seconder shall also have to sign the nomination paper.

(5) Any person may be nominated by Two nomination papers in maximum for the election to any One post.

(6) A candidate himself or herself or his or her agent or proposer shall have to deliver the nomination paper of the candidate to the Election Officer.

(7) The Election Officer shall scrutinize as to whether the nomination paper delivered pursuant to Sub-section (6) fulfils the requirements, and if it is found to be due, file the nomination paper and provide a receipt thereof to the candidate or his or her agent or proposer. The receipt shall also indicate the place, date and time for the scrutiny of the nomination papers and also give notice to them to be present at that time.

(8) If any one tenders a nomination paper that does not fulfill the requirements, the Election Officer shall have to file the nomination paper after getting corrected the matter not incompliance with the formalities.

Provided that, if any one wishes to get the nomination paper filed without correcting such matter not incompliance with the formalities as required to be corrected, the same matter has to be mentioned in the nomination paper and a notice thereof has to be given to the person delivering the nomination paper.

19. **Publication of list of candidates whose nomination papers have been filed:** After the expiry of the time for filing the nomination papers, the Election Officer shall publish a list of candidates whose nomination papers have been filed on the date, at the time and place as specified in the notification of the election program.
20. **Objection may be made:** Any candidate or his or her agent intending to make an objection to the qualification of any other candidate mentioned in the list as referred to in Section 19 may make an objection before the Election Officer on the date, at the time and place specified in the notification of the election program.

21. **Scrutiny of nomination paper:** (1) The Election Officer shall scrutinize the nomination papers on the date, at the time and place as specified in the notification of the election program, in the presence of the proposers, seconders or candidates themselves or attorneys authorized by them respectively.

   (2) The Election Officer shall scrutinize the nomination papers of all candidates in presence of the persons as referred to in Sub-section (1).

   Provided that, this Sub-section shall not be deemed to bar the scrutinizing of the nomination papers in the pre-specified time and making decision thereon according to the law even if any proposer, seconder or candidate or his or her attorney required to be so present is not present on the date, at the time and place as specified in the election program.

   (3) While scrutinizing the nomination papers of the candidates, the Election Officer shall also have to make decision by holding necessary inquiries into objection, if any, made against any candidate pursuant to Section 20.

   Provided that, a nomination paper shall not be invalidated only by virtue of minor error and omission contained in the nomination paper.

   **Explanation:** For the purposes of this Sub-section, "minor error and omission" means any technical error or error of letters, numbers or vowel signs relating to the writing or printing of name, surname, address or serial number of a candidate, proposer or the person related with them contained in
the Electoral Rolls or nomination paper, which does not cause any substantial difference.

(4) The Election Officer shall not postpone the proceedings on scrutiny of the nomination papers, except in any of the following circumstances:

(a) If any mobbing or violence erupts in the place and at the time of scrutiny of nomination papers.
(b) If there occurs any situation beyond control owing to natural calamity.

(5) If the proceedings on the scrutiny of the nomination papers are postponed under Sub-section (4), the Election Officer shall specify the time and place for the scrutiny of nomination papers and scrutinize them on the following day.

22. **Invalidity of nomination paper:** A nomination paper shall be invalid in the following circumstance:

(a) If the candidate does not possess the qualifications as referred to in this Act and the laws in force,
(b) If there does not exist the consent of the candidate or the nomination paper does not bear his or her signature,
(c) If the nomination paper does not bear the signature of the proposer and the seconder, and
(c) If the deposit is not furnished.

23. **Name list of candidates:** (1) After the nomination papers have been scrutinized, the Election Officer shall have to prepare a name list of the candidates as referred to in the nomination papers meeting the requirements as per the law.
(2) The Election Officer shall forthwith publish a copy of the name list of candidates as referred to in Sub-section (1) at his or her office.

24. **Withdrawal of names:** (1) If, after the publication of the name-list of candidates pursuant to Section 23, any candidate wishes to withdraw his or her name in order to get his or her name removed from the list of candidates, such a candidate may withdraw his or her name by giving a notice in writing to the Election Officer within the time specified in the election program.

(2) The notice of withdrawing name pursuant to Sub-section (1) shall have to be submitted by the candidate himself or herself or his or her attorney to the Election Officer.

(3) After the notice of withdrawing name pursuant to Sub-section (1) has been submitted to the Election Officer, the notice shall not be allowed to be cancelled or withdrawn.

(4) The Election Officer shall, if he or she is satisfied with the genuineness of the notice submitted pursuant to Sub-section (1), remove the name of the candidate withdrawing his or her name from the name list of candidates, and immediately publish a notice of such name removal at his or her office.

25. **Final name list of candidates:** (1) After the expiry of the time specified for the withdrawal of names by the candidates pursuant to Section 24, the Election Officer shall have to prepare a final name list of the remaining candidates.

(2) The Election Officer shall immediately publish a copy of the name list as referred to in Sub-section (1) at his or her office.

26. **Unopposed election:** (1) If a nomination paper is filed by only one person in the election to any Member of the Local Body and the nomination paper is found to meet the requirements or if Two or more nomination papers have
been filed but there remains only one candidate because of the name being withdrawn by the other candidates or the other nomination papers being void, the Election Officer shall declare that the candidate has been elected unopposed.

(2) Polling shall be taken if two or more candidates remain in existence for the election to any Member of the Local Body.

27. **Allotment of election symbols:** (1) If polling is to be taken pursuant to Sub-section (2) of Section 26, the Election Officer shall allot one election symbol to each candidate as his indicative sign.

(2) The Election Officer shall allot the election symbol provided by the Commission to a political party or organization that is registered with the Election Commission and represented in the Constituent Assembly to the candidate fielded by that political party or organization.

(3) The Election Officer shall allot, in such a manner as may be prescribed by the Commission, an election symbol specified to be used by an independent candidate, out of the group of election symbols set aside for the use of independent candidates, in the case of the candidates other than those set forth in Sub-section (2).

28. **Death of candidate:** (1) If, after publication of the name list of candidates pursuant to Section 23 or the final name list of candidates pursuant to Section 225, any candidate included in that list dies and a written notice of such death is received from the deceased candidate’s election agent or any other person and the Election Officer is satisfied with that matter, the Election Officer shall have to immediately postpone the polling to be held for the election to the Member of the Local Body in which the deceased is a candidate and give information thereof to the Commission as promptly as

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29 Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).
possible. The Election Officer shall also have to affix at his or her office a notice of such postponement of the polling for information of other candidates, as well.

(2) The Election Officer shall have to republish the election program as referred to in Section 14 for the election for which polling has been postponed pursuant to Sub-section (1).

(3) A candidate whose name is mentioned in the final name list of candidates published pursuant to Section 23 or 25 shall not be required to re-file a nomination paper.

Provided that, one who has withdrawn name may file a nomination letter to become a candidate.

29. **Polling not to be postponed:** Notwithstanding anything contained in Section 28, in the case of death of a person who is an independent candidate, the polling to be held for the election in which he or she is a candidate shall not be postponed.

30. **Identity card of candidate:** The Election Officer shall provide the identity cards, as prescribed by the Commission, to the candidates remained on the final name list pursuant to Section 25.

**Chapter - 6**

**Polling Station, Ballot Paper and Ballot Box**

31. **Polling station:** (1) The Election Officer shall, while specifying polling stations and sub-polling stations for the election to the Local Bodies, as per the direction of the Commission, so specify the polling stations and sub-stations that they are convenient to the voters on foot, to the extent possible, and publish a list thereof in the manner as prescribed by the Commission.
(2) The polling officers shall specify the premises of the polling stations or sub-polling stations in a manner that there is no crowd at the polling stations or sub-polling stations. The entry of any person other than those authorized by law into such premises shall be prohibited.

(3) The polling officer shall prohibit the consumption, sale and distribution of liquors for a specific period of time, in the vicinity of the polling station or sub-stations, taking into consideration of the practicality.

32. **Ballot paper:** (1) There shall be such ballot papers for the election to the Local Bodies as specified by the Commission.

   (2) The ballot paper that contains the election symbols as specified by the Commission shall contain one election symbol for each candidate.

   (3) The polling officers shall, in accordance with the requirements as specified by the Commission, give ballot papers to the voters present at the polling stations for voting.

33. **Ballot box:** (1) There shall be such ballot boxes for the polling as specified by the Commission.

   (2) The ballot boxes to be used for polling at the polling stations shall be closed by fulfilling the requirements as specified by the Commission.

**Chapter - 7**

**Polling**

34. **Polling:** Only a voter, whose name is registered in the Electoral Rolls, shall be entitled to vote in the election to the Local Bodies.  

35. **Time for polling:** (1) The period of polling on the polling date shall be as specified by the Commission.

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(2) The time for polling shall be as specified in the Notification as referred to in Section 14.

36. **Manner of polling:** (1) A voter has to cast vote at the polling station by fulfilling such requirements as specified by the Commission.

(2) The voter shall vote by marking such seal or sign in the ballot paper as referred to in Section 32 as specified by the Commission.

(3) In casting vote, a voter has to vote by secretly marking the seal or sign as referred to in Sub-section (2) in the ballot paper's box containing the election symbol of any one candidate whom he or she chooses.

(4) No one other than a voter shall cast vote in the name of the voter whose name is registered in the Electoral Rolls.

(5) No voter shall vote at the election to any one post in more than one place.

(6) No voter shall vote more than once in the election to any one post.

(7) If any voter who is not entitled to vote pursuant to Sub-sections (4), (5) and (6) shows up to receive a ballot paper at a polling station, the Polling Officer may refuse to give a ballot paper to such a voter.

37. **Objection to impersonation of a voter:** (1) If any person falsely impersonating any other voter presents himself or herself to receive a ballot paper to vote, a candidate or his or her election agent or polling agent may register an objection with the Polling Officer, along with a deposit of such sum as may be prescribed by the Commission.

(2) If an objection is made pursuant to Sub-section (1), the Polling Officer shall make a summary investigation and decide immediately and shall forthwith record the objection so made and the decision thereof in a minute's book.
(3) If the objection as referred to in Sub-section (1) is held to be correct, the Polling Officer shall immediately return the sum of the deposit to the person making objection. If the objection is not held to be correct, the sum of the deposit shall be forfeited. The Polling Officer may punish a person who shows up to vote by impersonating with a fine of up to Fifty Rupees.

38. **Disabled voter:** If any voter being unable to vote by him or herself requests the Polling Officer to mark his or her vote in the box containing the symbol of the candidate of his or her choice on the ballot paper, the Polling Officer may assist the voter in marking the vote according to the will of that voter.

39. **Admission to polling station:** (1) The Polling Officer shall not allow other persons except the following persons to enter into the polling station:

   (a) Voters,

   Provided that, the Polling Officer shall not allow a person who is carrying any kind of arms or has consumed liquors into the polling station despite that he or she is a voter.

   (b) A candidate or one of his or her election agent or polling agent,

   (c) Persons permitted by the Commission, Election Officer or Polling Officer, and

   (d) A baby accompanying a woman voter.

(2) If any voter being unable to vote by himself or herself requests for permission to be accompanied by any person whom he or she trusts and the Polling Officer may allow such a person accompanied by the voter to enter into the polling station or the voting compartment.
40. **Prohibition on entry into polling station:** No voter shall be entitled to enter into the polling station after the expiry of the time specified for polling.

41. **Inspection:** If a voter stays in the secret voting compartment for more than reasonable time or the Polling Officer has any suspicion, he or she may enter into the secret voting compartment and inspect there.

42. **In case of damage or destroy of ballot box:** (1) Where any ballot box used for polling at a polling station is lost accidentally or knowingly destroyed, the Polling Officer shall have to give a report thereof to the Election Officer of the District where the polling station is located immediately.

   (2) Where any ballot box used for polling and already handed over to the Election Officer is snatched in any way or lost accidentally or is knowingly destroyed or a report as referred to in Sub-section (1) is received, the Election Officer shall immediately cancel the polling of the polling station and immediately give a report thereof to the Commission.

   (3) The Election Officer shall specify the date and time for re-polling at the polling station where the polling has been cancelled pursuant to Sub-section (2) and publish a notice thereof at the polling station.

43. **Power to postpone polling in special circumstances:** (1) The Polling Officer appointed to a polling station may postpone the polling at that polling station in the following circumstance:

   (a) Where violent riot or commotion erupts at the polling station,

   (b) Where a natural calamity arises, or

   (c) Where there arises a situation that is beyond control of the Polling Officer.
(2) Where the Polling Officer postpones the polling pursuant to Sub-section (1), a notice thereof has to be immediately published at that polling station.

(3) The Polling Officer shall forthwith give a notice of postponement of polling pursuant to Sub-section (1) to the Election Officer.

(4) The Election Officer shall specify the date and time for re-polling at the polling station where polling was postponed pursuant to Sub-section (1), publish a notice thereof at that polling station, as well, and conduct such re-polling.

44. Unauthorized seizure of polling station: (1) A polling station shall be considered seized in an unauthorized manner, in the following circumstance:

(a) If any one, by using force or coercion, or showing intimidation or giving threat, takes control over the polling station, sub-station or the voting compartment (or place fixed for voting) and affects the polling or allows only the voters supporting any candidate to vote or prevents other voters from voting,

(b) If any one, with or without using force, shows threat or fear to the voters to or not to vote for any candidate or prevents the voters from going to or entering into the polling station, sub-station or the voting compartment (or place fixed for voting) for polling, or

(c) If any one, with or without using force, prevents the Polling Officer or employees involved in the act of polling from discharging their duty, or snatches the ballot papers, ballot boxes, or other election materials in their custody or so affects that the polling cannot be
held in an impartial and free manner by doing similar other acts.

(2) Where a polling station is seized in an unauthorized manner due to any event as referred to in Clauses (a), (b) and (c) of Sub-section (1), the Polling Officer shall immediately postpone the polling and give a report thereof to the Election Officer, and the Election Officer shall also give such report to the Commission immediately.

(3) On receipt of the report as referred to in sub-section (2), the Commission may itself or the Election Officer may, when so directed by the Commission, inquire into the event as referred to in sub-section (1); and based on the report of that inquiry, the Commission or the Election Officer may, as per the direction of the Commission, cancel the polling of that polling station.

(4) The Election Officer shall specify the date and time for conducting re-polling at the polling station where polling has been so canceled, and publish a notice thereof at that polling station, as well, and conduct such re-polling.

45. **To close ballot boxes:** After the expiration of the time for polling, the Polling Officer shall close the ballot boxes containing the ballot papers, by fulfilling the requirements as specified by the Commission.

46. **To hand over ballot boxes to Election Officer:** The Polling Officer shall safely hand over the ballot boxes used for polling to the Election Officer.

**Chapter-8**

**Counting of Votes and Election Results**
47. **Notice of counting of votes:** (1) After receiving all the ballot boxes used for polling at all the polling stations specified for election to any post of the Local Bodies, the Election Officer shall publish a notice specifying the place, date and time for counting of votes for information of the candidates.

(2) While publishing a notice as referred to in Sub-section (1), the notice shall also specify that the candidates shall send their respective election agents or vote counting agents to the place for counting.

48. **Counting of votes:** (1) The Election Officer shall, as per the direction of the Commission, commence the act of counting of votes at the place, date and time as referred to Sub-section (1) of Section 47.

(2) If a candidate intends to appoint his or her election agent or vote counting agent at the place for counting of votes as referred to in Sub-section (1), the Election Officer shall allow the candidate to appoint such election agent or counting agent.

Provided that, no more than Two agents shall be allowed at one place at a time.

(3) The Election Officer shall carry out the counting of votes in the same room or place as far as possible. If one room or place is not sufficient for the counting of votes, counting of votes may be carried out in another room or place.

Provided that, counting of votes shall not be carried out in separate houses or places.

(4) If re-polling is to be held at any polling station in the election of any Member of the Local Bodies, the counting of votes of other polling stations shall not commence until the polling of such a polling station concludes.
49. **Entry into the place for counting of votes:** (1) The Election Officer may allow only the following persons to enter into the place for the counting of votes:

(a) Candidates,
(b) Election agents of candidates,
(c) Counting agents of candidates,
(d) Employees and security personnel involved by the Election Officer in the counting of votes,
(e) Persons deputed or allowed by the Commission, and
(f) Persons permitted by the Election Officer.

50. **Expulsion from place of counting of votes:** (1) The Election Officer may order any person who causes obstruction or hindrance in the act of counting of votes to go out from the place of counting of votes.

(2) The person receiving the order as referred to in Sub-section (1) shall have to go out of the place for counting of votes. The employees deputed for security in that place shall, by the order of the Election Officer, expel from that place the person who does not carry out that order and becomes self-willed.

51. **Counting of votes to be continuous:** Once the counting of votes is commenced, the Election Officer shall keep on the act of counting of votes continued until the completion of the counting of votes.

52. **Postponement of counting of votes:** (1) If, owing to any circumstance beyond control, the act of counting of votes has to be adjourned in the meantime, the Election Officer may postpone the counting of votes prior to the completion of the counting of votes.
(2) Where it is required to postpone the counting of votes pursuant to Sub-section (1), the Election Officer shall prepare an inventory of the ballot papers already counted, documents relating to the counting of votes, ballot papers remain to be counted, and the ballot boxes of which ballot papers have not been counted, and keep them in different envelopes and seal them with his or her own seal. The candidates or their agents may, if they so wish, also put their own seal on the envelopes.

(3) A notice of postponement of counting of votes and of resumption of counting of votes shall have to be published at that place immediately.

53. **Resumption of the counting of votes postponed:** (1) The act of counting of votes adjourned pursuant to Section 52 shall have to be resumed, on the following day of the day of postponement of counting of votes, as far as possible.

(2) In commencing the counting of votes pursuant to Sub-section (1), acts as referred to in Section 48 have to be carried out.

54. **Invalidity of ballot papers:** A ballot paper shall be invalid in the following circumstances:

(a) If it does not bear the signature of the concerned Polling Officer,

(b) If the mark indicating the vote as referred to in sub-section (2) of Section 36 is not placed,

(c) If it is so torn that the mark indicating the vote is so used that cannot be identified,

(d) If it is so blurred or dirty that the mark indicating the vote cannot be identified,

(e) If it bears the mark indicating vote elsewhere than in a box containing the symbol of the candidate,
(f) If it bears the mark indicating vote only in an election symbol not allocated to any candidate,

(g) If it has been returned to the Polling Officer with the intention of abstaining from voting,

(h) If the mark indicating the vote is placed in the boxes containing the election symbols of two or more candidates,

(i) If the vote is cast with a ballot paper other than the ballot paper specified by the Commission,

(j) If the ballot paper is kept outside the ballot box or

(k) If it is a fake ballot paper.

55. **Recounting of votes:** (1) Before the completion of the counting of votes or prior to declaring the election results after the completion of the counting of votes taken for an election to any Member of the Local Body, any candidate or his or her election agent or counting agent may make an application in writing setting out the reason therefor, to the Election Officer for the recounting of any or all the ballot papers.

(2) If an application is received pursuant to Sub-section (1), the Election Officer shall immediately register the application and may, if it appears necessary to recount the votes, immediately recount the votes by giving a notice thereof to the candidate or his or her election agent or counting agent who has made the application for the recounting of votes and other candidates or their election agents or counting agents who are present at the place for counting of votes.

(3) If it is not necessary to recount the votes as per the application as referred to in Sub-section (1), the Election Officer shall make a decision accordingly and give a notice of the decision to such a candidate or his or her
election agent or counting agent who has made the application for the recounting of votes prior to the declaration of the election results.

56. **In case of equality of votes:** If, after the completion of the counting of votes of the election to any Member of the Local Body, Two or more candidates receive equal number of valid votes, the Election Officer shall decide by drawing lots amongst the candidates receiving the equal number of votes. The candidate who is so selected by lot shall be deemed to have received one more vote.

57. **Preparation of chart of counting of votes:** After the completion of the act of counting of all votes in the election to any Member of the Local Body, the Election Officer shall prepare a chart of counting of votes as prescribed by the Commission, also setting down the votes cast, valid votes, invalid votes and valid votes received by each candidate.

58. **Declaration of election results:** After preparing the chart of counting of votes as referred to in Section 57, the Election Officer shall, based on that chart, declare the election results to the effect that the candidate receiving the highest number of valid votes is declared as elected, also setting out the valid votes received by each candidate, and shall immediately publish one copy of such a declaration at his or her own office.

59. **To forward statements of election results to Commission:** The Election Officer shall immediately forward the statements of election results and all statements relating to the election declaration to the Commission.

60. **Commission to forward name-list:** Upon receipt of the statements of election results as referred to in Section 59, the Commission shall forward the name-list of elected candidates to the concerned bodies of the Government of Nepal.
61. **Date of election**: The date of declaration of election results by the Election Officer shall be deemed to be the date on which the candidate has been elected.

## Chapter- 9

**Agents of Candidates**

62. **Election agent**: (1) A candidate may appoint a person who has the qualification to be a voter pursuant to this Act as an election agent for the election related acts.

   (2) If a candidate appoints an election agent pursuant to Sub-section (1), the candidate shall have to give a notice thereof in writing to the Election Officer.

   (3) A candidate may, at any time, remove the election agent appointed pursuant to Sub-section (1) and shall have to give a notice of removal of the election agent to the Election Officer immediately.

63. **Functions and duties of election agent**: The election agent appointed pursuant to Section 62 shall perform such functions and duties as mentioned in this Act to be performed by the election agent.

64. **Polling agent and counting agent**: (1) A candidate or his or her election agent may appoint a person who has the qualification to be a voter pursuant to this Act as his or her polling agent to represent the candidate at the place for polling during the polling.

   (2) A candidate or his or her election agent may appoint a person who has the qualification to be a voter pursuant to this Act as his or her counting agent to represent the candidate for the counting of votes at the place for counting.
(3) If a candidate or his or her election agent appoints a polling agent or counting agent pursuant to Sub-section (1) or (2), he or she has to give a written notice thereof to the Election Officer immediately.

65. **Functions and duties of polling agent and counting agent:** The polling agent and counting agent appointed pursuant to Section 64 shall perform such functions and duties as mentioned in this Act to be performed by the election agent.

66. **Acts not to be invalid:** If a candidate or his or her election agent, polling agent or counting agent fails to perform any act or to make presence as required to be done or made pursuant to this Act, any acts relating to the election held in accordance with law shall not be invalid.

**Chapter–10**

**Miscellaneous**

67. **Deposit to be furnished:** (1) To be a candidate in the election to the Local Bodies, the following amount has to be deposited:

   (a) For the post of Member of the Village Development Committee Rs. 50.00
   (b) For the post of Chairperson or Vice-chairperson of the Village Development Committee Rs. 100.00
   (c) For the post of Member of the Municipality Rs. 200.00
   (d) For the post of Mayor or Deputy Mayor of the Municipality Rs. 500.00
   (e) For the post of Member of the District Development Committee Rs. 500.00
(f) For the post of President or Vice-President of the District Development Committee Rs. 1000.00

(2) If more than one nomination paper is filed for one candidate in the election to any one post, it shall be sufficient to furnish the deposit for one nomination only.

(3) While filing a nomination paper for a candidacy, the nomination paper submitted to the Office of the Election Officer has to be accompanied by the cash receipt or bank voucher.

68. **Forfeiture of Deposits:** (1) The deposit of the candidate who receives less than Ten per cent of the total valid votes cast in the election to the post of any Member shall be forfeited.

Provided that, if the elected candidate receives less than Ten percent of the total votes pursuant to this sub-section, his or her deposit shall not be forfeited.

(2) Except where the deposits are liable to be forfeited pursuant to sub-section (1), the candidates and persons whose nomination papers have been rejected or who have withdrawn their names, shall get back their deposit furnished pursuant to Section 67 within Thirty days after the declaration of election results.

(3) If the deposit is not withdrawn within the time frame as referred to in sub-section (2), the sum of deposit shall be credited to the Consolidated Fund of the Government of Nepal.

69. **Election expenses:** (1) The ceiling of the amount allowed to be spent by the candidate in the election to the Local Bodies shall be as prescribed by the Commission upon a Notification published in the Nepal Gazette.
(2) A candidate or his or her election agent shall have to maintain the records of all expenses incurred in the election during the period of election in such a format as may be prescribed by the Commission.

**Explanation:** For the purposes of this Section, “period of election” means the period beginning from the date of filing of the nomination paper of the candidates for any post to the date of declaration of the election results.

(3) The elected candidate shall have to submit the statements of election expenses as referred to in sub-section (2) to the Election Officer within Thirty days after the declaration of the election results of the post for which he or she has contested. The Election Officer shall have to forward such statements to the Commission immediately.

70. **Secrecy of documents related to election:** (1) The Election Officer may, as required, and for the purposes of counting of votes, open and look the sealed documents used in the election, and shall, after the completion of the counting of votes, reseal the documents and hand over them to the officer designated by the Commission.

(2) The sealed envelopes containing the counterfoils of the ballot papers sealed pursuant to Sub-section (1), the Electoral Rolls used in the polling, and the valid and invalid ballot papers may be opened and looked into only by the Court in connection with the petition filed pursuant to the prevailing laws.

(3) After they have been opened and looked into by the order of the Court pursuant to sub-section (2), the Court shall seal and restore them in their original form. No official or body other than the Court shall have the authority to open and look into such sealed envelopes.
(4) The documents mentioned in this Section shall be preserved for Three months from the date of the final settlement of the case, if any filed, and from the date of the expiry of the limitation for filing a petition if no case has been filed.

71. **Prohibition on divulgence of secrecy:** (1) Except as authorized by the law, any employee deputed in performing the act relating to election or candidate or election agent or polling agent or counting agent or any other person shall not divulge to any person, write or disclose in any manner, the vote marked by the voter in the ballot paper or any other matter pertaining thereto known to him or her or which he or she comes to know.

(2) Notwithstanding anything contained in the prevailing laws, no witness or person shall be asked in the course of legal proceeding instituted under this Act any question as to whom he or she has voted for election or who has voted for whom.

72. **Power to issue orders and give directives:** (1) In addition to the matters contained in this Act, the Commission may issue necessary orders in regard to the elections, and such orders shall be published in the Nepal Gazette.

(2) The Commission may issue necessary directives to the persons or employees involved in the act of election for the conduct of election.

(3) It shall be the duty of all candidates and their agents, persons carrying out election canvassing and persons or employees involved in the act of election to abide by the orders and directives as referred to in Sub-sections (1) and (2).

73. **Power to seek assistance:** (1) The Election Officer, the Polling Officer or observer, person or employee involved by the Commission in the act of election may, in the course of the act of election, seek assistance from any
governmental body or body relating to security including the police at the local level.

(2) If assistance is so sought by the concerned person pursuant to Sub-section (1), it shall be the duty of the concerned police as well as government and security related body to render the necessary assistance.

74. **Power to frame Rules:** The Government of Nepal may, in consultation with the Commission, frame necessary Rules in order to carry out the objectives of this Act.

75. **Saving:** No question may be raised in any court or body other than the election special court formed pursuant to the prevailing laws in relation to any act and action relating to election done and taken in accordance with this Act, the Rules framed under this Act and the orders and directions issued by the Commission.