

**ADOPTION OF ABSENTEE VOTING SYSTEM:
LEGISLATION AND IMPLEMENTATION OF LAW ENFRANCHISING
THE NEPALESE CITIZENS LIVING ABROAD**

By YagyaPuri

Thesis

Submitted to:

KDI School of Public Policy and Management

in partial fulfillment of the requirements

for the degree of

MASTERS OF DEVELOPMENT POLICY

2013

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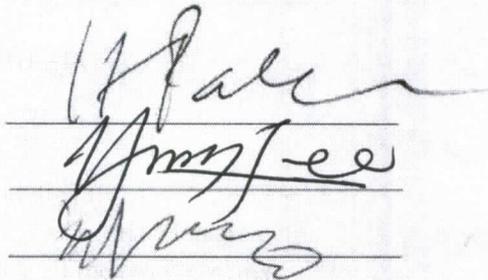
MASTERS OF DEVELOPMENT POLICY

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Abstract

Absentee voting is granting voting right to eligible voters who are temporarily absent from his /her constituency in any election. It is a privilege granted to voters living out of their home country. The issue of overseas absentee voting is likely to give rise to political controversy. There are strong theoretical arguments either in favor of or against the absentee voting system. The main argument against absentee voting is that absentee voting implies the political participation of those people who may not be directly affected by whatever consequences the result of an election brings about. Political and civil right activists argue in favor of this system. They advocate for the recognition of “the principle of universal suffrage” which emphasizes on expansion of political participation. Although there are many controversies regarding this issue, many states have been enfranchising their citizens living abroad.

The size of population living abroad, economic remittance sent from them and domestic political competition are considered as main factors which oblige a state to introduce absentee voting system. Although the existing voting system of Nepal has left out more than one fourth of total voters and indicators of economic remittance inflow are significantly high, Nepal has not yet adopted absentee voting mechanism in electoral laws. First, there are not sufficient political competitions and legal openness for adoption of the absentee voting mechanism. Second, there is not any active effort or lobby by the Diaspora communities or political parties for this policy. This paper advocates that this time is ripe for adopting absentee voting mechanism for Nepal. While managing election abroad, absentee voting mechanisms can be established for the first time in few countries which may agree to provide friendly assistant to set up this system. Then, it can be carried out gradually in to the other countries where Nepalese citizens have been residing. Before

and during the process of setting up such mechanism, Election Commission of Nepal can coordinate with several authorities and stakeholders like embassies, consular offices and missions of Nepal, host country's government, host country's buddy organizations (EMBs), organized overseas diaspora communities, overseas political parties' affiliates, etc.

If postal or mail voting system is implemented, it is better to allow abroad voters to cast early vote. A mechanism for voter education and awareness mechanism should be developed within the system. It will contribute to increase voter turnout and the participation of the voters. The process of appealing to an independent body about some disputes and complaints should be installed within the system which promotes the fairness in the system.

Dedicated to my parents

and

My dear sister Bet Kumari Yogi who never lets me down

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-Yagya Puri

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ACRONYMS & ABBREVIATIONS

BOP	Balance of Payment
CA	Constituent Assembly
ECN	Election Commission Nepal
EMB	Electoral Management Body
FPTP	First Pass the Post
FY	Fiscal Year
GDP	Gross Domestic Product
GNP	Gross National Product
ICOFVR	International Coalition for Overseas Filipinos' Voting Rights
ICCPR	International Covenant on Civil and Political Rights
IDEA	International institute for Democracy and Electoral Assistance
IDP	Internally Displaced Person
IMF	International Monetary Fund
LDCs	Least Developed Countries
NAACP	National Association for the Advancement of Colored People
NRN	Non-Residential Nepalese
NRNA	Non-Residential Nepalese Association
OV	Overseas Voting

PC	Political Competitiveness
PDA	Personal Digital Assistant
PPP	Purchasing Power Parity
PR	Proportional Representation
SAARC	South Asian Association for Regional Co-operation
UK	United Kingdom
US/ USA	United States of America

1. Introduction

1.1 Background

The World Bank says that more than 230 million people are living out of their countries by 2013, and global remittance flows from them are expected to 550 billion US dollars in 2013.¹As population living abroad is increasing, many liberal democratic countries have introduced absentee voting system in order to granting their citizens right to vote. By the year 2007, more than 115 countries of which 21 African, 13 North and South American, 15 Asian, 6 Pacific, and 36 European countries have franchised to their citizens living abroad.²Among the South Asian Association for Regional Cooperation (SAARC) member countries, Sri Lanka, India and Pakistan have already passed legislations for this system.³As migration from developing countries to developed and industrialized countries is rapidly increasing, the developing countries have been introducing the absentee balloting system for their citizens living abroad.

It is believed that the first use of absentee voting was put on the place by Roman emperor Augustus to include members of the local senates in 28 newly established colonies. It was only for a political purpose not a democratic practice. The earliest

¹The World Bank, "Migration and remittances" news posted on website, last updated September 2013. <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20648762~pagePK:64257043~piPK:437376~theSitePK:4607,00.html>

²Andy Sundberg, "The History and Politics of Diaspora Voting in Home Country Election," International IDEA Handbook, S-103 34, Stockholm Sweden, 2007.

³Jeba Lamichhane, "Absentee Voting for Nepali Diaspora," *A Report Submitted to the Committee on studying the Feasibility of Absentee Voting for Nepali Diaspora*, Kathmandu (2012).

known use of absentee voting took place in 1862, when Wisconsin, one of the states of the United States, introduced this mechanism first. It enacted the provisions to allow absentee voting by soldiers fighting in the Union army during the Civil War.⁴ It was provided in 1955 for non-military Americans. This provision was first added in US constitution in 1864 and was effective only for the duration of Civil war. After the civil war, it was not addressed in the constitution until the amendment to the US constitution in 1932 was made but, it was temporarily addressed in the period of World War I and World War II.⁵

New Zealand introduced absentee voting mechanism in 1890, Australia introduced it in 1902, Canada has begun postal voting since 1915, the United Kingdom introduced this mechanism in 1918, and France introduced it in 1924. Malaysia, Indonesia, India (only for personnel), Spain and other countries have been providing abroad voting with varieties of restrictions.⁶ Some least developed countries (LDCs) like Rwanda, Senegal, and Sri-Lanka have also introduced abroad voting system in their electoral laws.

1.2 Purpose of the study

⁴Sundberg, "The History and Politics of Diaspora Voting in Home Country Election," 2007.

⁵Terrance Adams, "History Of Absentee Voting In The State Constitution", OLR Report (2012), <http://www.cga.ct.gov/2012/rpt/2012-R-0379.htm>

⁶Lamichhane, "Absentee Voting for Nepali Diaspora," (2012).

The main purpose of this research is to explore the facts why Nepal has not adopted the absentee voting. In particular, I am interested to examine what factors hinder the process of legislation and implementation of this policy in Nepal. I would like to review the practices of best performing states regarding absentee voting and examine these practices in the context of Nepal. On the basis of the best practices of the world, this study suggests some policy options which are expected to be useful input for the policy makers of Nepal.

Before adopting any policy, adequate discussions, debates and researches should be made on that issue. There are not sufficient discussions and researches made on absentee voting issue in Nepal while Nepalese citizens living abroad are frequently raising voice for their voting right. In this sense, Nepal has not sufficiently paid attention to this issue. One purpose of this study is to carry out some facts and results for discussions in academic circles as well as in political arena.

1.3 Significance of the study

As a liberal democracy, any nation has to ensure that none of the eligible voters is left out the electoral process. The Election Commission of Nepal has enforced a voter registration law in 2011 which demands physical presence of any citizen to be enrolled in the voting list. This process has left out many eligible voters who are not able to be present in registration campaigns or Election offices. By this reason, Nepalese citizens living abroad cannot be enrolled in the voter list for any election because of their absence in their home country. On the other hand, Nepal has adopted dual election systems: First Pass the Post (FPTP) and Proportional Representation (PR) system.

Personnel who are deployed for election management within the country but out of their constituency cannot participate in FPTP system. Nepal has no mechanism by which such voters can cast vote for their candidates from other places out of their constituency. For instance, a person residing in the capital city has been deployed out of the city during the election period for any job. There is no mechanism to allow him to cast his vote in the FPTP election system from outside of his city. Because of the traditional system, many voters will not be able to vote for any candidate.

On the other hand, mainly three factors; the size of population living abroad, economic remittances sent from them, and domestic political competitions are considered as the main conditions that oblige a state to adopt the absentee voting mechanism. Economic remittance from the absentees has reached up to 24.7 percent of total GDP of Nepal by FY 2013.⁷ More than one fourth portion of total voters was left out the voter registration system in next CA election, 2013. This amount is also significantly high.

1.4 Research question

In Nepal, democratic system was established for the first time in 1951. Despite 30 years one-party system imposed by the former King Mahendra (1969-1990, Nepal has been practicing the democratic system since 1951. But, Nepal has not yet enfranchised Nepali citizens living abroad while some poor countries like Rwanda, Senegal, and Sri Lanka which are comparable with Nepal in terms of economic

⁷The World Bank, *Migration and remittance Fact book*, 2011, <http://data.worldbank.org/data-catalog/migration-and-remittances>.

capability, population size, and institutional capability, have already introduced absentee voting system in their electoral laws. Rwanda with population (11.46 million) smaller than a half of the Nepalese population, and GDP per capita (PPP) equivalent (i.e. US \$ 1,250) to GDP per capita (PPP) of Nepal (i.e. US \$ 1,500), has been practicing abroad voting for years. Senegal with population (13.73 million) less than half of the Nepalese population, and with GDP per capita (PPP) US \$ 1,920, has been also providing the abroad voting right for her citizen living abroad. Sri Lanka is comparable in terms of population. Population size of Sri Lanka reached to 20.33 million while population of Nepal is 27.47 million.⁸

The question here is why Nepal has not introduced absentee voting mechanism while millions of voters are left out the voting process. In this study, I would like to emphasize on the following three questions:

- Despite the large population left out the voting system, why Nepal has not yet adopted the absentee voting mechanism while other least developed countries, comparable with Nepal have been practicing this policy well?
- What are the basic factors that oblige a state to adopt the absentee voting system? Or what factors are absent or weak in Nepal so that Nepal has not passed legislation for OV law yet?
- What are the obstacles to implementing absentee voting policy in Nepal?

⁸The World Bank, Country profiles:<http://data.worldbank.org/data-catalog/country-profiles>.

This study is divided into the main six parts. The first part introduces some contemporary issues related to absentee voting and its significance. The second part addresses literature review. Third part of this thesis is associated with political and legal context of Nepal regarding absentee voting and the fourth part provides the main propositions taken in this study. The fifth part discusses about findings and analysis. Finally, the conclusion and recommendations are given precisely in the sixth part of this thesis. Annexes of cited data and facts are given after the bibliography.

2. Literature review

USLEGAL defines, “Absentee voting or absentee ballot refers to the method by which a qualified voter who is temporarily absent from his/her place of domicile will be permitted to cast his/her vote in the general elections. It is privilege granted to voters. However, it is not an absolute right of the voter. Absentee voting helps to prevent fraud in elections. It also preserves ballot secrecy.”⁹ The absentee voting policy may incorporate both abroad absentee voting and Local absentee voting facilities. The Philippines’s voting law defines both abroad absentees and local absentees. The term “abroad absentees” refers to the citizens living abroad who are eligible to vote and become absent in their constituency during election. The Philippines’s law related to the local absentee voting defines the term “Local absentee voting” as a system of voting whereby government officials and employees, including members of Military and Police forces and members of the media who are duly registered voters, are allowed to vote for the national positions.¹⁰ Many countries have been providing the facility of local absentee balloting for convenience of the voters with some criteria. By 2009, twenty eight states of the United States has provided the “no-excuse absentee voting”¹¹ which allows any voter to vote prior to the Election Day by mail without giving a justification

⁹USLEGAL 2013, “Absentee Voting Law & Legal definition,”. See: <http://definitions.uslegal.com/a/absentee-ballot/>.

¹⁰Commission on Election of Philippines, Resolution No.9637 “Rules and Regulation on Local Absentee Voting in Connection With the May 13, 2013 Synchronized National, Local, and Regional elections, and subsequent National and Local Election.

¹¹NCSL, “The Canvass: States and Election Reform,” *A Newsletter for Legislatures*, March 2009.

for doing so. Before that time, some sorts of justification was required to get an absentee ballot.

2.1 Arguments for / against Absentee Voting

The issue related to abroad voting is likely to give rise to political controversy. There exist strong theoretical arguments either in favor or against abroad voting. The major argument against the absentee voting is that it implies the electoral participation of those individuals who may not be directly affected by whatever consequences the result of an election brings about. Political and civil right activists argue in favor of the absentee voting. They advocate for the recognition of “the principle of universal suffrage” which emphasizes on expansion of political participation.¹²

Table 1. Scholar’s Arguments against / for Absentee Voting

Arguments against Absentee Voting System	
R. Baubock	Only citizens who are present on the territory and affected by the consequences of their vote should be entitled to the right to vote. ¹³

¹²Dieter Nohlen and Florian Grotz, “The legal framework and an overview of electoral legislation,” *IDEA Handbook*, (2007).

¹³R. Baubock, 'Expansive Citizenship: Voting beyond Territory and Membership' *Political Sciences and Politics*, 38: 683-687. 2005

Claudio Lopez-Guerra	“Non-resident citizens who have no intention of returning to the homeland must be disenfranchised.” The membership in a democratic polity should be determined on the basis of whether an individual will be governed by the decisions made by an elected body or not. If the individual is not merely affected by the decision, he/ she shouldn’t be given right to vote. ¹⁴
Matt K. Lewis	Absentee voting is not good because of five reasons; (a) it doesn’t work to increase voter turnout; (b) voters cast vote before they have all information; (c) comparatively costly without increasing turnout; (d) ballot integrity specially in voting by mail; (e) community (i.e. it doesn’t increase patriotism and communitarianism while it is not done together like polling center voting). ¹⁵
John H. Fund	The extension in absentee voting can cause delays in results, can lead to uncertainty. The absentee voting system actually doesn’t improve voter turnout. It is more vulnerable to fraud and coercion than secret voting at polling places. ¹⁶

¹⁴Claudio Lopez-Guerra, “Should Expatriates vote?” *Journal of Political Philosophy*, Vol. 13, issue 2, pp. 216-234, 2005.

¹⁵Matt K. Lewis, “Half the U.S. can vote early today: 5 reasons that’s bad,” *The Daily Caller*, posted on 09/22/2012, see: <http://dailycaller.com/2012/09/22/half-the-u-s-can-vote-early-today-5-reasons-its-bad/>.

¹⁶John H. Fund, “Absentee Minded,” *The American Spectator*, October 2010, See: <http://spectator.org/articles/38814/absentee-minded>.

Jim Huffman	The voters can cast vote before an important decision made so that it is more difficult for candidates to be engaged in some serious issues. On the other hand, the early voting which is called absentee voting makes “the election day less and less an important civic occasion and more and more just the way on which the votes are counted and winners projected within minutes of the closing of the polls....” ¹⁷
Paul Gronke	“Early voting does encourage turnout among regular voters for low-intensity contests, but it does not help solve the participation puzzle for new voters or those outside the system for reasons of disinterest, language, disability, or other burdens.” There is no evidence that an absentee voter spent time for discussion about election with other. Thus it doesn’t ensure that the absentee voting improves the democracy. ¹⁸ `
Jonathan Bach	“The extension of political rights abroad began as a restorative exercise for citizens who were seen as disenfranchised. In this it was in keeping with the classic expansion of rights to include the widest possible members of the respective democratic nation-state.” The citizens living abroad have some distinctive characteristics which can complicate core conceptions of a nation-state; regarding the definition of membership,

¹⁷Jim Huffman, “Is early voting a bad thing?” *The daily Caller* posted on 10/27/2012. See: <http://dailycaller.com/2012/10/27/is-early-voting-a-bad-thing/>.

¹⁸Paul Gronke, Early Voting Reforms and American Elections, 17 *Wm. & Mary Bill Rts. J.* 423 (2008), <http://scholarship.law.wm.edu/wmbrj/vol17/iss2/7>

	<p>belongingness, and rights and obligations. In this sense, the extension of the franchise potentially adds a transformative dimension to political community, national identity, and citizenship.¹⁹</p>
<p>Erben, Goldsmith &Shujaat</p>	<p>In general, external absentee voting operations are much more expensive than in-country voting while voter turnout is not so satisfactory. “International experience shows that nationally conducted elections typically cost in the range ofUS\$1- 2 per registered voter. Out-of-country voting operations often cost at least five to 10times more, depending on the way a voter casts a ballot, resulting in a cost of US\$5-20 per voter. This can make out-of-country voting prohibitively expensive for many nations.”²⁰</p>
<p>Arguments for Absentee Voting System</p>	
<p>Centre for European Studies and the Suomen Toivo Think Tank</p>	<p>Expatriates are unused resources for domestic politics as well as society as a whole. Their expertise on culture, language and technology can be used in the broader extent. Thus voting in the 21st century should not be limited into geographical borders. Although there are some potential risks with, the mail voting would point toward true democracy abroad</p>

¹⁹Jonath Bach, “Extending Political Rights to Citizens Abroad: Implications for the Nation State,” International Affairs Working Paper 2011-02, The New School, New York, 2011.

²⁰Peter Erben, Ben Goldsmith & Aysha Shujaat, “Out-of-country voting: a brief overview” *IFES white paper*, Washington, 2012.

	and make all citizens equally able to vote regardless of their domicile. In the future, internet voting and voting through mobile phone should be made possible. ²¹
Jeremy Grace	Although the citizens leave their home country for a variety of reasons, they are economically or psychologically attached to their mother land and contribute directly or indirectly to the national economy as well as political development of the home country. In this sense, a state should provide them right to vote in domestic election. ²²
(NAACP)	The efforts underway to restrict early voting and absentee voting threaten voter participation by African American. ²³
Dieter Nohlen & Florian Grotz	Full implementation of the universal suffrage as a part of human rights increases the political participation of the citizens. “The historical trend clearly points towards the understanding of the right to vote as an individual right of every citizen, regardless of his or her place of residence.” ²⁴

²¹Centre for European Studies and the Suomen Toivo Think Tank, “Voting far away: Expatriates exercising political right abroad”, *Joint publication*, Brussels, 2011.

²²Jeremy Grace, “Challenging the Norms and Standards of Election Administration: Standards for External and Absentee Voting”, *a paper presented for IFES*, 2001.

²³NAACP, “Defending Democracy: Confronting Modern Barriers to Voting Rights in America,” NAACP.org. December 5, 2011.

²⁴Nohlen and Grotz, “The legal framework and an overview of electoral legislation,” 2007.

Kathleen Newland	Effective diaspora advocates are likely to be well integrated in their settlement countries and to maintain their networks both there and in their countries of origin. ²⁵
International Covenant on Civil and Political Rights (ICCPR),	Article 25 states that: “Every citizen shall have the right and the opportunity ... without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;[and] (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free will of the electors....” ²⁶

When we discuss about International Covenant on Civil and Political Rights (ICCPR), we will find two controversial provisions about the extension of political right beyond the territorial border of state parties. Article 2 says “[E]ach State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”²⁷ This article is

²⁵Kathleen Newland, “Voice After Exit: Diaspora Advocacy,” Migration Policy Institute, Washington (2010).

²⁶United Nation, “International Covenant on Civil and Political Rights,” adopted by the General Assembly of the United Nations on 19 December 1966.

²⁷United Nation, “International Covenant on Civil and Political Rights,” 1966.

often used to limit the applicability of Article 25 (which is mentioned above in the table - 1). The language of this phrase “within its territory and subject to its jurisdiction” can be interpreted in two distinctive ways; the ambiguity here turns on how the word “and” is to be understood. One reading of this phrase is that the meaning of the phrase is that the ICCPR is only applicable to individuals who are both “within the territory and subject to its jurisdiction.”²⁸ The Human Right Committee has taken other view that is articulated in its General Comment 31:

Parties are required by article 2, paragraph 1, to respect and to ensure the Covenant rights to *all persons who may be within their territory and to all persons subject to their jurisdiction*. This means that a State party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State Party, even if not situated within the territory of the State Party.²⁹

Under the Human Right Committee’s interpretation of the article 2, the provisions of ICCPR would likely be applicable for non-resident citizens. Nepal ratified ICCPR on 14 May 1991. As an effort to enfranchise the citizen abroad, the Election Commission Nepal (ECN) also conducted a feasibility study about overseas voting in 2012. The report suggests establishing polling centers in five countries for the

²⁸Caroline Carter, “The Right to Vote for Non-Residents Citizens: Considered Through the examples of East Timor,” *Texas International Law Journals*, Vol. 46:655, 2011.

²⁹Human Rights Committee, “Nature of the General Legal Obligation on States Parties to the Covenant,” *General Comment 31*, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 10. See: <http://www1.umn.edu/humanrts/gencomm/hrcom31.html> .

first time as pilot project then expand it in to other successively.³⁰

2.2 Adoption of absentee voting

Leiber says that adoption of absentee voting consists of three sequential stages of voting mechanism: *legislation*, *implementation*, and *participation*. Leiber argues that “overseas voting institutions to be contingent upon three factors of economic remittances (R\$), political competitiveness (PC), and the institutional autonomy of the overseas state in relation to diaspora actors.” The dependent variable is the OV rules as implemented which occurs following legislative and bureaucratic process. Participation level is affected to some degree by behavioral and attitudinal variables. He assumes that legislation and implementation of OV rules set the range of likely participation. One of his tests was that overseas voting rules as implemented are determined through the two stage process.³¹

Table 2 Two-stage process

Overseas voting rules as implemented = (R\$* PC) * overseas state capabilities
Stage one: legislation
R\$ * PC → overseas voting law
Stage Two: Implementation
Negative Case:

³⁰The Election Commission of Nepal, “Out of country Voting Right: Feasibility study” Kathmandu, 2012.

³¹Matthew a. Lieber, “Elections beyond borders: Overseas voting in Mexico and the Dominican republic, 1994-2008,”Phd diss., Brown University Providence, 2010.

Overseas voting law * strong overseas state → restrictive implementation

Positive Case:

Overseas voting law * weak overseas state → expansive implementation

(Source: Lieber, “Elections beyond borders: overseas voting in Mexico and the Dominican Republic”, 2010)

When we talk about legislation, *Democracy* and *economic remittances* are considered as necessary conditions that make a nation pass a legislation of overseas voting. Measures of democracy are based on two main components of “political rights” and “electoral competitiveness.” The quantitative analysis of democracy explains the *political openness* which is positively associated with having an overseas voting law and open implementation. More political openness favors the expansion of voting right to overseas voters by enabling claims of right to vote and stimulating competition for migrant votes. The electoral competitiveness is not important in all of the cases, although it exists in all. But its effect of stimulating inter-party competition for diasporas favor is mediated by the “overseas state” factor. Secondly, the volume of economic remittance signifies a diasporas- population linked to the nation, without which there is no basis for legislation for overseas voting. The volume of economic remittance and the population size of Diasporas are strongly correlated with open implementation of the abroad voting.³²

Lafleur considers that the characteristics (i.e. active lobbying) of the migrant population can push the home country to adopt the absentee voting policy. He says,

³²ibid.

“Migrants need to act as organized groups (lobbies) to push home land authorities to adopt such policies.”³³ He further claims that the social political and economic influence of the emigrants on their home country also significantly influence to the policy makers. According to Lafleur, a combination of the variables; *emigrant lobbying*, *home state’s desires to stimulate emigrants loyalty for economic purposes* and *evolution of domestic politics* can lead the absentee voting legislation. He takes the case of Mexico, Italy and Belgium to evaluate why and how does each state allow absentee voting?

Table 3 Why and how does each state allow absentee voting? Case : Mexico, Italy and Belgium.

Countries	Emigrant lobbying	Emigrant economic influence	Evolution of domestic politics
Mexico	Direct pressure on Congress, parties, agencies and regional actors to pass legislation increased the salience of the external voting debate.	Remittances and the strategic economic importance of emigrants were used as rhetorical tools by supporters to justify external voting.	-Democratization increased the state’s attention to its population -Decentralization gave power to regional states in the field of migration -New competitive electoral context forced an inter-partisan agreement on

³³Jean-Michel Lafleur, “Why do states enfranchise citizens abroad? Comparative insights from Mexico, Italy and Belgium,” *Global Networks* 11, 4 (2011) 481–501.

			external voting with strong limitations.
Italy	<p>-Direct pressure on political parties to pass legislation increased the salience of the external voting debate</p> <p>-Associations helped broker in inter-partisan deal on the creation of the foreign constituency.</p>	<p>The economic opportunities that migrant could provide o the home country were used by supporters as rhetorical tools to justify external voting.</p>	<p>-Decentralization gave power to regional stats in the field of migration</p> <p>-Electoral law reforms allowed small parties to pressure coalition governments</p> <p>-Inter-partisan agreement on the foreign constituency allowed legislation to pass because it limited its potential impact.</p>
Belgium	<p>Limited direct pressure on governments and political parties to</p>	<p>The economic opportunities that migrants could provide were used</p>	<p>Obligation to respond to EU law forced the Belgian government to broker a deal on external voting with one</p>

	pass legislation increased the salience of the external voting debate.	as rhetorical tools by supporters to justify external voting	opposition party.
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(Source: Jean-Michel Lafleur, “Why do states enfranchise citizens abroad? Comparative insights from Mexico, Italy and Belgium,”)

In the case of Philippines, the International Coalition for Overseas Filipinos’ Voting Right (ICOFVR) was formed in 2001. This umbrella organization of non-resident Filipinos lobbied intensively for the absentee voting bill.³⁴ Erben, Goldsmith and Shujaat argue that the *ratio of population size* of the Diasporas to the population living within the country determines the *strength of such political influence* on some domestic issues. They suggest that a distinct allocation of out-of-country seats can be formed to neutralize such potential political influence of the Diaspora and to avoid unexpected threats, while allowing their participation in election. Such separate seats are to be elected specially by the Diaspora. It can balance the desire for inclusion with the risk of excess influence by Diaspora.³⁵ Rojas lists out some legal provisions (see Annex- 1) in his comparative study of some selective countries. These facts make clear that the countries which have been practicing the abroad absentee voting have different levels of *legal openness* to

³⁴George Alarcon Jr., “Diaspora and Democracy: Overseas Absentee Voting, Elections, and Challenges for a Working Democracy in the Philippines,” available at (accessed on Dec 27,2013) :http://www.ritsumei.ac.jp/acd/re/k-rsc/lcs/kiyou/pdf_23-4/RitsIILCS_23.4pp.183-200Alarcon.pdf

³⁵Peter Erben, Ben Goldsmith & Aysha Shujaat, “Out-of-country voting: a brief overview” *IFES white paper*, Washington, 2012.

implement the external voting in accordance with their domestic context and the electoral competitiveness.³⁶

Lafleur, in another paper presented in a conference, says that “external voting policies are usually adopted in combination with diasporic policies such as dual citizenship, external voters who also hold the citizenship of their country of residence can —under the right circumstances— simultaneously become a political resource for both countries.”³⁷

Barreto et al. made a survey about the voter’s behavior regarding the absentee voters and polling place voters. Their study found that there is no significant difference between absentee voters and polling place voters in terms of their vote preferences, despite being older and better educated.³⁸ Bruce E. Cain et al. find that American civilian overseas find comparatively harder time during registration and casting vote rather than the military overseas citizens. The key reason for that is the timely transmission of materials related. They find that, in spite of privacy concern, an electronic transmission of voting materials seems favorable.³⁹ Samuel C Patterson and Gergory A. Caldeira

³⁶Henry S. Rojas, “A Comparative Study of the Overseas Voting Laws and Systems of Selected Countries,” *Development Associates Occasional Paper No. 17*.

³⁷Jean-Michel Lafleur, “The Enfranchisement of Citizens Abroad in a Comparative Perspective,” *Paper presented at the Conference "Political Rights in the Age of Globalization"*, University of St. Gallen, 19 September 2013.

³⁸Matt A. Barreto et al., “Do Absentee Voters Differ From Polling Place Voters? New Evidence From California,” *Public Opinion Quarterly*, Vol.70, No.2, 2006, pp.224-234.

³⁹Bruce E. Cain et al., “Administering the Overseas Vote,” *Public Administration Review*, Sept/Oct 2008,

conclude that “rates of absentee voting, along with political participation generally, vary to a considerable extent across the social gradient.”⁴⁰

2.3 Methods of Absentee Voting

Several mechanisms can be set up within an election system for implementation of absentee voting. Out of these models, “Postal Voting” and “in-person balloting,”⁴¹ are pre-dominant in absentee voting. IDEA says, “The four main options for the procedure for voting from abroad—voting by proxy, in person, or voting via the post or electronically—each has its own advantages. Equally, each poses unique challenges to the implementation of external voting.”⁴²

Postal voting: Postal voting is common and a simple form of absentee enfranchisement. Many countries are using this model since it is more convenient method. For instance, UK, Canada, Australia, the Philippines, Sweden, etc., are using this model for early voting. Under this method, eligible voters apply for ballots by mail to either EMBs or any governmental authorities representing the EMB in their place of resident. If the voter’s identity is justified or confirmed, he/she is sent a ballot which must be marked

pp. 802-813.

⁴⁰Samuel C Patterson & Gregory A. Caldeira, “Mailing in the Vote: Correlates and Consequences of Absentee Voting” University of Iowa, 2001.

⁴¹Jeremy Grace, “Challenging the Norms and Standards of Election Administration: Standards for External and Absentee Voting”, a paper presented for IFES, 2001.

⁴²IDEA, “A preview on Forthcoming IDEA handbook on External Voting,” Stockholm (2006).

and returned via mail by the given deadline for tabulation.⁴³

In-person polling station voting: In-person polling requires diplomatic missions and the polling centers abroad where absentee voters can cast their votes. They will receive ballot there and they can cast vote. It makes convenient to receive ballots from voters but the polling centers may not be accessible for all voters while they are speared. Such polling station can be made in Embassy and in other strategic points but it may not be accessible for all voters.⁴⁴

Return voting: This methodology “involves diaspora voters registering to vote in advance, often through a country’s embassy, and returning to the country to actually cast their ballot.” This can be facilitated by establishing polling centers in major land of people’s mobility. It seems to offer same offer to the voter like the in-person polling offers and it helps to prevent the fraud ballots.⁴⁵

The proxy voting: Under this voting system, a citizen living abroad chooses a person as a proxy who casts the vote on the behalf of him/her at the polling place in home country. It is quite criticized that the proxy voting increases the possibility of the fraud vote.⁴⁶

⁴³Jeremy Grace, “Challenging the Norms and Standards of Election Administration: Standards for External and Absentee Voting”, a paper presented for IFES, 2001.

⁴⁴Ibid.

⁴⁵Peter Erben, Ben Goldsmith & Aysha Shujaat, “Out-of-country voting: a brief overview” *IFES white paper*, Washington, 2012.

⁴⁶Nadja Braun & Maria Gratschew, “Voting from Abroad” *The International IDEA Handbook*, Stockholm (2007), P.6.

This proxy voting has been used since 17th century in USA to cast the absentee vote.⁴⁷

Although it is considered as a way of giving voting right to absentees, it is not an actual out-of- country voting.

Electronic means: The voter can use the electronic technology like internet, personal digital assistants (PDAs), and a mobile phone to cast his/ her vote. Although this type of electronic voting is often referred, it is more vulnerable by the cybercrime activities. But, it is expected to be more common in future. Australia and New Zealand allow their voters to cast vote by fax, in some certain circumstances.⁴⁸

Table 4 Voting Methods and Options in Use

Methods/ Procedures	Number of Countries
Personal Voting/ In- person only	54
Postal Voting only	25
Proxy Voting only	4
Personal and Postal Voting	12
Personal and Proxy Voting	7
Postal and Proxy Voting	2
Personal, Proxy and Postal	2
Fax	2

⁴⁷Jeffrey A. Dubin& Gretchen A. Kalsow, “Comparing Absentee and Precinct Voters: A View Over Time,”*Political Behavior*, Vol. 18, No. 4, 1996

⁴⁸Ibid.

E-voting (Internet)	2
Not Yet Implemented / Not known	5
Total	115

(Source: Sundberg, “The History and Politics of Diaspora Voting in Home Country Election,” 2007.)

This table shows that the in-person voting and postal voting are dominant models of the absentee voting. Many countries have been using postal voting since it is quite simple and cost friendly.

3. Political and legal context of Nepal regarding absentee voting

Democratic revolution of Nepalese people introduced a multiparty democratic system on February 18, 1951 overthrowing the Rana Dynasty which had been ruling for 103 years. National Election Commission was established by the same year. The first historical General Election of 1959 made Nepali Congress Party to form a new government as the largest party.⁴⁹ Later, the elected government was dissolved by the King Mahendra in 1960 and One Party Panchayat System was established instead. The multiparty democratic system was short-lived; in less than 10 years.⁵⁰ Three decades, since 1960 to 1990, Panchayat system ruled Nepal. During this Period, although political parties were banned, local and national level elections were conducted under the Panchayat regime.

After the reestablishment of multiparty democracy in 1990, multiparty parliamentary system was in existence under the constitutional monarchical system till 2008. During that period of 18 years, Nepal experienced many ups and downs in domestic politics. Nepal Communist Party (Maoist) began armed revolution in 1996 aiming establishing communist regime in Nepal. This revolution continued to 2007. During this 12 years periods of conflict more than 17 thousands lives were diminished and the development projects were almost stopped. Assassination of the King Birendra

⁴⁹Rohit Kumar Nepali &Uddhab P. Pyakurel, "A study of Nepal's Constitutional Assembly Election: The Influence of Civil Society and the Multilateral System," *Presented at Montreal International Forum*, Delhi 2009.

⁵⁰Deepak Adhikari, "Nepal takes tenuous step to democracy," *Pittsburgh Post –Gazette*, April 6, 2008.

and his family in 2001, declaration of state of emergency by King Gyanenedra in 2002, eight-party coalition against the monarchy system and civil movement in 2006 are the major political events during this period. As an aftermath of the civil movement 2006, the monarchy system was overthrown and democratic republic system was established.⁵¹

The first Constituent Assembly election was conducted in 2008 to form a Constituent Assembly which was supposed to make a new constitution within 2 years. But, the first constituent assembly failed to make the new constitution even two more additional years were granted. Then, that assembly was dissolved in 2012. The election for the second constituent assembly was conducted on November 19, 2013 and its result was also published. Now, Nepal is in transition period in which the political system and the structure of the governance are supposed to be restructured into federal democratic system.

Interim Constitution of Nepal 2007 is effective now. Under this constitution, people are granted the freedom of opinion and expression, to assemble peaceably and without arms, to form political parties, to form unions and associations, to move and reside any part of Nepal, and participate any profession, carry on any occupation, industry and trade.⁵² Giving the directive principles of the state, article 34 says “[T]he

⁵¹Bruce Vaughn, “Nepal: Political Developments and Bilateral Relations with the United States,” *CRS Report for Congress*, Prepared for members and committees of Congress, Congress Research Service, 2011.

⁵²Nepal Law Commission, *The interim Constitution of Nepal 2007*, Kathmandu, 2007, available at:

main objective of the state shall be to promote the welfare of the people on the basis of the principles of an open society, by establishing a just system in all aspects of the national life including social, economic and *political life* while at the same time protecting the lives property, equality and liberty of the people.”⁵³

This constitution doesn't allow the dual citizenship. According to the constitution and Citizenship Law, a foreign woman married with Nepali citizen should have the evidence of renunciation of her foreign citizenship to be a citizen of Nepal, and a Nepali Citizen who got married with foreign citizen should not have foreign citizenship to remain Nepali citizen.⁵⁴ It is clearly mentioned in Nepal's Citizenship Act that “Any citizen of Nepal who voluntarily acquires the citizenship of any foreign country shall automatically lose the citizenship of Nepal.”⁵⁵ This provision clearly rejects the right to have dual citizenship by the Nepalese living abroad and having foreign citizenship. Commenting on the issues related to citizenship of Nepal, George Varughese and Pema Abrahms say “it is critical that its leaders examine the issue of citizenship outside of the context of individual interest groups and power centers in its polity. If Nepal's lawmakers do not lead by example, the entrenched patriarchy and xenophobia of their constituencies will lead the country toward a looming crisis of statelessness and a

<http://www.lawcommission.gov.np/en/documents/prevaling-laws/constitution/func-startdown/163/>

⁵³Ibid.

⁵⁴Nepal Law Commission, *Nepal Citizenship Law 2007*, Kathmandu,(2007).

⁵⁵Ibid., Article 10.

potential regeneration of political instability and violence.”⁵⁶

On the other hand, Act relating to Voter list 2007 has provisioned some criteria for voter’s qualification, according to which, a voter should be Nepalese citizenship and aged above 18 years and permanently residing in Nepal.⁵⁷ According to Voter Registration manuals and guidelines, a person who wants to be enrolled in voter list should present his/her certificate of citizenship. Photograph and finger print are taken for digital record of his bio-metric data. Because of all these mandatory legal provisions, Nepali citizens living abroad do not have any opportunity to be registered in the voter list from the place of their resident. Relating this issue with registration and documentation, an online journal named Nepal Monitor says “Unfortunately, the stricter these criteria, the more likely it is that refugee and IDP applicants will be unable to prove their identity, citizenship, and eligibility and will thus be disenfranchised through no fault of their own.”⁵⁸

Twelfth three-year development plan has clearly articulated about strategic importance of non-resident Nepalese. One of the strategies of industrial development is to “[E]ncourage non-resident Nepalese (NRN) to invest in Nepal for the protection,

⁵⁶George Varughese & Pema Abrahams, “Stateless in New Nepal,” *Nepali Times*, ISSUE 608, Kathmandu (08 JUNE 2012 - 14 JUNE 2012), available at: <http://nepalitimes.com/news.php?id=19355#.UsZQfNJQGuo>

⁵⁷The Election Commission of Nepal, *Act Relating to Voter’s List 2006*, ECN, 2006.

⁵⁸Nepal Monitor, “Action Plan Nepal: Enabling Absentee Ballots” *Nepal Monitor: The national online journal*, Kathmandu, Posted by Nepal Monitor on July 12, 2006 4:39 PM, available at: http://www.nepalmonitor.com/2006/07/action_plan_nepal_enabling_abs.html.

diversification, and promotion of foreign investment.”⁵⁹This plan also aims to utilize the non-resident Nepalese (NRN) in promotion and publicity of tourism.

As a response of the constituent Assembly Election held on November 19, 2013, Bajracharya raises a question about the representation of the youth while a large number of youths is living abroad and the distance voting is not allowed. “With no provision for distance voting, casting a vote is almost out of question to about 1.9 million absentee population of Nepal, 44.81 per cent of which is youth between 15 and 24 years.”⁶⁰ In the context of CA election 2013, Slok says, “with a great number of Nepalis living outside the country – and with perhaps the largest chunk of this absentee population residing in India – the nation loses out on many votes from an important constituency. According to the census of 2011, the absentee population has more than doubled since 2001. In a democracy, sensitive to demands of constituencies that can cast a vote, the concerns of the absentee population fall on deaf ears.”⁶¹ Voices for absentee voting right from intellectual circles and other stakeholders are raised but, such voices are not carried out as a political agenda by political parties.

⁵⁹National Plan Commission, *Three Year Plan Approach Paper (2010/11- 2012/13)*, National Plan Commission (2010). p.85.

⁶⁰Yukta Bajracharya, “Absent voters,” *Republica daily*, Posted 29 Oct 2013, Kathmandu, available at: http://www.myrepublica.com/portal/index.php?action=news_details&news_id=63832.

⁶¹Slok, “Taking a Second Shot at Democracy,” *Future Challenge*, published in Democracy on Life Support, (November 17 2013) available at :<http://futurechallenges.org/local/taking-a-second-shot-at-democracy/>,

4. Restatement of the issue question and claims

As discussed above, the main issue is how to ensure the participation of citizens living abroad in domestic politics. This question arises from two perspectives: one is the perspective of political and civil rights; another is the fundamentals of democracy. The first perspective is coherent with the principle of universal suffrage and principles of human rights which demand the expansion of the political rights to out-of –country voters. The second perspective advocates for the political representation of the absentees while they are affected and governed by the state’s laws and policies. In spite of having democratic system, why Nepal has not yet adopted absentee voting mechanism while the percentage of population abroad is surprisingly increasing? This study attempts to answer this question mainly based on results of the researches done on this issue. Some evidences are taken from the best international practices.

The overseas voting management entails major three stages: legislation, implementation and participation. The first two stages: legislation and implementation determine the degree of participation of the absentees in home country politics. Theoretically, the legislation of the absentee voting is dependent upon some other variables such as population-size of citizens living abroad, volume of economic remittances sent from abroad, political competition and political right given to the citizens,⁶²active lobbying, economic capability, remittance dependency (remittance as a percent of GDP), and age of regime. The basic conditions for abroad voting are liberal

⁶²Matthew a. Lieber, “Elections beyond borders: Overseas Voting in Mexico and the Dominican republic, 1994-2008,”Phd diss., Brown University Providence, 2010.

democracy and economic remittance. Liberal democracy ensures the political competitions or political rights. Volume of economic remittances sent from diaspora signifies the involvement of diaspora population in domestic issues of their home countries. There is no universal standard to quantify the political openness but the political competition and expansion of political rights are considered as the determinants of political openness. Next considerable aspect is economic remittance sent by the diaspora who also can be utilized as intellectual resources by the home country.

As discussed above, many variables are responsible to carry out a legislation of an absentee voting law. One of them is political openness which is mainly determined by the political competition and political rights given to the citizens.⁶³ Political rights are provisioned in constitution, laws and procedures. Absentee voting issue always embraces several other diasporic issues such as dual citizenship, citizenship for immigrants, voter registration, voter education, etc. The constitution of Nepal, election law, voter list law, and voter registration process are not diaspora-friendly. Over viewing the legal and political context of Nepal, someone can claim that *Nepal doesn't have sufficient political competitions and legal openness for adoption of the absentee voting mechanism i.e. there are some prohibitions imposed in law and procedures so that absentee voting policy has not been adopted yet.*

For legislation of absentee voting in Nepal, there is no sufficient activeness of diaspora (lobbying) that could stimulate domestic politics and decision makers. Most of

⁶³Ibid., 69.

the policies/ laws issued by the government or by parliament are the outputs of some lobbies of influential interest groups. Migrant citizens should collectively lobby for passage the legislation of the absentee voting law. Their active and intensive lobby can push a state to adopt absentee voting. Their economic and political linkage with home country's development can be strength for their lobby. They can give direct or indirect pressure to the political parties in central or regional level, and to members of the parliament. They can use experts and intellectual diaspora groups for lobbying. Non-resident citizens associations can play the vital role for such lobby.

Large size of population living abroad and high remittance dependency (remittance as a percent of GDP) lead a state to adopt absentee voting. *Thus, For Nepal, this time is ripe to adopt the abroad absentee voting.* As political parties and their policies are influenced by the public interest, occupation of people and income level, domestic politics is also influenced by the interest of remittance receiver families in some ways. First, the remittance inflow covers the significant part of balance of payment (BOP) statistics which is being monitored by the central bank and other international stakeholders like the World Bank, IMF, etc. This statistics makes the policy makers, politicians, and financial sectors aware of the economic importance of diaspora. Second, the citizens living abroad become aware of other new advanced political mechanism or policies, they communicate with their families and neighbors, and local politicians. It creates the new political demands and awareness about social and other welfare. Third, permanent residence offered by the host countries and the home country's ignorance regarding political and civil rights can persuade citizen to be settled permanently at the

place where they are working or living. If this trend increases, it will have negative impact not only on economy and demography but also on domestic politics of a nation. This problem can be critical for developing country like Nepal.

5. Discussion and analysis

This study is mainly focused on the legislation and implementation of absentee voting. As we discussed above, legislation of the absentee voting is dependent on some variables which are discussed below.

5.1 Political openness and prohibitions

Political openness is defined in different ways by scholars as the purposes of their studies differ. In a study, Teri L. Caraway defines the political openness as a combination of three separate measures; democracy, presence and capacity of NGOs or other independent groups, and state's ability to circulate information and people in and out of the country.⁶⁴ Montserrat González Garibay et al. conceptualize political openness by six sub-dimensions; electoral participation, rule of law, accountability, competition, interfaces and transparency.⁶⁵ Matthew A. Lieber takes two variables to determine political openness in his Ph.D. dissertation; political competitiveness and rights from Polity IV data base.⁶⁶ For the purpose of this study, the level of political openness is determined by the combination of three variables *political competitiveness*, *civil rights*,

⁶⁴Teri L. Caraway, "Political Openness and Transnational Activism: Comparative Insights from Labor Activism" *Politics & Society*, Vol. 34 No. 2, June 2006, p. 280.

⁶⁵Montserrat González Garibay et al., "Political Openness: An Assessment of Democracy," Working Paper No 14, May 2008, p.12.

⁶⁶Matthew a. Lieber, "Elections beyond borders: Overseas Voting in Mexico and the Dominican republic, 1994-2008," Phd diss., Brown University Providence, 2010.

and *the level of prohibitions* with respect to absentee voting right.

Here political openness is an index of democracy. This study assumes that high level of democracy implies high level of political openness. Some indicators such as electoral process, pluralism, functioning of the government, political participation, political culture, and public liberties are considered important dimensions of democracy.⁶⁷

In the context of Nepal, although the election processes in the Election Day were looked free and fair, it could not ensure a mature and perfect “political marketing”⁶⁸ Here, political marketing refers to the process in which political parties bring their political agendas through their election manifestos and earn votes from public. Their earning of votes is dependent on how much people do like their political agendas or how much the political parties can sell their agenda in public. In November of 2013, Nepal conducted an election of the next Constituent Assembly in which voter turnout was counted relatively high (see: table 5).

⁶⁷The Economist Intelligence Unit, “Democracy Index 2012: Democracy at a Standstill,” *A report from The Economist Intelligence Unit*, the Economic Intelligence Unit Limited, 2013.

⁶⁸Birendra Baidhya, “Political Marketing and Unlearned Facts by Parties,” *Gorkhapatra Online*, available at:<http://trn.gorkhapatraonline.com/index.php/op-ed/5481-political-marketing-and-unlearned-facts-by-parties-birendra-vaidya.html>.

Table 5 Voter turnout in general and CA elections of Nepal (1951-2013)

Year	Voter turnout %	Total vote casted	Invalid votes%	No. of regd voters	Increased voter %
1951	42.19	1,791,381		4,246,468	
1981	52.30	4,079,400		7,800,000	83.68
1986	60.31	5,454,672	4.7	9,044,964	15.96
1991	88.13	5,725,246	1.5	6,496,365	-28.18
1994	86.74	5,562,920	1.7	6,413,172	-1.28
1997	88.13	5,725,246	1.5	6,496,365	1.30
1999	65.79	8,894,566	2.8	13,518,839	108.10
2008	61.70	10,866,131	5.2	17,611,832	30.28
2013*	80.48	9,776,703	3.2	12,147,865	-31.02

*numerical values are taken from election result of PR system.

(Source: IDEA database & ECN, 2013)

By measuring the voter turnout to 80%, someone can conclude that the electoral competition of Nepal is quite good since the turnout is increased from 62% in first CA election to 80% in second CA election, with in the 4 years period. It is true in technical perspective. But, if we closely see the fact that the actual vote casted was decreased in 2013 by closely 1.4 million. Why this happened? The number of registered voters decreased in 2013 by 31%. Were they all fraud? If the answer is yes, it raises a question about the competitiveness of election management body. Another interesting fact about voting aged population is that the census 2011 shows the population of country aged 16

years or above than 16 was 16,593,733 in 2011.⁶⁹ This group of the population would be eligible for voter list in 2013. But, the ECN was able to register 12,147,865 people only. It means 4,445,868 citizens (who account to 26.79% of the voting age population) were left out. Another interesting fact of the next CA election is the difference between casted votes in PR system and FPTP system is 259,969.⁷⁰ This means that 259,969 voters who participated in PR system were not allowed to participate in FPTP system. These facts show that the election system has left a significant number of voters out. Thus more than 4.7 million (i.e. 28.36% of the voting aged population) people are left out this system. The election technically seems to be successful if the voter turnout reaches the expected target. But, this type of success cannot promote the democracy unless the result of election represents the true sentiments or thoughts of citizen. Bernard Grofman & Peter Selb define the political competitiveness as the competitiveness in election and they provide six characteristics that any general measure of competitiveness should have. Their conclusion is turnout is certainly not the only possible approach to measure competitiveness in an election.⁷¹

Another interesting fact shown in the result of next CA election, 2013 is about the preferences of people. People's preferences on the political agendas that were

⁶⁹Central Bureau of Statistic of Nepal, *The National Census Report 2011*, Kathmandu (2011).

⁷⁰The Election Commission of Nepal, "CA election report 2070," available at: <http://election.gov.np/CA2070/CAResults/reportBody.php?selectedMenu=7&rand=1388906536>

⁷¹Bernard Grofman & Peter Selb, "A Fully General Index of Political Competition," *Electoral Studies xxx*, Elsevier Ltd.,(2009) 1–6.

manifested by the political parties in their manifestos were quite controversial. Out of 122 parties, Rastriya Prajatantra Party-Nepal was alone advocating for reestablishment of the monarchy system which was thrown out in 2007. In this election, this party not only became the fourth largest party in PR election result but also led all parties in capital city Kathmandu where it could not receive even a single seat in FPTP result.⁷² In PR system, this party received overall 165% more votes in PR system than it received in FPTP system and became the fourth largest party.⁷³ People vote for the party's agenda in PR system. Here, someone can conclude that people like the candidates who contribute on throwing out the monarchy system. At the same time, they like the political agenda of reestablishing monarchy. It is quite controversial. This issue may be a subject to be researched in depth. But, we can say that this can happen when the political marketing is not competent or there was some sort of information asymmetry in public about the political agendas. It shows that the political competition in Nepal is still weak.

The Economist Intelligence Unit publishes the Democracy index every year on the basis of different dimensions of democracy. Nepal's rank in 2012 was 111th out of 167 countries. Nepal has 2.67 score out of 10 for electoral process and pluralism, 4.29 in Functioning of government, 3.89 in political participation, 4.38 in political culture and 5.59 for civil liberties. This report categorize states as their level of democracy in descending order; full democracies (score 8-10), flawed democracy (score: 6-7.9),

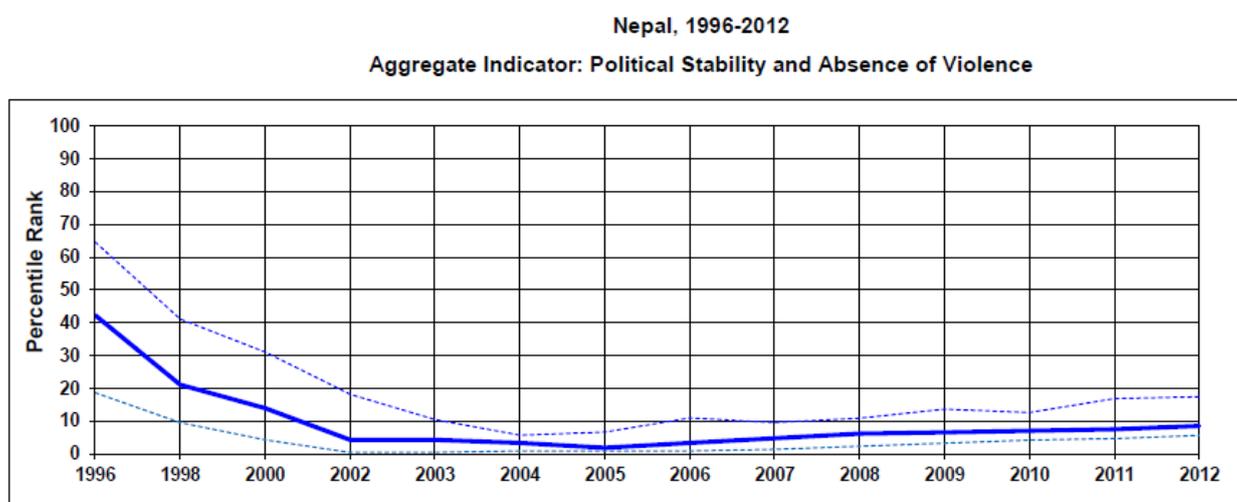
⁷²Reporters Nepal, "UML leads national wide vote counting, RPP-Nepal in front position in Kathmandu," *Online Newspaper*, posted on 2013/11/24, available at: <http://nepalireporter.com/17643/uml-leads-nationwide-vote-counting-rpp-nepal-front-position-kathmandu/>.

⁷³The Election Commission of Nepal, "CA election report 2070,".

hybrid regimes (score: 4-5.9), and authoritarian regimes (score below 4). Nepal got overall score 4.16 which fits for hybrid regimes. This indicates that the degree of political openness or degree of democracy is poor in Nepal.

Another factor of political competitiveness can be measured in political stability. Democratic history of Nepal has a lot of bitter experiences regarding political instability. None of the elected government could govern the country for whole 5 years tenure. Such political instability brings political frustration in people's mind and finally can lead people to violence.

Diagram 1 -Political Stability and Absence of Violence⁷⁴



(Source: The World Bank Institute, "Worldwide Governance Indicators" available at: <http://info.worldbank.org/governance/wgi/pdf/c166.pdf>)

This graph represents the condition of political stability and violence in Nepal. It shows that the political stability was comparatively high when the former King took over

⁷⁴The World Bank Institute, "Worldwide Governance Indicators" available at: <http://info.worldbank.org/governance/wgi/pdf/c166.pdf>

the power and banned all political parties in Panchayat regime. After the reestablishment of democracy in 1991, the political system became more instable and violence prone.

When we talk about civil rights and prohibitions, we need to give a look to the legal provisions regarding our main issue. Grace says that there are two types of prohibitions imposed in electoral law or in constitution; *active prohibitions* and *passive prohibitions*. According to him, the active prohibitions are strictly prohibiting the voting from out of country's border. And, passive prohibitions can be imposed in two forms; imposing residency, passive denial of franchise.⁷⁵ We can see that the Constitution and law relating citizenship of Nepal do not allow for dual citizenship which is always inherent to absentee voting right. Second, even a person who gets married with foreign citizen should reside permanently inside country to hold the citizenship of Nepal. It is a kind of passive prohibition. When a person doesn't have the certificate of citizenship cannot be registered in voter list. Another provision in voter registration process under which a person should be present in campaign or in election offices to be registered in voter list is also a sort of prohibition. Such campaigns or official operations or their representative missions are not expanded to the citizens living abroad. It is clear that even this policy doesn't prohibit diaspora directly, but it creates a situation in which the diaspora cannot be enrolled in voter list. The logic of demanding the certificate of citizenship and the physical presence looks quite good if a good managerial initiation is taken to expand institutional outreach to the diaspora community.

⁷⁵Jeremy Grace, "Challenging the Norms and Standards of Election Administration: Standards for External and Absentee Voting", a paper presented for IFES, 2001.

Many countries which are not allowing dual citizenship have been providing the absentee voting right. For instance, India, Japan, Rwanda, and Indonesia are providing absentee voting facilities.⁷⁶ Some countries allow dual citizenship with some restriction and some limitation. For instance, under some conditions, South Korea allows people to have dual citizenship to abroad South Korean, talent foreign nationals, and foreign residents married to Koreans.⁷⁷ Thus, Nepal can enfranchise the people living abroad and holding the citizenship of Nepal.

5.2 Diaspora activeness (lobby) for legislation

Advocates see the overseas absentee voting mechanism as a way out of being neglected by the state. Group of people living abroad can bargain with the government for the legislation and installment of the absentee voting mechanism in the governance system in exchange for the benefits their remittance is being given to the national economy. Nepal's economy has become remittance based economy since remittance has become only one way to cover the balance of payment (BOP) deficit resulted by the foreign trade deficit. On the other hand, several development programs in three years development plan and annual government budget of Nepal have been designed expecting the investments from NRN in some special sectors. In this perspective, the strength of

⁷⁶D'ALESSIO Law group, "List of the Countries That Allow or Disallow Dual Citizenship," A United States Immigration and Citizenship Law Firm, visited Jan4, 2014. Available at: <http://www.dlgiimmigration.com/united-states-citizenship/list-of-countries-that-allow-or-disallow-dual-citizenship/>.

⁷⁷Rahn Kim, "S.Korea to allow dual citizenship from January," *The Korea Times*, Posted on 2010-12-23, available at: http://www.koreatimes.co.kr/www/news/nation/2011/04/117_78536.html

the Diaspora's lobby could be significant to persuade the policy makers. Diaspora lobby also could put pressure over political parties since a large numbers of voters are living abroad.

As far as this study finds, there are very few studies are done and very few discussions are made on this issue in Nepal. Although the voice of NRN for the voting right is raised continuously, no significant stand regarding this issue is taken by NRNs in any negotiation with the government. Another logic supporting this issue is taxation policy. The linkage between political participation and taxation alludes two distinct phenomenon; citizen obligations and the Boston Tea party's slogan: "No taxation without representation"⁷⁸ which is taken as a fundamental logic of legislation. Lafleur study about Mexico, Italy and Belgium cases (given in table 3) suggests that the Diaspora's lobby plays the vital role in persuading the government to pass the legislation of absentee voting. "...the capacity of migrants to organize powerful lobbies to advocate for the political interests of their countries of origin, the large contributions made by migrants to political campaigns and their significant influence on their family members' way of voting."⁷⁹

The Sixth NRN conference and NRN international convention was held on 19-

⁷⁸Jacob Sliveman, "How the Boston Tea Party Worked," *How Stuff Works*, accessed at 4 Jan 2014, available at: <http://history.howstuffworks.com/revolutionary-war/boston-tea-party1.htm>.

⁷⁹Quoted on Michael Collyer & ZanaVathi, "Patterns of Extra territorial Voting," *Working Paper T22*, Development Research Center on Migration, Globalization and Poverty, University of Sussex, 2007.

22 October 2013 in Kathmandu.⁸⁰ It kicked off at the same day when the second CA election was conducted. This conference articulated the absentee voting issue in its declaration but NRN didn't raise this issue seriously in any conference before. Most of the issues were related to investment and economic development. The environment of the next CA election had overshadowed the publicity of NRN conference.

Jiba Lamichhane, the former president of NRNA, submitted a study report to a committee made by the Election Commission about studying feasibility of absentee voting for Nepali diaspora. In the report, he suggests that absentee voting system can be introduced at least in five countries for the first time as a pilot project. But, no follow up negotiation or discussion was conducted about this issue again. This passive concern of Diaspora couldn't persuade the government in order to tabulate any bill for absentee voting legislation.

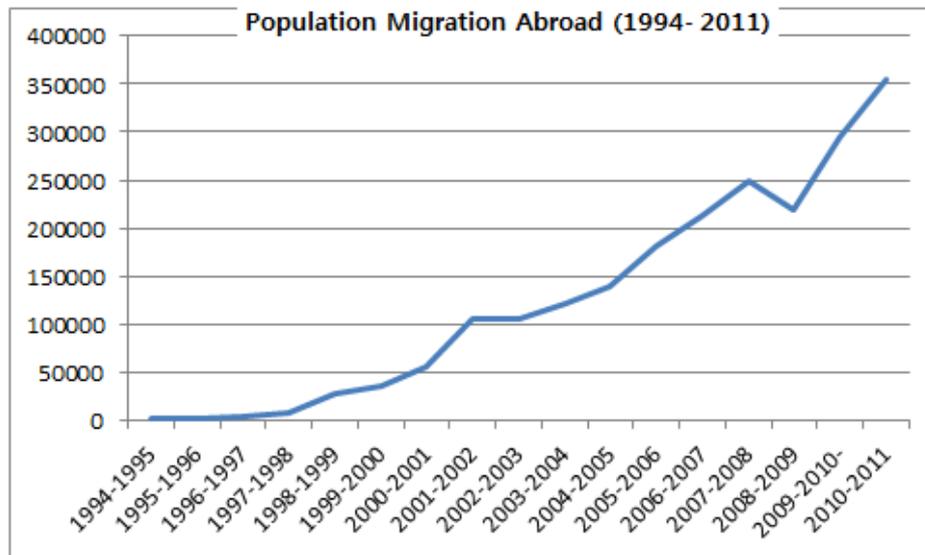
5.3 Time to adopt the abroad absentee voting

As many scholars suggest, the major basis for the absentee voting system are the size of population living abroad, the share of remittance to GDP, and political openness or democracy. Migration from Nepal to abroad is surprisingly increasing. The largest portion of the migrated population is working group although both type of manpower skilled /very high profiled and non-skilled manpower have been migrating abroad for seeking job. This trend of migrating abroad has been rapidly increasing after 2000. It is

⁸⁰NRN, "Sixth NRN Global Conference Declaration" homepage, access date 04 Jan,2014,*available at (In Nepali language)* : http://www.nrn.org.np/sixth_nrn_gc/pdffile/G.C%20Declaration-013.pdf

estimated that almost ten percent of the Nepalese population has migrated abroad.

Diagram- 2 Trend of Migration abroad from Nepal⁸¹



(Source: Department of Labor and Employment Promotion)

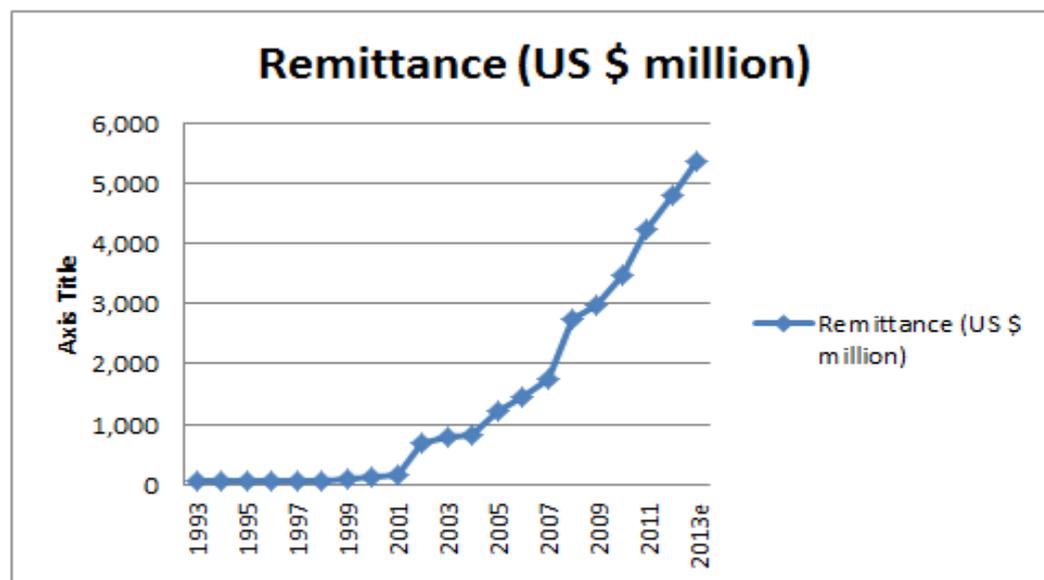
This chart represents only the people who are officially registered manpower. Thus, there are many unregistered migrants are absent in country since a person doesn't need to receive visa in order to cross the India-Nepal border.

Another condition for legislation of absentee voting is remittance inflow or remittance dependency. The remittance dependency (percentage of the remittance amount of the total GDP) reaches to 24.7 %, which is significantly high. This percentage of the Philippines was 1.26 while the Philippines adopted this policy in 2004. The

⁸¹Bijaya Shrestha, "contribution of foreign employment and Remittances to Nepalese Economy" *Economy Review*, Tribhuvan University & NIDS, *Nepal Migration Year Book 2010*, Nepal Institute of Development Studies, Kathmandu, 2010.

percentage of remittance to the GDP was less than 2.62% in Mexico while it adopted this policy in 2005. It was less than 1% in South Korea. Comparing with these countries' observations, this percentage of the remittance inflow of Nepal is relatively high.

Diagram – 3: Remittance inflow into Nepal from the Diaspora (1993- 2013)



(Source: World Bank fact book)

As we discussed above, more than 28 % of eligible voters are politically neglected by the national laws and policies. It raises a question about legitimacy of a democratic regime. On the other hand, the nation fails to make those citizens aware about their obligation of the nation building. The nation could make a taxation policy on the income by the remittance and could receive direct benefit. The nation could utilize the remittance for investment in different development projects and industries.

5.4 Implementation of absentee voting system

Implementation of the absentee voting system differs as different states allow

absentee voting for different levels of elections. Some countries apply it for all elections and some countries apply it for only national elections. By the year 2007, one hundred and fifteen countries have been allowing absentee voting for different levels of elections with different level of restrictions and openness (see table 6 and Anex-1).

Table -6: Types of elections for which absentee voting allowed⁸²

Types of election	Number of countries
1.Presidential & legislative and sub-national elections and referendums	6
2. Presidential & legislative elections and referendums	11
3. Presidential elections and referendums	7
4. Presidential & legislative elections	20
5. Presidential election only	14
6. Legislative elections and referendums	7
7. Legislative election only	31
8 Referendums only	0
9. Other combinations	19
Total	115

(Source: Sundberg, 2007)

Another issue of eligibility of voters comes together while a state enfranchises the citizens abroad. As different countries have different provisions about this issue, Grace suggests three requirements for the eligibility for being registered; *residence*

⁸²Andy Sundberg, "The History and Politics of Diaspora Voting in Home Country Election," International IDEA Handbook, S-103 34, Stockholm, Sweden, 2007.

requirements, citizenship requirements, and consideration for development of standards.

The requirement of residency can be a provision in law with the length of absence (i.e. maximum or minimum abroad residency period). In Germany, voter can be eligible up to 25 years residing abroad, this period is fixed to 15 years in UK, and this period is indefinite in the member state of the council of Europe ⁸³(see: Annex- 1).Some few states have been granting limited voting right to the non-citizen residents. South Korea allows foreigners holding F-5 visa and residing for 3 consecutive years within that status to cast their vote especially in local elections.⁸⁴Kosovo, Iraq, Eritrea, East Timor are the examples of such countries. Many states allow dual nationals to vote and few countries prohibit dual nationals to vote. Here, consideration for development of standards refers to any state can retain wide latitude while determining the requirements of eligibility. Some specific limitation can be put in law regarding whether a voter maintains a permanent residence in home country, whether the voter intend to return in future, and the length of time the voter is absent from the country. And, this type of considerations should identify the eligibility of the forced-migrants.⁸⁵

Election management entails very long series of activities such as voter registration, voter education, election education, acquisition of manpower, training for

⁸³Jeremy Grace, “Challenging the Norms and Standards of Election Administration: Standards for External and Absentee Voting”, a paper presented for IFES, 2001.

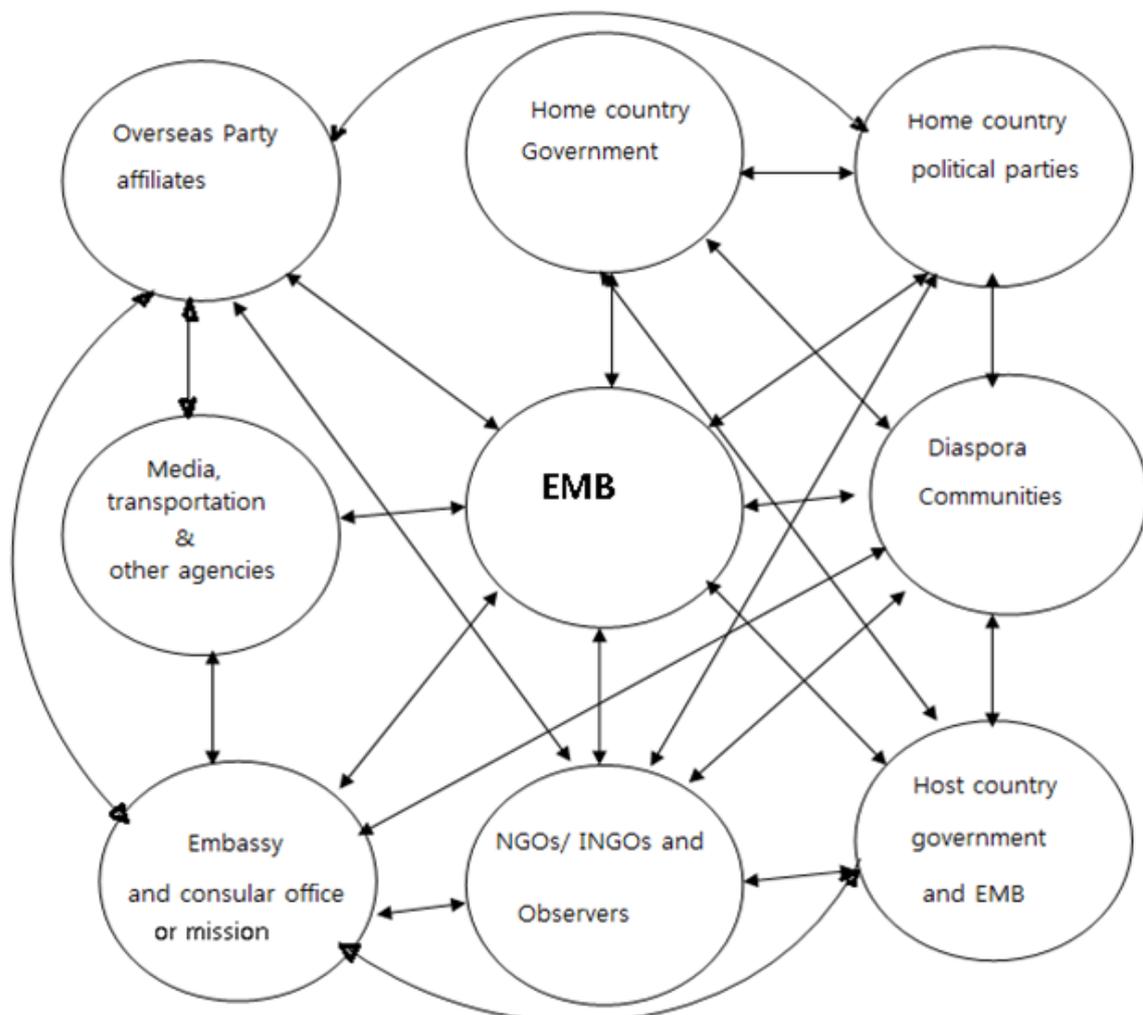
⁸⁴Korea for expats.com, “Voting Right of Foreign Residents,” Last update on 2011/10/22, available at: <http://www.korea4expats.com/article-voting-rights-foreign-residents-korea.html>.

⁸⁵Jeremy Grace, “Challenging the Norms and Standards of Election Administration: Standards for External and Absentee Voting”, a paper presented for IFES, 2001.

them, establishing the polling centers, logistic management, information relay, etc. Ensuring the fair and free election, secrecy of the ballots, adequate information to the voters, accessible polling stations, applicability of election code of conduct, maximizing the participation of voters, election observers, and safe and fast transportation of the ballots are very sensitive and challenging issues in abroad election management.

Institutional arrangement is very crucial factor in absentee voting management. The presence of EMB abroad can be carry out in different ways. The electoral management body (EMB) can coordinate with different entities while implementing the abroad absentee voting. If a state uses in-person voting system, it entails a long series of institutions to be involved in this process directly or indirectly. On the basis of reviewed literature, the structure of coordination between different entities is given below. The structure of the coordination is not, of course, complete since there are other many entities are to be incorporated. The major coordination functions are shown in the diagram.

Diagram 4: Absentee Voting Coordination Structure



EMB: National election management body (EMB) is obviously in the central role of the electoral management. EMB coordinates with host country's government through home country's government or through diplomatic channels. High diplomatic coordination between two governments is needed to deal with some political issues. The political system of host country is also crucial issue in the absentee voting management. EMB coordinates with home country political parties to make election campaigns abroad through abroad political affiliates. EMB carries out the registration campaign through

embassy and consular office or special missions. EMB should train the staff of embassies or consular offices to make them aware of maintaining neutralism, secrecy and the code of conduct.

Home country political parties: Home country political parties conduct political / election campaign through their overseas affiliates. They conduct their activities abroad with the help of home country's government and host country's government. They can take help from Diaspora communities, NGOs/INGOs, observers. Their campaigns promote the participation of voters in election.

Diaspora Communities: Diaspora communities advocate for voting right and inclusion of all absentee voters. Such communities can cooperate with EMB or embassies or consular offices for voter awareness or voter education in order to enhance their participation in the election. Such communities can mediate between EMB and host country INGOs or NGOs in different aspects.

Embassy, Consular office or mission: Embassies or consular offices or such diplomatic missions are responsible to manage the election abroad. These organizations have to involve in managerial role such as voter registration, voter education, voter outreach, monitoring code of conduct, logistic management, coordination with other entities, etc. Embassies coordinate with the governments of the host countries for receiving consents from local administration for conducting such political activities in the different parts of the host country.

Host Country Government and EMB: EMB should receive consent from the host country government to establish polling centers and to operate political activities in local places. Host country government cooperates in different issues like Visa issue, permission for entry and exit, permitting to establish polling centers and registration centers, permitting the workers to participate in the election, technical or logistical support in election, security issue, etc. Political

system of the host country, political activities of the diaspora population abroad, movement of the foreigners in to the country, security issues are the major issues about host countries that determine whether the election can be easily conducted or not.

NGOs/INGOs and Observers: The election is observed by the variety of agents including political parties, home country agencies, host country agencies, regional organizations, international and inter-governmental organizations, alliances, independent experts, human right activists, etc. Such observers assess the election in different dimensions like political environment, accessibility of the political/ electoral campaign, participation of voters, refugees and forced migrants, availability of voter education and information about election agendas, neutrality of the embassy or consular office staff during the in-person election, etc.

Media, transportation and other agencies: Media should be aware of the sensitivity of the election and issues related with it. Safe and fast transportation of the ballots are very important to prevent the fraud and uncertainty of the absentee voting. EMB and local embassy should coordinate with transportation agencies such as, civil aviation, airlines, etc. to transport ballots safe and fast. Other agencies like communication agencies, travel agencies, security agencies, broadcasting agencies, local employers are to be considered as important partners of election management.

Although there is no universally applicable practice, two predominant methods; postal voting and in-person voting are widely used to mitigate the potential threats. Postal voting and in-person voting empirically seem to promote the validity of ballots and to improve turnout.⁸⁶Some countries including the USA, Switzerland, Australia,

⁸⁶Ibid., 51.

Estonia, France, etc., are using e-voting system which can cover the voters in remote. Some issues like unambiguous identifications, authenticity of e-voting system, unique and universal voting, protection of privacy, protection from hacker attacks, tractability and recounting, confidence and accessibility are the critical challenging issue regarding internet voting system although it is intended by many voters for their convenience.⁸⁷ Solution for these problems can be developed If a state has advanced ICT capabilities.

5.5 Obstacles to implementing absentee voting system

Administering absentee voting is a complex and controversial task. There may be several political and managerial obstacles regarding the absentee voting management.

Table 7: Some potential obstacles and possible ways of solution

Major Obstacles	Possible way of Solution
To ensure all voters get chance to be registered.	Voter registration campaign, coordination with diaspora community, voter education, embassy- voter network.
Security of ballots – loss and misuse of ballots	Security measures, observation and monitors, coordination with host country government.
Establishing polling centers	Diplomatic initiations, Coordination with

⁸⁷Nadja Braun, “E-Voting and External Voting” Voting from Abroad: International IDEA Hand book, International IDEA, Stockholm, 2007, p 217-233.

	host country local government, NGOs / INGOs, diaspora community, etc.
Maintaining privacy and neutrality	Training for the employees , observers, and election education for voters, etc.
Returning the ballots with in the deadline	Coordination with transportation and continuous information to the voters, using quick and fast services.
Fraud voting / fraud identity	Digital identity system, automatic registration system, code of conduct, using safety measures like uniqueness of ballot papers.
Observation and monitoring cost	Utilizing local political affiliates and civil societies, NGOs/ INGOs , independent experts, etc.
Logistic management	Different checklists and additional sources or alternatives, coordination with host country EMBs.
Employment of staffs	Employing staffs of embassy and consular offices or individuals from diaspora communities, or members of independent organizations.
Pressure on voters (from political parties,	Training for the staffs, monitoring code of

embassy staffs, other interest groups)	conduct, mail voting, using advance ICT.
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5.6 Benefits and cost of absentee voting policy to its major stakeholders

Any policy has some pros and cons while it is introduced in governance system of a country. Absentee voting system benefits political parties, citizens living abroad and the government as well. Political parties, the government of national / sub-national level and the citizens living abroad are the major stakeholders although other national and international parties are directly or indirectly affected by this policy.

Political parties as beneficiaries: Political parties can earn the public support from diaspora societies if they address the absentees' issues in their manifestos. Such manifestos show their propositions on the issue related to absentees' right. Political parties carry out election campaigns in diaspora communities through their affiliates living abroad. Such campaigns are such political marketing in which political parties sell their agendas to the voters and earn votes from them which may have significant effect in the result of an election. The main aim of such election campaign is to earn maximum votes from people. The earning of public vote is determined by the effectiveness of such "political marketing". Another benefit for political parties is enhancement of international relation. Such political campaigns enhance the political outreach to the international communities. Such political outreach promotes cross border political or ideological relation among the political parties carrying the same political ideology and similar political values. A political party needs some sort of international supports when it becomes a ruling party. Harmonic relation with international societies may be a

strategy to get international supports and to have a good diplomatic relation with international parties.

Issue related to absentee voting can be a good issue to be addressed in an election manifesto of a political party which is competing in an election. In the perspective of civil and political right, it is an obligation for political parties to advocate for the political right of any citizen. Political parties can advocate for the voting right of absentee citizens. Such advocacy stimulates the political interest of citizens living abroad. It makes them think about home country's issues. They can express their opinion about any particular issue by their votes. Major political parties of Nepal could take initiation for such advocacy if they were aware of the benefits of the policy. Although no party has spoken out with a strong voice for this issue, some political parties have addressed this issue in their election manifestos for the next CA election 2013.

People are not still aware about this issue. Many of them do not know that voting from abroad is possible. Political parties can intensively carry out several political debates about absentee voting policy in community or settlement level of home country. First, they can earn public support for the issue from settlement level and then they can carry out this issue systematically into the parliament.

Citizens as the beneficiaries: Citizens living abroad are main beneficiaries of the absentee voting policy which provides them a right to participate in domestic elections. Citizens living abroad can express their own opinions by their votes. A citizen living abroad can be a candidate for an election as per the legal provision of home country allows. It means that a citizen living abroad will have a right to be elected in any election

and lead the government of home country. Although there are several issues related to this issue like dual citizenship, right to invest in home country, etc, absentee voting can build up a strong bond between the home country and the diaspora community. Frequent interaction with the home country's government makes them loyal to the country as well as they feel safe.

The government as a beneficiary: Even though, political parties and citizens living abroad are the major beneficiaries of the absentee voting policy, government is also benefitted by this policy since the government plays central role in election management. In a liberal democracy, the government has the responsibility of conducting elections in certain period of time. The government needs high public participation or public support to validate such elections and its results. Therefore the government attempts to increase voter turnout rate in each election. The government should ensure that all overseas voters can get chances to cast their vote and, are treated impartially during the voter registration as well as polling time. The percentage of voter turnout in a general election legitimates the entire political regimes. In this sense, absentee voting system also helps to increase the public participation in governance system and ensures that the government has provided equal civil and political rights to all citizens.

6. Conclusion and Recommendation

6.1 Conclusion

The global remittance flows are increasing over the time since the trend of migration abroad is also continuously rising up. Even considering the importance of the overseas population in domestic economy, Nepal has not adopted this policy yet while other least developed countries have been providing abroad voting facilities to their citizens living abroad. The question here is why Nepal has not yet introduced the absentee voting system yet? What can be the obstacles to implement this policy? There are very logical and strong arguments in favor of this policy. Such arguments are given mainly in two prospective; human and political right perspective and contribution by the diaspora population to the national economy. The principle of universal suffrage and the basic principle of democracy demand the expansion of political and civil rights to the citizen living abroad. The citizens, who send remittance back to their home community and pay taxes to the government, should have the right to participate in elections conducted in home country.

The argument against the absentee voting is that those individuals who may not be directly affected by whatever consequences the result of an election brings about should not be given the right to vote. The membership of a democratic polity should be determined on the basis of whether an individual is governed by the decision made by the elected body or not. Another argument against the absentee voting is related to cost of the election. The cost of an election abroad is relatively high and turnout is relatively low. In spite of strong argument given against the absentee voting, many states follow

the argument of enfranchisement.

There are several factors that make a state adopt the absentee voting policy such as the size of population living abroad, remittance dependency, political competitiveness etc. This study argues that Nepal has not enough political competitiveness and has some passive prohibitions in law and practice. Another reason for not having abroad voting mechanism is that there is not intensive lobby from diaspora community for the legislation. On the other hand, comparing the context of Nepal with other countries which have been practicing the absentee voting, this study argues that this time is ripe for adopting the absentee voting system for Nepal. Nepal can enfranchise abroad Nepalese voters in parliamentary and presidential elections. A state can make some standards, norms and requirements regarding the eligibility of voters. But, such provisions should not neglect the citizens to be enrolled in voter list.

Postal voting, in-person voting or internet voting methods can be used for implementing this policy. A state should have advanced technological capabilities for administering e-voting system. Election management body (EMB) can coordinate with ministry of foreign affairs or embassies to implement this policy. There may be some challenges like voter registration, security of ballots, establishing polling centers, maintaining privacy and neutrality, returning the ballots within deadline, etc. Varieties of security measures can be applied in order to resolve such problems.

6.2 Recommendations

a) It is recommended that it will be better to establish this system for a few countries which may agree to provide friendly assistant to set up this systems for the first time. Then, it can be gradually carried out in to other countries.

- b) The process of appealing to an independent body about some disputes and complaints should be installed within the system which promotes the fairness in election management system. Dispute resolution mechanism (DRM) should be introduced in the system.
- c) It is better to allow early voting while postal or mail voting system is implemented. But, it should be ensured that the voters will be well informed about the political agendas and the propositions about their candidates before they return their absentee ballot.
- d) Voter education and awareness mechanism should be developed within the system. It will contribute to increase public participation and voter turnout.
- e) Any in-person voting should be open for observers and represents of any political party. For this, EMB can cooperate with home country authorities and affiliates of political parties.
- f) Embassy and consular staff involving in election management should be trained on process, principles and codes of conduct of the election. Secrecy and neutrality should be managed by the staff.

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Annex – 1

COMPARATIVE TABLE ON OVERSEAS ABSENTEE VOTING

Country	Qualification of Overseas Voters	Types of election allowed overseas voting	Voting Method	Voting Period	Deadline for Receipt of Ballots
Australia	A citizen, age 18,registered voter, who must have left Australia only in past 6 years	Parliamentary election, State and Territory election (if allowed by State/Territory law) and referenda	In- person, Postal voting	48 hrs. from declaration of nominations until election day; From receipt of postal ballot until election day	Up to 13 days after election day
Canada	A citizen, age 18,registered voter, and outside Canada for less than 5 consecutive	Federal election, referenda	Postal voting	From receipt of postal ballot	6:00 p. m. on election day in

	years				Canada
Germany	A citizen, age 18, registered voter, absence up to at most 25 years	Parliamentary election , election for representatives to European Parliament	Postal voting	From receipt of postal ballot	6:00 p. m. on election day in Germany
Indonesia	A citizen, age 17, and a registered voter	Presidential and Vice-Presidential election, Parliamentary election and for electoral district of Jakarta	Voting in person, Postal voting	Election day	Election day
Italy	A citizen, age 18, and a registered voter	Parliamentary election, Election for Deputies and Senators for the Single Global Overseas Constituency, referenda, election of general Council of Italians Abroad, Election for representatives to European	Postal voting	From receipt of postal ballot up to 10th day before election day in Italy	4:00 p. m. local time of Thursday prior to election day

		Parliament			
Lithuania	A citizen, age 18, and a registered voter	Presidential election, parliamentary election, election for representatives to European Parliament, referenda	Voting in person, Postal voting	Not less than 10days	Election day
Moldova	A citizen, age 18, and a registered voter	Presidential election, parliamentary election, referenda	Voting in person	Election day	Election day
New Zealand	A citizen or permanent resident, age 18, and registered voter	Parliamentary election, referenda	Voting in person, Postal voting, Fax voting	From receipt of postal ballot	Election day except postal ballots delivered to Overseas Returning Officers on day prior to elections

Philippines	A citizen, age 18, and a registered voter	Presidential election , election for Senators and Party-List Representatives to Congress	Voting in person, Postal voting	30 days for land based voters; 60days for seamen	Election day
Poland	A citizen, age 18, and a registered voter	Presidential election, Parliamentary election, election for Representatives to European Parliament, referenda	Voting in person	Election day	8:00 p. m. local time on election day
Portugal	A citizen, age 18, and a registered voter	Presidential election, parliamentary election, election for representatives to European Parliament, election of Council of Portuguese Communities	Voting in person, Postal voting	3 days including election day for presidential elections; from receipt of postal ballot for parliamentary elections	7:00 p. m. on election day

Russia	A citizen, age 18, and a registered voter ²⁵	Presidential, Members of Parliament, referenda	Voting in person	Election day	Election day
Spain	A citizen, age 18, and a registered voter	Parliamentary election, election for representatives to European Parliament, local elections, referenda, election for Councils of Spanish Residents	Postal voting	From receipt of postal ballot	Day prior to election day in Spain
Thailand	A citizen, age 18 on January 1 in year of election, and a registered voter	Parliamentary election	Voting in person, Postal voting	Variable subject to discretion of embassy or consulate	6 days before election day in Thailand
Ukraine	A citizen, age 18, and a registered voter	Presidential election, parliamentary election, referenda	Voting in person	Election day	Election day

United Kingdom	A citizen, age 18, and a registered voter in UK within the last 15years	Parliamentary election , election for Representatives to European Parliament, local and devolved assembly elections	Postal voting, Proxy voting	From receipt of postal ballot Election day	10:00 p. m. of election day in U. K.
USA	A citizen, age 18, and a registered voter	General, special, primary and runoff elections for federal offices such as the Office of the President, Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, Congress; State and local offices, as may be provided by State laws.	Postal voting, Fax voting, E-mail voting	From receipt of postal ballot	Subject to State laws; up to 15days after election in some States

(source: Henery S Rojas: *A Comparative Study of the Overseas Voting Laws and Systems of Selected Countries*)

Annex 2

Migration and Remittance Inflow of Nepal

Year	Remittance inflow (US\$ million)	Number of workers migrated abroad
1993/94	55	
1994/95	50	2,159
1995/96	57	2,134
1996/97	44	3,259
1997/98	49	7,745
1998/99	68	27,796
1999/00	83	35,543
2000/01	111	55,025
2001/02	147	104,739
2002/03	678	105,055
2003/04	771	121,769
2004/05	823	139,696
2005/06	1212	182,043
2006/07	1453	214,094
2007/08	1734	249,051
2008/09	2727	219,965
2009/10	2985	249,049
2010/11	3469	354,716
2011/12	4217	384,665
2012/13	4793	
2013/14e	5363	

(Source: The World Bank (Remittance) & The Department of Foreign Employment, Nepal (migration

worker's population))