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**NATIONAL ELECTION BOARD OF ETHIOPIA**

**Disposal document for the Ballot Papers  
and sensitive material and documents used  
for the 6<sup>th</sup> General Election**

**Election Operations Department**

**December 2021**

**Addis Ababa**

## Introduction

The National Election Board of Ethiopia (NEBE) has conducted elections in June and September 2021 in different parts of Ethiopia and has reviewed options for the disposal of ballot papers and other sensitive material and documents.

The directive on allocation, distribution, use, handover, retrieval and disposal of election material and documents (no. 8/2021) at article 16 sub article 1 states that: “Ballot papers, and sensitive materials or documents (such as results forms or minutes) that may be needed as evidence in a complaint or appeal can be disposed of only after: The election is over; Any administrative and legal complaints relating to election results have been finally resolved, Any re-count is completed, and the finality of the election result has been ascertained.”

This document contains options and outlines procedures related to it. The document proposes the amendment of art. 16 point 4 to ensure that, in the respect of Ethiopia legal requirements for appeals as well as international standards, operational and logistic requirements are taken into consideration.

## Materials disposal methods

The most cost and time effective way of disposal that the NEBE OPS department is going to conduct as viable for the disposal of ballot papers and other sensitive material and documents is to burn all the used ballot papers and documents at constituency level or other location.

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### Burning used ballot papers and sensitive documents

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Burning the used ballot papers can be done at the constituency level. This is a cost-effective way of disposing of the materials, but the drawback of this method is that is not environment friendly.

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## Proposed procedures for disposal

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The following procedures are intended to operationalize the legal provisions included in Directive 8/2021 and more specifically those of Article 16 sub 5 of directive 8/2021 states that: “All material indicated in this Article shall either be recycled or disposed of in an environmentally friendly manner and under strict scrutiny by the Board’s employees and in the presence of observers, as appropriate.”

**Responsibility for the disposal:** For the implementation of this article, at least one constituency officer of the relevant constituency shall be present during the movement of the material to the location where the disposal will take place and during the entire process. If this is not possible, a regional officer or any permanent staff of NEBE should lead the process and be present during the entire process.

The NEBE officer in charge of the process should organize the manpower required and liaise with the relevant facility management for the disposal of ballot papers and other documents.

**Security of material:** The material shall be escorted by the police. The police should also assign one or more officers to be present during the entire disposal process and after the process is completed, escort the white (ballot) boxes to the location indicated by NEBE.

**Monitoring/Observation:** Candidates and political parties’ representatives of those that participated in elections (even those that boycotted), CSOs accredited to observe the electoral process and representatives of the local administration can be present during the disposal of ballot papers and other materials.

NEBE has to notify the above stakeholders at least 10 days before the commencement of the process (timeline and location) and indicate for each category the requirements for monitoring and observing (detailed instructions to be developed).

The rights and responsibilities of candidates and agents as well as of observers shall be in line with the rights and responsibilities of observers established by NEBE for the electoral process. The same applies to authorities.

If political parties’ agents, CSOs and others mentioned above are not present at the location and the time advertised, the Board shall continue with the disposal in their absence.

## Type of materials to be disposed

1. HoPR ballot paper
2. RC ballot paper
3. Referendum ballot papers
4. And used and unused forms (polling and counting as well as tabulation of results)

## Main tasks required to implement the disposal

### In HQs:

- Set up a work tracking platform, such as checklists, for constituency officers or other officials (whether in the constituency or centrally) on how to process the disposal
- Set a timeline for the movement and disposal of ballot papers and the collection of the empty box
- Inform regional and woreda administrations, police, political parties and other actors concerned by the disposal process: send official communication and requirements (list of monitors/observers to be submitted, etc.)
- Prepare list of staff assigned to the disposal process to process payments and/or organize transport of relevant officials

### In the field in the case of local disposal:

- Randomly selecting 100 used ballots papers for each race for each constituency and 100 for the referendum and 2 pads of unused (entirely or partially for each race and referendum) and organize the dispatch of these ballot papers to Addis Ababa for archiving purposes.

Discuss with officials to set up a ballot paper incantatory

- Use laborers to remove the ballot paper from a box in the dedicated area and store them in the provided bags
- Empty white (ballot) boxes and other supplies should be handed over to NEBE HQ.
- Request transportation support to regional administration officials
- Requesting police to escort and their presence during the burning
- Document the disposal process through filling in the relevant forms (provided by the Board)

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## Archiving Ballot papers

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Only ballot papers will be archived. All other documents will be disposed of.

### 1. Identification process of ballot papers to be archived

Referendum Ballots: In case of the referendum Ballot Papers, only Bonga office will separate randomly 100 used ballots and 5 pads of unused ballots from those destined to disposal and send them to NEBE HQ.

HoPR and RC Ballots: for each constituency 100 ballots per race and 2 pads of unused ballots, from those destined to disposal, will be randomly separated and sent to NEBE HQ.

For each constituency, and for the referendum, a temper evident bag (TEB) will be used to transport the ballot papers for archiving to NEBE HQ. The TEB will contain both HoPR and RC ballots. In the case of Bonga office, referendum ballots will also be included in the same TEB. The TEBs to be used are those available in the field from the electoral process. Relevant officers are required to write on the front of the TEB with an indelible marker the name of the constituency the content and the scope (for archiving). A material transfer form will be filled in for the handover, in accordance with existing handover procedures.

### 2. Archiving in of ballot papers in NEBE HQ

Once the TEBs have reached HQs, they will be organized by region and stored for further processing.

NEBE can decide to keep the TEBs untouched or further separate 1 ballot from each region and race (including the referendum) and archive the separately in dedicated folders for ease of access and consultations. The TEBs with the rest of the materials would be stored in blue boxes. The boxes should be labeled so that the region/constituencies are clearly identifiable.

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## Timeline for disposal

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The directive on allocation, distribution, use, handover, retrieval and disposal of election material and documents (no. 8/2021) at article 16 sub 4 states that: “*any sensitive election materials or documents shall be disposed of at the later of the following:*

- a. *When all the events or decisions stated above are completed; or*
- b. *One year after election day.”*

While art. 16 sub-4, point a is in line with all international standards and the Ethiopian legal framework, notwithstanding the possibility of criminal investigations, it is suggested that:

1. art. 16 sub-4, point b is changed to a maximum of six (6) months after the announcement of final certified results for the following reasons:
  - Considering the legal timeframe for “appeals” which does not go beyond 6 months:
    - ✓ **10 days** after the announcement of certified final results for a Appellant to challenge a decision by NEBE
    - ✓ **1 month** for the Federal Supreme Court to adjudicate the case
    - ✓ **2 months** for the Appellant to go to the Cassation Court
    - ✓ **2 months** for the final decision by the Cassation Court (there is legal period of limitation for this decision but considering the practice and the 1 month allocated to the FSC, we propose the 2 months)
    - ✓ NEBE’s constituency offices are temporary and allocated by the public administration. The administration requested NEBE to return the offices as soon as possible.
    - ✓ To finalize Cos payment all boxes should be retrieved back to HQ
    - ✓ The longer the ballots and other sensitive material remain in the field, the more material is exposed to being misused.

2. A **point c** is added to art. 16 sub 4 to state: “NEBE can dispose of ballots and sensitive documents for constituencies for an election was conducted and for which re-election was decided and conducted immediately after the reelection has taken place and results are announced.

For the 2021 elections completed between June and September 2021, considering the security situation in the country, and the storage constraints in HQ, it is decided by the board that the disposal of material will be conducted by the end of January – Mid February.