

# **Directive for Conducting Re-election No.15/2021**

## **CHAPTER ONE**

### **GENERAL PROVISIONS**

#### **Article 1. Issuing Authority**

The National Election Board of Ethiopia, by virtue of the powers vested in it by article 7(20), 8(1) and 8(4) of the National Electoral Board of Ethiopia Establishment Proclamation No. 1133/2019 and article 10(3) of the Electoral, Political Parties Registration, and Election's Code of Conduct Proclamation No.1162/2019 has issued this directive.

#### **Article 2. Short Title**

This directive may be cited as the "Re-election Directive No.15/2021".

#### **Article 3. Definitions**

1. "**Proclamation**" means the Ethiopian Electoral, Political Parties Registration, and Election's Code of Conduct Proclamation No.1162/2019.
2. "**Board**" means the National Electoral Board of Ethiopia.
3. "**Re-election**" means the rerun of an election upon nullification of election result by the Board or the decision of the Federal Supreme Court or to determine the winner when candidates obtain equal number of votes.
4. "**Original Election**" means the original election held in the constituency or polling station in respect of which a decision to conduct a re-election has been made.
5. "**Electoral Process**" means the process of voter registration, candidate registration, electoral campaign, mass media access, voting, vote counting and tabulation of provisional results, complaint handling procedures and announcement of official election results.
6. Unless the context requires otherwise, definitions provided in the proclamation shall also apply for this directive.

#### **Article 4. Scope of Application**

This directive shall be applicable to constituencies or polling stations where a re-election has been decided to take place.

## **Article 5. Gender Reference**

Provisions set out in the masculine or feminine gender shall also apply to the other gender.

## **Article 6. Objective**

This directive shall have the following objectives:

1. To determine the conduct of re-elections; and
2. To clarify the procedure for the conduct of re-election as well as the responsibilities of the Board and the concerned election officers at all levels.

## **CHAPTER TWO**

### **CONDITIONS AND PROCEDURES FOR CONDUCTING A RE-ELECTION**

#### **Article 7. Decision to Conduct a Re-election**

- 1) The Board shall accept and execute the decision of the Federal Supreme Court, which having examined the case presented to it regarding the election process, orders a re-election.
- 2) The Board may, where it is convinced that a violation of law that would distort the election result in one or more constituencies has occurred, decide that re-election should be conducted in the polling stations or constituencies where the violation has occurred.
- 3) In determining whether a given act or omission distorts the outcome of the election, the Board will take the following into consideration:
  - a. Where voters whose number is large enough to change the election result were prevented from voting;
  - b. Where voters whose number is large enough to change the election result were forced to vote for one party;
  - c. Where voters whose number is large enough to change the election result, due to an intentional unlawful act, were prevented from voting for the party or candidate of their choice;
  - d. Where ballot papers whose number is large enough to change the election result are lost, torn, or made impossible to count;
  - e. Where the number of ballots casted exceeds the number of registered voters, and where this problem could not be resolved by a recount of votes;

f. Where there is evidence to show that an act of violence was committed in most of the polling stations within the constituency to frighten and intimidate voters, candidates or their agents or election officers of the Board;

g. In circumstances other than those specified above, the Board may decide to conduct a re-election where, due to force majeure, it was impossible to count the votes or verify the result and determine the winner in certain polling stations or constituencies.

- 4) Where two or more candidates received equal number of votes which has been confirmed by a recount and it is impossible to determine the winner, the Board may order a re-election only to be conducted among the candidates who received an equal number of votes. In such cases, if one of the two candidates withdraw, re-election shall not be necessary.
- 5) Where the number of candidates who obtained equal number of votes in a regional council or local election is equal to the number of contested seats, re-election shall not be conducted.

#### **Article 8. Content of the Decision**

1) Where the Board decides to conduct a re-election, it shall, ten days prior to the re-election date, announce to the public in a clear and accessible manner the following information, and post the same in the constituencies or polling stations where a re-election is to be held:

- a. The date on which the decision was rendered;
- b. The polling station or constituency where the re-election will be held;
- c. The reason(s) for re-election along with an explanation; and
- d. The type of election and the date on which the re-election will be held.

2) Where the decision to conduct a re-election is rendered by the Federal Supreme Court, the Board shall, ten days prior to the re-election date, announce to the public in a clear and accessible manner the following information, and post the same in the constituencies or polling stations where a re-election is to be held:

- a. The file number of the Court's decision;
- b. The date on which the decision was rendered;
- c. Constituency or polling station where re-election will be held; and
- d. The type of election and the date on which the re-election will be held.

3) Where a re-election is to be conducted because two or more candidates received equal number of votes, the Board shall, ten days prior to the re-election date, announce to the

public in a clear and accessible manner the following information, and post the same in the constituencies or polling stations where a re-election is to be held:

- a. Full name of the candidates who received equal number of votes;
- b. Symbols of the candidates;
- c. Upon ascertaining the nature of the candidacy where the candidate represents a political party, the name of the political party, and where the candidate is an independent candidate an indication to that effect
- d. The date on which the decision was rendered; and
- e. The date on which the re-election will be held.

**Article 9. Polling Station Where a Re-election will be Held**

- 1) The re-election shall be conducted at the polling station where the original election was conducted.
- 2) Notwithstanding the provisions of sub-article (1) of this article, the Board may, where it deems it necessary, decide to change the location of the polling station where the re-election will be conducted.
- 3) Where, under sub-article (2) of this article, the address of the polling station is changed, the Board shall notify the change at least five days prior to the day of the re-election.

**Article 10. Voter Registration**

Where a decision to conduct a re-election is rendered by the Board or the Federal Supreme Court, without having to conduct new voter registration, voters who had registered previously in the constituency or the polling station within the constituency where the irregularities occurred shall vote in the re-election. Accordingly, voters shall submit their ID for verification registration on the electoral roll prior to casting their votes. Voters who were registered through testimony of witnesses shall vote in accordance with the Directive on voting and counting.

**Article 11. Candidates eligible to Run for Re-election**

- 1) Unless a re-election is ordered on the grounds that two or more candidates received equal number of votes, only those candidates registered previously shall be eligible to contest in re-election, without having to conduct new candidate registration.

- 2) Notwithstanding the provision under sub-article 1 of this Article, where a candidate who received equal vote dies, the party may substitute another candidate.
- 3) The symbols to be used by the candidates for a re-election shall be the one used in the original election.
- 4) Where a re-election is being conducted because two or more candidates received equal number of votes, only those candidates who have received equal number of votes shall be eligible to contest in the re-election.

#### **Article 12. Ballot Paper**

- 1) The Board may decide to use the ballot paper used in the original election or publish a new ballot paper for the re-election.
- 2) The Board will decide how ballot papers are prepared where a re-election is to be conducted because two or more candidates received equal number of votes.
- 3) Where the re-election is to be conducted in accordance with sub-article (2) of this article and where the ballot paper carries only the candidates for re-election, the ordering of the picture and symbol of the candidates should be the same as in the original election.

#### **Article 13. Voting and Vote Counting**

1. The voting and counting process for a re-election shall follow the same procedures applicable to the original election as provided in the Proclamation and the Directive on Voting, Vote Counting and Announcement of Results.
2. Notwithstanding the provisions of sub-article (1) of this article, during voting in a re-election, a voter's finger, different from the one marked during the original election, shall be marked with an indelible ink, to indicate that a voter has cast his ballot and to avoid multiple voting.
3. Notwithstanding the provisions of sub-article (1) of this article, the Board shall determine the manner by which voters who cast their ballot for the re-election can verify their participation through signature.
4. Notwithstanding the provisions of sub-article (1) of this article, and where there are no compelling circumstances that require the Board to adopt a different procedure, voting and counting in a re-election shall be conducted in the polling station in the presence of

observers, journalists and agents of the candidates contesting in the re-election accredited to observe the original election.

**Article 14. Announcement of Re-election Results**

- 1) The Board shall, as provided in the Proclamation and the Directive on Voting, Vote Counting and Announcement of Results, announce results of the re-election in respect of each polling stations and constituencies. The announcement shall follow the procedures applicable to the original election as provided under the Proclamation and the Directive on Voting, Vote Counting and Announcement of Results.
- 2) While announcing the result of the re-election, the Board shall additionally specify the following particulars:
  - a. The reason for the decision to conduct the re-election;
  - b. The organ that rendered the decision;
  - c. The date on which the decision was rendered; and
  - d. The polling stations and constituencies where the re-election was held.

**Article 15. Complaints During Re-election**

- 1) The process and procedure for addressing complaints during the re-election process shall be in accordance with the Directive on the lodging of complaints raised at different levels, the structure and organization of Grievance Hearing Committees.
- 2) If the decision to hold a re-election has the effect of changing the election officers or Grievance Hearing Committees involved in the original election, the Board will make such arrangements.

**CHAPTER THREE**

**RESPONSIBILITIES**

**Article 16. Responsibilities of the Board**

- 1) The training the Board provides to election officers shall include the procedures for conducting a re-election.
- 2) The Board shall conduct the re-election as soon as operationally possible from the date it is known that a re-election is to be conducted or from the date on which it was announced that a

re-election will be conducted because candidates received equal number of votes and it is impossible to determine the winner.

- 3) Once it is known that a re-election will be conducted, the Board shall, in accessible manner, provide voters education to voters and the public informing the details of the decision and the next steps.
- 4) The Board shall announce, in detail, the timetable and procedure of the re-election.

#### **Article 17. Responsibilities of Candidates**

- 1) Candidates who are contesting in a re-election or their agents shall, from the day the re-election is announced, have the duty to cooperate with the relevant election officers of the constituency and polling station where the re-election will be conducted.
- 2) Candidates who are contesting in a re-election or their agents shall not campaign during the re-election period, which runs from the date the decision to hold a re-election is made until the announcement of results.
- 3) Candidates who contest in a re-election or their agents, shall inform their party members and supporters to refrain from campaigning, engaging in any act that interferes with the election process or any activity demonstrating support in any form.
- 4) Agents of those candidates who are contesting in a re-election and who have been accredited to observe the original election process shall express their interest to the Board and the constituencies where the re-election will be held. The Board may decide to implement an equitable rotation system if it is necessary to limit the number of accredited agents in a polling station at any given time. In such cases, the equitable rotation system shall be subject to review by the Polling Station Grievance Hearing Committee.

#### **Article 18. Responsibilities of Observers and Journalists**

- 1) Unless their accreditation has been cancelled by the Board, observers and journalists that have been accredited for the original election, have the right to observe or report the re-election process without the need to obtain additional permission.
- 2) Observers observing the re-election, journalists reporting the process and the mass media have the duty to cooperate with polling stations, constituencies, and the Board in accordance with the relevant directives.

- 3) Observers and journalists, that have been accredited for the original election process and are interested in observing the re-election process, shall express their interest to the Board and the constituencies where the re-election will be held. The Board may decide to implement an equitable rotation system to limit their presence in a polling station based on the directive issued to mitigate the spread of Covid-19 during elections. In such cases, the equitable rotation system shall be subject to review by the Grievance Hearing Committee.
- 4) Observers involved in observing the re-election have the duty to submit their reports in accordance with the directives on accreditation, working procedure and code of conduct of local and international observers.

## **CHAPTER FOUR**

### **MISCELLANEOUS**

#### **Article 19. Duty to Cooperate**

All organs of the federal and regional governments, political organizations, groups, private organizations and individuals have the duty to cooperate in the implementation of this directive.

#### **Article 20. Repealed Directives and Procedures**

Any directive or procedure that is inconsistent with this directive shall not apply to matters covered by this directive.

#### **Article 21. Effective Date**

This directive shall come into force as of its approval by the Board on June 27, 2021.

**Birtukan Midekssa**  
**Chairperson of the National Electoral Board of Ethiopia**