WHEREAS, it has become important to establish an independent electoral Implementation body in order to enable citizens to exercise their right to self-government through representatives that they elect by way of free, fair and peaceful elections conducted at various levels;

WHEREAS, to strengthen the Ethiopian democracy it has become necessary to organize the National Electoral Board in a manner that is independent from the influence of any other body and which enables it to conduct fair, trust-worthy and peaceful election;

WHEREAS, it has become necessary to improve the credibility and implementing capacity of the National Electoral Board among competing political organizations and the voting public, by making the selection and appointment of the members of the national electoral board participatory and transparent and ensuring the board’s independence in regards to its organizational structure, staff employment and deployment and budget;

NOW, THEREFORE, in accordance with Article 55(1) and 102 of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:
PART ONE
GENERAL

1. Short Title

This Proclamation may be cited as the “National Electoral Board of Ethiopia Establishment Proclamation No. 1133/2019”.

2. Definitions

In this Proclamation:


2/ “Board” means the National Electoral Board that is established under Article 3 of this Proclamation which includes all the members of the management board, the office of the board, and coordination offices at different levels;

3/ “Management Board” means a board that is comprised of members recruited by committee appointed by the House of People’s Representatives upon recommendation by the Prime Minister in accordance to Article 5 (1) of this Proclamation;

4/ “Election” means general elections, local elections, by-elections and re-elections conducted in accordance with Constitutions and other relevant laws;

5/ “Political Organization or Political Party” means a grouping which, having formulated a political program, pursues its aims in a lawful manner;

6/ “Constituency” means an electoral district established by dividing the nation’s territories in accordance with the law and in a manner conducive for the execution of elections and for the people to elect their representatives;

7/ “Polling Station” means a location where voter registration, voting and counting is carried out for elections conducted at every level;
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**PART TWO**

**THE NATIONAL ELECTORAL BOARD**

3. Establishment

1/ The National Electoral Board is hereby established having its own legal personality as an autonomous organ independent from any influence, in order to conduct free and proper election in the Federal and State constituencies.

2/ The Board shall be accountable to the House of Peoples’ Representatives.

3/ The Board shall have head office in Addis Ababa; and as may be necessary, may open branch offices at any part of the country, when submit request to the House of People’s Representatives based on study, and approved same by the House of People’s Representatives.

4. The Organization of the Board

1/ The board shall have a management board consisting of 5 members that serve full-time.

2/ Members of the management board, based on the decision of the board chairman shall be responsible to lead work departments of the board.
**5. Appointment of Members of the Management Board**

The members of the management board shall be appointed by the House of People’s Representatives in accordance with Article 102 of the Constitution, upon nomination by the Prime Minister through the following procedure:

1/ The Prime Minister shall establish an independent committee that will engage in the recruitment of nominees to membership of the management board. The committee shall be composed of the following members:

- a) Inter-Religious Council of Ethiopia..............................................................1 person;
- b) Ethiopian Academy of Sciences.................................................................1 person;
- c) Ethiopian Confederation of Employees......................................................1 person;
- d) Ethiopian Chamber of Commerce.............................................................1 person;
- e) Ethiopian Human Rights Commission......................................................1 person;
- f) Representatives from civil societies and elders.........................................3 persons.

2/ The members of the committee that shall be selected from the institutions under Sub-Article (1) of this Article shall have proportional gender balance and persons whose neutrality and capability are ensured and when appropriate fulfill the criteria to become management board members under Article 6 of this Proclamation;

3/ The Committee shall receive nominations from the public, political organizations and civil societies as to persons fit to be members of the management board;
Article 6. Criteria to be a Management Board Member

1. A person shall become a management board member only if he fulfills the following criteria:
   a) Ethiopian by birth and Ethiopian national;
   b) Not a member of any political party;
   c) Has advanced professional qualification on matters related to election; especially law, political science, public administration, statistics, information technology and other related fields;
   d) Has a law degree or any other professional qualification approved by a majority vote of the House of People’s Representatives.
issue directives necessary to perform its duties given by this Proclamation and other laws;

d) of good ethics and character;

e) High leadership capacity that enables him to hold the responsibility assigned to him.

2/ The composition of management board members to the possible extent shall take into account the ethnic and sex composition.

7. Powers and Duties of the Board

The Board shall have the following powers and duties:

1/ execute impartially any election and referendum conducted in accordance with the Constitution and with Election Law;

2/ grant permission, follow up and supervise civil society organizations providing voter education;

3/ register political parties, follow-up and supervise them in accordance with the law;

4/ provide guidelines for the manner in which monetary funds may be contributed to political parties and in accordance with these guidelines allocate the funds;

5/ determine the manner in which political parties may use media during elections;

6/ undertake studies on how to divide electoral regions and present a recommendation to the House of Federation on the basis of those studies;

7/ issue licenses to election observers and follow up and supervise their activities;

8/ establish branch offices of the board at all regional and sub-regional levels;

9/ facilitate and ascertain that elections held periodically and at every level are conducted in a free and fair manner;

10/ prepare and distribute documents and materials necessary to conduct elections;

11/ issue directives necessary to perform its duties given by this Proclamation and other laws;
Powers and Duties of the Management Board

In addition to the powers and duties given to the board through Article 7 of this Proclamation, the Management Board shall also have the following powers and duties:

12/ certify neutrality and freedom of electoral officers and also protect them from any influence that they may come under in relation to their work;

13/ determine the number of polling stations necessary to carry out an election;

14/ establish nation wide the electoral regions and polling stations necessary to carry out an election;

15/ ensure that competent and non-partisan electoral officers who enjoy public trust are recruited and trained;

16/ collect and organize data relating to elections and political parties, by reviewing election laws and their implementation, submit issues that need revision to the concerned body;

17/ coordinate political parties' joint forum;

18/ certify and officially announce election results;

19/ provide administrative relief for complaints raised in the course of election

20/ cancel election results and order re-election where it has been convinced that violation of law has occurred which would undermine the outcome of the election. In addition, hold individuals accountable for violations of law, fraudulent acts or disturbance of peace in relation to an election;

21/ prepare and submit its Budget to the House of Peoples' Representatives for approval and implement the same;

22/ impose to prepare election schedules taking place at all levels, approve, and as needed amend and follow up the implementation of the same;

23/ submit to the House of Peoples' Representatives reports on its work;

24/ carry out any other activities necessary to fulfill its responsibilities as defined in this Proclamation and other laws.

8. Powers and Duties of the Management Board

In addition to the powers and duties given to the board through Article 7 of this Proclamation, the Management Board shall also have the following powers and duties:

... (text continues)
9. **Powers and Duties of the Chairman of the Management Board**

The Chairman of the Management Board shall have the following powers and duties:

1/ serve as the Main Superior and Chief Executive Officer of the Management Board;
2/ represent the Board in its dealings with third parties;
3/ call and preside over the meetings of the Management Board;
4/ supervise the proper implementation of decisions of the Management Board;
5/ Hire and Administer staffs in accordance with a regulation having basic principles of the civil service law, that will be exclusively passed by the government;
6/ determine the internal organization of the Board as well as the division of work among the management board member in consultation with the management board members;
1. The Management Board shall have the following powers and duties:

7/ prepare and submit to the board the short and long-term work plan and budget of the office of the board and supervise its implementation upon approval;

8/ ensure that employees for branch offices of the office were hired from among the region’s qualified and impartial residents and in a manner that was transparent, inclusive and competitive;

9/ on the basis of the Federal and State Constitutions, frame work prepare and submit election time tables to the Management Board and supervise its implementation upon approval;

10/ ensure that the Board’s budget is used in line with the appropriate rules and regulations of finance;

11/ Coordinate the joint political parties’ forum;

12/ present any report on the activities of the Board and the office to the Management Board.

10. Powers and Duties of the Deputy Chairman of the Management Board

The Deputy Chairman of the Management Board shall have the following powers and duties:

1/ carry out the duties of the Chairman in the absence of the latter;

2/ perform other duties specifically assigned to him by the Chairman.

11. Rules of Procedure of the Management Board

1/ There shall be a quorum where at least 3 members of the Management Board are present.

2/ Decisions of the Management Board shall be made by a majority vote; however, in case of a tie, the Chairman shall have a casting vote.

3/ The Management Board shall issue its own detailed rules of procedure.
12. Membership Term of the Management Board

1/ The term of office of management board members shall be six years.

2/ Management Board members may re-appoint for additional one term; The Prime Minister may directly recommend members for re-appointment to the House of People’s Representatives after one month of the termination as per Article 5(8).

3/ Without prejudice to the provisions of Sub-Article (1) and (2) of this Article, unless a management board member leaves his membership on his own consent or is relieved by the House of Peoples’ Representatives because of:

- Inability to carry out his functions due to health reasons;
- Evident lack of capacity or competence to work;
- Serious ethical misconduct; or
- Absence from work for a consecutive period of six months;

 He shall not be relieved of his responsibilities.

4/ For a period of 2 years after leaving his position on his own consent or is relieved by the House of Peoples’ Representatives, member of the management board may not be appointed to any high government office.

13. Leaving Office and Being Relieved of Office

1/ Any person or anybody who is convinced that a management board member should be relieved of office for the reasons stated in Article 12/3/ (a), (b) and (c) may inform to the Speaker of the House of People’s Representatives to that effect.

2/ If the Speaker of the House of People’s Representatives, upon assessing the claim, is convinced that there are no sufficient reasons, it shall reject the claim. If, on the other hand, it is convinced that the claim has sufficient reasons and requires further
investigation, the House of People’s Representatives appoint an investigative committee to investigate the matter, and this committee should consist of:

a) One Federal Supreme Court judge;

b) One technical expert whose area of expertise is directly related to the matter at hand;

c) One person representing the Ethiopian Human Rights Commission.

3/ The Speaker of the House If he meets necessary may temporarily suspend the powers and duties of a management board member whose case is still being investigated.

4/ the board member shall have the right to defend himself and present evidence during the process of committee’s investigation.

5/ if the investigative committee in its investigation find the complaint lodged to be accurate and that the management board member should be removed, the committee shall present its findings to the Speaker of the House who shall in turn present it to the House of People’s Representatives.

6/ the management board member regarding whom the complaint is lodged shall be removed from his position if the decision is approved by majority vote of the House of People’s Representatives.

14. Ethics of Management Board Members

While the specifics will be determined by directives to be issued by the management board any member of the management board shall:

1/ discharge his responsibility impartially, freely and in good faith;

2/ not directly or indirectly support or oppose any political organization or private candidate participating in the election;
1. The Management Board Members

A management board member shall immediately inform the management board about the situation of conflict of interest occurs which prevent him from carrying out his duties in a fair and impartial manner.

2. Where the situation provided in Sub-Article (1) above occurs, it shall be recorded in the minutes and decided upon by the rest of the management board members.

3. A decision of action shall be re-considered where management board member that has a conflict of interest with the matter participates in the decision of action in any capacity without notifying the management board about the situation.

4. Any member of the management board shall have the following rights:
   a. to participate and vote in any meetings of management board membership;
   b. to receive payment appropriate for his management board membership;
   c. to request for an extraordinary meeting to be called by the board for meeting and to refer and get access to documents of the board;
   d. to know the agenda in a timely manner;
   e. to be called by the board for meeting and to participate and vote in any meetings of management board;
   f. to refer and get access to documents of the board;
   g. to have the following rights in any way damages the credibility, impartiality and independence of the board or its members.

5. Where management board member that has a conflict of interest with the matter participates in the decision of action in any capacity without notifying the management board about the situation.

6. A management board member shall not disclose to a third party any confidential information that he obtained by virtue of being a management board member.

II. Rights of Management Board Members

1. The management board members shall have the following rights:
   a. to participate and vote in any meetings of management board membership;
   b. to receive payment appropriate for his management board membership;
   c. to request for an extraordinary meeting to be called by the board for meeting and to refer and get access to documents of the board;
   d. to know the agenda in a timely manner;
   e. to be called by the board for meeting and to participate and vote in any meetings of management board;
   f. to refer and get access to documents of the board;
   g. to have the following rights in any way damages the credibility, impartiality and independence of the board or its members.

7. When management board member that has a conflict of interest with the matter participates in the decision of action in any capacity without notifying the management board about the situation.

8. A management board member shall not disclose to a third party any confidential information that he obtained by virtue of being a management board member.

9. Where the situation provided in Sub-Article (1) above occurs, it shall be recorded in the minutes and decided upon by the rest of the management board members.

10. A decision of action shall be re-considered where management board member that has a conflict of interest with the matter participates in the decision of action in any capacity without notifying the management board about the situation.

11. Any member of the management board shall have the following rights:
   a. to participate and vote in any meetings of management board membership;
   b. to receive payment appropriate for his management board membership;
   c. to request for an extraordinary meeting to be called by the board for meeting and to refer and get access to documents of the board;
   d. to know the agenda in a timely manner;
   e. to be called by the board for meeting and to participate and vote in any meetings of management board;
   f. to refer and get access to documents of the board;
   g. to have the following rights in any way damages the credibility, impartiality and independence of the board or its members.

12. Where the situation provided in Sub-Article (1) above occurs, it shall be recorded in the minutes and decided upon by the rest of the management board members.

13. A decision of action shall be re-considered where management board member that has a conflict of interest with the matter participates in the decision of action in any capacity without notifying the management board about the situation.

14. Any member of the management board shall have the following rights:
   a. to participate and vote in any meetings of management board membership;
   b. to receive payment appropriate for his management board membership;
   c. to request for an extraordinary meeting to be called by the board for meeting and to refer and get access to documents of the board;
   d. to know the agenda in a timely manner;
   e. to be called by the board for meeting and to participate and vote in any meetings of management board;
   f. to refer and get access to documents of the board;
   g. to have the following rights in any way damages the credibility, impartiality and independence of the board or its members.
17. **Appeal**

1/ Final administrative decisions of the management board may be appealed to the Federal High Court, and final decisions with regard to electoral process and results may be appealed to the Federal Supreme Court.

2/ Courts shall decide cases within one month since an appeal is lodged, however if the matter is of urgent nature, the court may be required to issue a decision that takes into account its urgency.

18. **Salary and Benefits of Management Board Members**

The salary and benefits of the Chairman of the management board and the rest of the members, and also the rights and benefits they receive when outgoing shall be decided next independently.

**PART THREE**

**THE OFFICE OF THE BOARD**

19. **The Office of the Board**

The Board shall have office headed by one chief executive and one deputy chief executive.

20. **Appointment and Accountability of Chief Executive and Deputy Chief Executive of the Office of the Board**

1/ Chief Executive and Deputy Chief Executive of the office shall be appointed by the management board through the nomination of the chairman after assessed the fulfillment of necessary requirements indicated in Article 5 of this Proclamation.

2/ The Chief Executive of the office shall be accountable to the management board and the Deputy Chief Executive of the office shall be accountable to the chief executive of the management board.
21. Powers and Duties of the Chief Executive of the Office

The Chief Executive of the office shall perform the following powers and duties according to the order and direction given to him by the management board and the chairman of the management board:

1/ direct the supporting activities of the board as its head;
2/ facilitate, coordinate and create suitable conditions for the performance of the board’s power and responsibility;
3/ prepare agenda for the meetings of the board in consultation with the management board chairman;
4/ properly keep the minutes and other documents of the board;
5/ cause the decisions of the board to be transmitted to the parties concerned;
6/ keep minutes of management board meetings by participating in meetings without voting rights;
7/ prepare and present periodic reports to the chairman of the management board about the activities of the office;
8/ perform other duties assigned to him by the chairman of the board.

22. Powers and Duties of the Deputy Chief Executive of the Office

The Deputy Chief Executive of the office shall have the following powers and duties:

1/ perform activities assigned to him by the chief executive of the office;
2/ act on behalf of the chief executive in his absence.

23. Regional Branch Offices of the Board

1/ A regional branch office of the board shall be established in all regions.
2/ The regional office heads shall be appointed by the management board, after recruited and nominated by the chairman of the board, among residents of the regional state who are competent and non-partisan through directive to be issued by the management board.
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<td>24.</td>
<td><strong>Powers and Duties of Regional Branch Offices of the Board</strong></td>
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<td>Each regional branch office of the board, in accordance with regulation and guidance from the management board and the chairman of the management Board, and as may be necessary by the chief executive of the office, shall have the following powers and duties:</td>
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<td>1/ direct, coordinate and control election at the state level;</td>
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<td>2/ submit recommendation to the office of the Board about ways of organizing electoral coordinating offices to be established under it;</td>
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<td>3/ follow up and ensure that documents and materials required for the election reach to the concerned electoral coordinating offices, constituency and polling stations on time;</td>
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<td>6/</td>
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<td>4/ based on the direction of the management board and the management board member responsible for this work stream, offer and coordinate voter and civic education with other concerned bodies;</td>
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<td>7/</td>
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<td>5/ follow up and control the voter registration, nomination of candidates and voting procedures to make sure that they are conducted in accordance with the law;</td>
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<td>8/</td>
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<td>6/ investigate and decide on grievances and complaints lodged at regional state levels submitted on matters provided in Sub-Article (5) of this Article in accordance with a directive to be issued by the board;</td>
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<td>9/</td>
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<td>7/ submit to the office of the board report on the election process and results of the regional state;</td>
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BUDGET OF THE BOARD

25. **Budget**

1/ The Annual Budget of the board prepared by it shall be approved by the House of People’s Representatives.

2/ The Ministry of Finance shall credit the whole Board’s Budget to the Boards’ bank account within one month, that approved in accordance to Sub-Article (1) of this Article.

3/ the Board may request the House of People’s Representatives for the allocation of a three years budget plan.

4/ The Board may accept gifts and monetary aids from third parties in accordance with relevant laws.

26. **Books of Accounts**

1/ The Board shall keep complete and accurate books of account.

2/ The books of accounts and financial documents of the Board shall be Audited annually by the Federal Auditor General or by an Auditor designated by him.
PART FIVE
MISCELLANEOUS PROVISIONS

27. Duty to Cooperate and Execute

1/ Any federal or regional government body presented with a lawful request from the board has an obligation to cooperate with the board and act upon the request of the board.

2/ Any person who by violating the provision of Sub-Article (1) of this Article impedes the election process will face administrative measures on the basis of relevant laws and principles. Additionally, such person shall be criminally liable on the basis of the Electoral Law.

28. Transitory Provision

The House of People’s Representatives may decide from among the board members appointed before the enactment of this Proclamation based on Proclamation No.532/2007 to stay in a position until their term of office is lapsed up on the request of the Prime Minister.

29. Transfer of Rights and Duties

The Rights and Duties given to the National Electoral Board which was established through Proclamation No.532/2007 are hereby transferred to the National Electoral Board established through this Proclamation.

30. Power to Issue Regulations and Directives

1/ The House of People’s Representatives may issue Regulation for the proper implementation of this Proclamation.

2/ The management board may issue Directives necessary for the implementation of the Regulation to be issued under this Proclamation

31. Repealed Laws

1/ Provisions of the amended electoral law Proclamation No. 532/1999 shall not be applicable to matters covered by this proclamation.
2/ Law and Customary practices inconsistent with this proclamation shall not be applicable on this proclamation.

32. Effective date

This Proclamation shall come into force on this 5th day of April, 2019 upon approval by the House of People’s Representatives.

Done at Addis Ababa, on this 6th day of June, 2019.

SAHLEWORKZEWDIE

PRESIDENT OF THE FEDERAL DEMOCRATICREPUBLIC OF ETHIOPIA,