**Proclamation No. .../2019**

**A PROCLAMATION TO ESTABLISH THE NATIONAL**

**ELECTORAL BOARD**

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. \_\_\_\_/2019”

**2. Definitions**

In this proclamation:

1/ **“Constitution”** means the Constitution of the Federal Democratic Republic of Ethiopia; **“Constitutions”** means the Constitution of the Federal Democratic Republic of Ethiopia and that of the regional states;

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 the five members referred to in article 4 sub article 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;

8**/ “office”** means Office of the National Electoral Board of Ethiopia;

9**/ “High-level appointment”** means appointment to the rank of minister, state minister, ambassador, commissioner, deputy commissioner, main director or appointment of a similar rank;

10/ **“Ethical misconduct”** means committing actions that are contrary to the moral values that the majority of Ethiopians abide by as well as to principles grounded in legal and professional ethics;

11/ **“Person”** means natural or Juridical person.

12/ Any expression in this proclamation in the masculine includes the feminine.

**PART TWO**

**THE NATIONAL ELECTORAL BOARD**

**3. Establishment**

1**/** The National Electoral Board (hereinafter referred to as “the board”) is hereby established having its own legal personality as an autonomous organ independent from influence of any government or other body.

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

3/ The Board shall have head office in Addis Ababa. As may be necessary, the board may open branch offices at any place.

1. **The Organization of the board**
2. The board shall have a management board consisting of 5 members that serve full-time.
3. Members of the management board, based on the decision of the board chairman shall be responsible to lead work departments of the board,
4. The Management board may establish sub-committees that may be necessary for the execution of its duties.
5. The board shall have the staffs necessary for the execution of its duties,

**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 Composed of the following members:
2. Federal Supreme Court…..1 person
3. Inter-religious council of Ethiopia….. 1 person
4. Ethiopian academy of sciences….. 1 person
5. Ethiopian confederation of employees….. 1 person
6. Ethiopian chamber of commerce….. 1 person
7. Ethiopian human rights commission…. 1 person
8. Representatives from civil societies and elders, 3 persons
9. The members of the committee that shall be selected from the institutions under sub-article 1 of this article shall be persons whose neutrality and capability are ensured and when appropriate fulfill the criteria to become management board members under article 6 of this proclamation.
10. The committee shall receive nominations from the public, political organizations and civil societies as to persons fit to be members of the management board.
11. In accordance with the criteria listed under article 6 of this proclamation, the committee shall select nominees fit to be management board members from the suggestions made in a transparent and competitive process after securing the consent of the nominees. It shall make the list of nominees open to the public and send it to the prime minister.
12. The list of nominees prepared by the committee must be twice the number of available place in the board during the selection process.
13. The prime minister after receiving the list of nominees shall have consultation with representatives of competing political parties on the nominees presented.
14. The prime minister after having the consultation as per sub-article 6 of this provision shall select as necessary the chairman and deputy chairman of the management board and submit nominees equal in number to the available space in the board to the House of People’s Representatives for appointment.
15. A nominee to become a management board member will become a member only when approved by a two third majority Vote of the House of People’s Representatives.

**6. Criteria to be a management board member**

1. A person shall become a management board member only if he fulfills the following criteria:
2. Has Ethiopian citizenship
3. Not a member of any political party;
4. Has advanced professional qualification on matters related to election; especially law, political science, public administration, statistics, information technology and other related fields;
5. of good ethics and character
6. high leadership capacity that enable him to hold the responsibility assigned to him.
7. The composition of management board members shall take into account the ethnic and sex composition.
8. **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. provide civic and voter education as well as grant permission to bodies providing similar education and follow-up and supervise.
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 and supervise their activities;
8. establish branch offices of the Board at all regional and sub-regional levels;
9. determine the number of polling stations necessary to carry out an election;
10. establish nationwide the electoral regions and polling stationsnecessary to carry out an election;
11. ensure that competent and non-partisan electoral officers who enjoy public trust are recruited and trained;
12. collect and confirm data relating to elections and political parties;
13. coordinate political parties' joint forum;
14. certify and officially announce election results;
15. provide administrative relief for complaints raised in the course of election
16. cancel election results and order re-election where it has been convinced that Violation pf 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;
17. prepare and submit its budget to the House of Peoples’ Representatives; approve and implement the same;
18. prepare, approve and, as needed, amend the directive for elections taking place at all levels of government, and ensure the implementation of the same;
19. submit to the House of Peoples' Representatives reports on its work;
20. carry out any other activities necessary to fulfill its responsibilities as defined in this Proclamation and other laws
21. **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 following powers and duties:

1. issue directives and regulations;
2. outline policy directions relating to the powers of the management board as listed above, and follow up their implementation;
3. serve as the final appeal body of the board for complaints; approve election results before officially announced;
4. cancel election results and conduct re election when Violation of law which would undermine the outcome of the election has occurred.
5. outline policies to govern liaisons between the management board, the office or staffs of the board and governmental or non-governmental institutions; implement the same;
6. appoint the Chief Executive and the Deputy Chief Executive of the secretariat as per article 20 sub article 1 of this Proclamation;
7. issue directive on ethics governing the Management Board Members; supervise the implementation of the same;
8. **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 the civil service law and a regulation that will be specially passed by 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;
7. prepare and submit to board the short and long-term work plan and budget of the office of the board and supervise its implementation
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 and inclusive
9. on the basis of the federal and state constitutions, prepare and submit to the board election timetables and supervise its implement 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;
13. **Powers and Duties of the Deputy Chairman of the Management Board**

The Deputy Chairman of the Management Boardshall 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.
3. **Rules of Procedure of the Management Board**
4. There shall be a quorum where at least 3 members of the Management Board are present.
5. 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.
6. The Management Board shall issue its own detailed rules of procedure.
7. **Membership Term of the Management Board**
8. The term of office of management board members shall be two electoral terms
9. Management Board members may not be re-appointed for membership.
10. Notwithstanding sub-article 1 of this article, from among the three members of the first round Management Board to be appointed as per this Proclamation, other than the Chairman and the Deputy Chairman of the management board, two of them shall have membership term of 7 years.
11. The management board members to be appointed as per sub-article 3 of this article who will serve for term of office of 7 years shall be identified at the time of their appointment by the Prime Minister.
12. The House of Peoples’ Representatives shall appoint new management board members to replace the members whose terms have lapsed as per sub-article 3 of this article. Upon the nomination of the Prime Minister in line with article 5 of this Proclamation.
13. Notwithstanding 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:
    1. Inability to carry out his functions due to health reasons;
    2. Evident lack of capacity or competence to work;
    3. Serious ethical misconduct, or
    4. Absence from work for a consecutive period of six months

he shall not be relieved of his responsibilities.

1. For a period of 2 years after leaving their position on their own consent or are relieved by the House of Peoples’ Representatives, members of the management Board may not be appointed to any high government office.
2. **Leaving Office and Being Relieved of Office**
3. Any person who is convinced that a management Board member should be relieved of office for the reasons stated in article 14 sub-articles (1), (2) and (3) may inform the Federal Judges Administration Assembly to that effect.
4. If the Federal Judges Administration Assembly, 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, it shall appoint an investigative committee to investigate the matter, and this committee should consist of:
   1. One Federal Supreme Court judge
   2. One technical expert whose area of expertise is directly relatedto the matter at hand
   3. One person representing the Ethiopian Human Rights Commission

3/ The judges administration council 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 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 judges’ administration council who will in turn present it to the House of Peoples Representatives.

6/ the management board member regarding whom the complaint is lodged shall be removed from position if the decision is approved by2/3 majority of the House of Peoples Representatives.

1. **Ethics of management board members**

While the specifics will be issued by the management board committee, 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

3/ not seek any benefit out of confidential information that he obtained by virtue of being a management board member

4/ not disclose to a third party any confidential information of the board.

5/ refrain from any acts that in any way damages the credibility, impartiality and independence of the board or its members

1. **Rights of management Board Members**

Any member of the management board shall have the following rights

1/ to participate and vote in any meetings of management board

2/ to refer and get access to documents of the board

3/ to be called by the board for meeting and know the agenda in a timely manner

4/ to request for an extraordinary meeting to be held

5/ to receive payment appropriate for his management board membership

6/ not to be arrested or prosecuted without permission of the House of Peoples Representatives except in the case of flagrante delicto.

1. **Conflict of interests of management board members**

1/ a management board member shall immediately inform the management board and remove himself from duty when any 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 or action shall be re-considered where management board member that has a conflict of interest with the matter participates in the decision or action in any capacity without notifying the management board about the situation

4/ any person claiming that a management board member has conflict of interest regarding a matter that he is involved in or with a matter being considered in a meeting he participated may immediately submit his evidence to the management board through the office

1. **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

1. **Salary and benefits of management board members**

1/ The salary and benefits the chairman of the management board shall be the same as that of federal government minister.

2/ The salary and benefits of the rest of the management board members shall be the same as that of federal government state ministers.

3/ when management board members finish their term or quit after serving for more than half of their term, the management board chairman shall have the same right as a vacating federal government minister and the rest of the members of the management board shall have the same right as that of federal government state minister respectively based on “Rights and Benefits of Outgoing Heads of State and Government Officials, Members of Parliament and Judges proclamation”.

**PART THREE**

**THE OFFICE OF THE BOARD**

1. **The office of the board**

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

1. **Appointment and accountability of Chief executive and**

**deputy chief executive of the 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.

1. **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 concerne6/ keep minutes of management board meetings by participating in meetings without voting rights

7/ prepare and present periodic reports to the board about the activities of the office

8/ perform other duties assigned to him by the chairman of the board

1. **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 them by the chief executive of the office

2/ act on behalf of the chief executive in his absence.

1. **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.

3/ The management Board, taking into account the size of the regional states and the number of voters may establish permanent or temporary coordinating offices that are accountable to regional state Branch offices.

4/ the duties and responsibilities of the coordinating offices referred in sub-article (3) of this article shall be determined by the regulation to be issued by the board

1. **powers and duties of Regional branch Offices of the board**

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:

1/ direct, coordinate and Control election at the state level,

2/ submit recommendation to the office of Board about ways of organizing electoral coordinating offices to be established under it

3/ follow up and ensure that documents and materials required for the election reach the concerned electoral offices on time

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 in accordance with the mission and directives of the board

5/ follow and Control the voter registration, nomination of candidates and voting procedures to make sure that they are conducted in accordance with the law.

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

7/ Submit to the office of the Board report on the election process and results of the regional state

8/ Collect and analyze data that help the execution of elections and periodically report them to the office of the board;

9/ submit periodic reports about its work activities to the office of the board;

10/ cause the establishment of political parties' joint forum at regional state, constituency and polling station levels in accordance with a directive to be issued by the Board, chair forum established at the regional state level;

11/ establish the Grievance hearing committee of the regional state office in accordance with the directive to be issued by the Board;

12/ perform other duties assigned to it by the chairman of the management board and the chief executive of the office of the board

**PART FOUR**

**BUDGET OF THE BOARD**

1. **Budget**

1/ The annual budget of the board prepared by itself shall be approved by the House of Representatives.

2/ The ministry of Finance shall credit the Board’s budget to the Boards’ bank account within one month of its approval by the House of People’s Representatives.

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,

1. **Books of Accounts**

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

2/ The books of accounts and financial documents of the Boars shall be audited annually by the Federal Auditor General or by an auditor designated by him.

**PART FIVE**

**MISCELLANEOUS PROVISIONS**

1. **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 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.

1. **Transitory provision**

The house of peoples representative may decide from Among the board members appointed before the enactment of this proclamation based on proclamation 532/2007to stay in a position until their term of office is lapsed up on the request of the prime minister.

1. **Transfer of Rights and Duties**

The Rights and duties given to the national electoral board which was established through proclamation 532/2007 are hereby transferred to the national electoral board established through this proclamation

1. **Power to issue regulations and directives**

The Management Board may issue regulations and directives necessary to implement this proclamation

1. **Repealed laws**

1/ Provisions of the amended electoral law proclamation number 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.

1. **Effective date**

This proclamation shall come into force upon approval by the House of People’s Representatives.

Done at Addis Ababa, this ----the day of December 2019

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President of the Federal Democratic

Republic of Ethiopia,