

**NATIONAL ELECTORAL BOARD OF ETHIOPIA
REGULATIONS NO. 2/1999**

**REGULATIONS TO DETERMINE THE PROCEDURE FOR THE EXECUTION OF THE RECALL, UPON
LOSS OF THE MANDATE OF THE ELECTORATE, OF DEPUTIES ELECTED TO COUNCILS AT EVERY
LEVEL**

CHAPTER ONE

GENERAL

1. Issuing Authority

These Regulations are issued by the National Electoral Board pursuant to authority vested in it by Article 4 sub-Article (1), (2) and (3) of the Loss of Mandate of Members of the House of People's Representatives Proclamation No. 88/1997 and by the relevant provisions of respective laws enacted by Regions.

2. Short Title

These Regulations may be cited as the "Determination of the Procedure for Expression by the Electorate, of the Loss of Mandate of Deputies, National Electoral Board Regulations No. 2/1999."

3. Definitions

In these Regulations:

- 1) "Woreda Electoral Office Head" means:
 - (a) the Head of the Electoral Office of a Woreda, composing a constituency, to whom a permanent election executioner's identity card is issued by the Board;
 - (b) the Woreda Electoral Office Head of the Woreda to which a larger number of the initial petitioners for recall belong, in a situation where a constituency is composed of more than one Woreda;
- 2) "Constituency" means a local designated, by the House of Peoples' Representatives, for the purpose of holding elections and from which a specific number of Deputies are represented in respective Councils;
- 3) "Board" means the National Electoral Board established under Article 3 of the Proclamation to make the electoral law of Ethiopia conform with the Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 111/1995;
- 4) "Polling Station" means an election execution body established in every Kebele, pursuant to directives issued by the Board;
- 5) "Grievance Hearing Committee" means a committee established at the polling station or the Woreda Electoral Office level, pursuant to Article 48 of the National Electoral Board Regulations NO. 1/1994, with the power to render administrative decisions on complaints arising in the process of execution of these Regulations; and includes the Grievance Hearing Committee to be established at the Kebele Electoral Office level, in accordance with directives issued by the Secretariat of the Board.

CHAPTER TWO

**PROCEDURE FOR PRESENTATION OF
INITIAL REQUEST FOR RECALL**

4. Presentation of Request

For Recall

- 1) Initially, one hundred (100) electors may present their request for recall to the Head of the Electoral Office of the Woreda Wherein they reside.

NEB Procedures on Recall of Mandates (Regulations No 2/1999)

- 2) Those qualified to make a request for the recall of members of Councils, established at any level, shall only be electors residing within the respective constituency that the deputy represents.
- 3) The Woreda Electoral Office Head shall consider the petition for recall in accordance with directives issued by the Secretariat of the Board and only where it is presented by individuals qualified to elect under Article 19 of the Electoral Law Proclamation No. 111/1995.
- 4) Subject to verification that the petition received by him, in accordance with sub-Article (3) of this Article:
 - (a) does not meet,
 - (b) meets

the necessary requirements, the Head shall have the form, provided by the Secretariat of the Board, signed by himself and the other two members of the Woreda Electoral Office and dispatch it to the Secretariat of the Board within not more than fifteen (15) days.

- 5) The Secretariat of the Board shall submit the petition to the Board for it to render the proper decision thereon.
- 6) Where the Board:
 - (a) decides that the petition submitted does not warrant a request for recall, the Secretariat shall publicize same on the mass media; or
 - (b) decides that the petition warrants a request for recall, in order for the appropriate number of electors within the constituency to register at respective polling stations and forward said request, the Secretariat shall work out and submit a time-table on;
 - (i) the date of commencement of registration;
 - (ii) the date of conclusion of registration;
 - (iii) the dates during which the register of petitioners for recall is to be open for public scrutiny;

and officially publicize same on the mass media upon its approval by the Board.

CHAPTER THREE

***PROCEDURE FOR REGISTRATION OF
PETITIONERS FOR RECALL***

5. *Registration Procedure*

- 1) Polling stations shall be open and undertake operations on registration of petitioners for recall in accordance with the time-table set by the Board.
- 2) Individuals shall be qualified to register as petitioners for recall, where they:
 - (a) are Ethiopian nationals;
 - (b) have been residing within the constituency for, at least, two years;
 - (c) are not less than eighteen (18) years of age;
 - (d) are not notoriously insane;
 - (e) have served a term of imprisonment, if any, under a sentence.
- 3) Petitioners for recall shall be registered only by appearing in person before the polling station of the Kebele of their residence.
- 4) Any petitioner for recall shall be registered once and at one polling station only.
- 5) Any individual desiring registration to make a request for recall shall be registered, within the time set for same, by producing proof of his/her identity while appearing before a polling station.

- 6) Particulars on the identity of the person registered shall be entered in the register of petitioners for recall, kept at the polling station.
- 7) Subsequently, the person registered shall affix his/her signature or the thumbmark of his/her right hand in the vacant space corresponding to his/her name in the register of petitioners for recall.

6. *Public Observers and Representatives*

- 1) The Head of the polling station shall see to it that individual having served as public observers at the polling station, during previous elections, be present at the polling station and observe the process of registration of petitioners for recall, from its commencement to its conclusion.
- 2) A deputy against whom a petition for recall is made shall have the right to assign representatives at the respective polling station, from commencement until conclusion of the registration of petitioners for recall in accordance with the time-table set by the Board; and at the polling station, the Kebele or the Woreda Electoral Office, as the case may be, during the adding up of the number of persons registered.

CHAPTER FOUR

**COMPLAINTS ON REGISTRATION OF
PETITIONERS FOR RECALL AND
MAKING OF DECISIONS THEREON**

7. *Lodging of Complaints*

- 1) Complaints may, only on the grounds specified under sub-Article (2) of Article 5 of these Regulations, at any time lodge to the Grievance Hearing Committee of a polling station, their complaints against persons registered.
- 2) Other than what is provided under sub-Article (1) of this Article, complaints may lodge to the Grievance Hearing Committee of the polling station, of the Kebele or of the Woreda, as the case may be, their complaints against the registration process and the adding up of the number of persons registered.
- 3) The Grievance Hearing Committee of the polling station or of the Kebele shall render decision, within twenty-four (24) hours, in respect of a complaint made to it pursuant to sub-Article (1) or (2) of this Article.
- 4) Where the Grievance Hearing Committee of the polling station or of the Kebele does not render decision within twenty-four (24) hours, on a complaint made to it pursuant to sub-Article (1) or (2) of this Article, it shall be presumed to have upheld the grievance of the complaint.
- 5) Where an appeal is not made to the Kebele or to the Woreda Grievance Hearing Committee, within forth-eight (48) hours from the time decision is rendered by the Grievance Hearing Committee of a polling station or of a Kebele, as the case may be, the right thereof shall be barred by limitation.
- 6) Where a Kebele or a Woreda Grievance Hearing Committee does not render decision, within twenty-four (24) hours from the time an appeal is made to it, it shall be presumed to have confirmed the decision of the Grievance Hearing Committee of the polling station or of the Kebele, as the case may be.

CHAPTER FIVE

**PROCEDURE FOR VERIFICATION OF
A REQUEST FOR RECALL**

8. *Verification*

- 1) The Woreda Electoral Office Head shall, in accordance with directives issued by the Secretariat of the Board, verify:

NEB Procedures on Recall of Mandates (Regulations No 2/1999)

- (a) whether the request for recall is made by electors qualified to vote under Article 19 of the Electoral Law Proclamation No. 111/1995;
 - (b) whether or not the required number of electors petitioning for recall is met;
 - (c) whether or not the number of petitioners for recall is in compliance with that fixed by the Board, from time to time, in the case of a Deputy representing a special constituency; and thereupon, have the reporting form, provided by the Secretariat of the Board, signed by himself and the other two members of the Woreda Electoral Office and dispatch it to the Secretariat of the Board within not more than fifteen (15) days from the date of conclusion of registration, as set by the Board.
2. Together with the report referred to in sub-Article (1) of this Article, in case where complaints on petitioners for recall or other aspects of the registration process and on the adding up of the number of persons registered have been lodged, the Woreda Electoral Office Head shall dispatch, to the Secretariat of the Board:
 - (a) a copy of the decision, if any, rendered by the Grievance Hearing Committee of the polling station or of the Kebele;
 - (b) a copy of the statement of complaint, where no decision was rendered thereon;
 - (c) a copy of the decision, if any, rendered by the Grievance Hearing Committee of the Kebele or of the Woreda, on a complaint respectively made by way of appeal;
3. Without prejudice to the provisions of sub-Article (1) of Article 4 of these Regulations, where the number of petitioners for recall is required to have the endorsement of Woreda or of Kebele Councils, the Woreda Electoral Office Head shall verify, in accordance with directives issued by the Secretariat of the Board, that such endorsement is obtained and state same in the report from and dispatch it to the Secretariat of the Board.
4. The secretariat of the Board shall submit the report, received from the Woreda Electoral Office, to the Board for it to render the proper decision thereon.
5. Where the Board:
 - (a) rules against the petition for recall on the ground that, from the report submitted, the required number of petitioners for recall is found not to have been met, the Secretariat of the Board shall officially declare same on the mass media;
 - (b) decides that a Deputy against whom a request for recall is made has lost the mandate of the respective electorate on the ground that from the report submitted the required number of petitioners for recall, is found to have been met, the Secretariat of the Board shall prepare, and submit to the Board, a time-table for election execution and officially declare same on the mass media upon its approval by the Board; with a view to conducting a by-election within the respective constituency for replacement of the recalled Deputy thereof; provided that the by-election shall be held within not more than three (3) months from the date the Board had officially decided that a Deputy has lost the mandate of the respective electorate.

9. *Penalty*

Any natural or juridical person obstructing the implementation of these Regulations or violating the provisions thereof shall be punishable in accordance with the relevant penal law.

10. *Effective Date*

These Regulations shall come into force as of the 23rd day of March, 1998.

Done at Addis Ababa, this 9th day of February, 1999.

KEMAL BEDRI
CHAIRMAN OF THE NATIONAL ELECTORAL BOARD