

PENAL CODE OF ETHIOPIA 1957

TITLE V  
OFFENCES AGAINST PUBLIC ELECTIONS AND VOTING

*Art. 460. – Disturbance and Prevention of Electoral Meetings and Proceedings,*

- (1) Whosoever in any way improperly prevents, disturbs, obstructs or interrupts authorized civic or electoral meetings, or polling or election duly held under the supervision of competent authorities, is punishable under Art. 484.
- (2) Where violence is used against Persons or Property, or where brawls or riotous disturbances are formed, the relevant Provisions apply concurrently.

*Art. 484. -- Disturbances of Meetings or Assemblies.*

- (1) Whosoever, by word of mouth, by threats, violence or force, or in any other way, unlawfully invades or disturbs, hinders or disperses a meeting or any assembly duly authorized by law, is punishable with simple imprisonment not exceeding six months, or with a fine not exceeding one thousand dollars.
- (2) Where the offence relates to a meeting or an assembly of a public authority, to an official board or commission, or to the conduct of elections, public auctions or any other lawful public activity, whether political, administrative, executive or judicial, simple imprisonment shall be for not less than three months, and may be, as well as the fine, increased up to the general maximum prescribed by law.
- (3) Where the instigator or instigators of the disturbances carry weapons or instruments, or where the disturbance or obstruction is the work of a large band, the punishment may be rigorous imprisonment not exceeding five years in the case of political meetings.

*Art. 461 – Interference with the Exercise of the Right of Election.*

- (1) **Whosoever, by intimidation, coercion, abuse of powers or violence, by fraud, especially by change of name or by concealing or withholding a notice or summons, or by any trick or method:**
  - a. Prevents a person from exercising his legitimate right of election; or
  - b. Secures by such means his undertaking to exercise, or induces him to exercise, his right in a particular way, or to abstain from exercising it, is punishable with simple imprisonment not exceeding six months or fine.
- (2) Whosoever does a wrong or an injury to another who has exercised his right in a particular way, or has abstained from exercising it, in pursuance of his admitted right to use it as he wishes, is liable to the same punishments.

*Art. 462 – Corrupt Electoral Practices.*

- (1) Whosoever, directly or through an intermediary, promises, grants or entrusts a sum of money, a gift or any other advantage whatsoever to an individual or to a group of citizens, in order to persuade them to exercise their right of election in a particular way, to abstain from exercising it, or to persuade others to exercise their rights in like manner or to abstain from so doing, is punishable with simple imprisonment or fine.
- (2) Whosoever possessing the right of election solicits the promise or grant of such gift or advantage, or accepts it, in consideration of casting his vote, of casting it in a particular way, or of abstaining from casting it, is liable to the same punishments.

*Art. 463. – Unfair Practices.*

**Whosoever, directly or through an intermediary, fraudulently secures, abuses or misappropriates votes:**

- (a) With the help of false news or rumours circulated by word of mouth or by correspondence, by pamphlets or placards, or by the press, the radio or any other medium of publicity; or
- (b) With the help of any other fraudulent, irregular or dishonest practices, is punishable with simple imprisonment not exceeding six months or fine.

*Art. 464. - Fraudulent Registration*

**Whosoever:**

- (a) Causes himself to be entered on an electoral list or register under a false name or in false capacity, or without disclosing an incapacity recognized by law; or
- (b) Causes himself to be entered on two or more lists at one and the same time, or improperly accepts or causes to be issued more than one election or voting card; or

- (c) Improperly causes third persons, whether living missing, deceased or fictitious, to be registered, or receives cards in their name, is punishable with simple imprisonment not exceeding three months or a fine not exceeding three hundred dollars.

**Art. 465. – Fraudulent Elections.**

**Whosoever, during official elections of any kind, falsifies the true result thereof by acts done before, during or after the proceedings, especially:**

- (a) by counterfeiting, falsifying, altering or defacing, or by retaining, destroying or making away with electoral registers, completed electoral lists or deposited ballot papers; or
- (b) by voting more than once in the same election; or
- (c) by adding ballot papers to the ballot boxes, or removing them there- from or by causing or permitting to vote improperly, in any manner whatsoever, persons domiciled outside the constituency, unqualified disqualified, deceased or non-existent persons, or by depositing or knowingly permitting to be deposited in the ballot boxes invalid, falsified or counterfeiting ballot papers: or
- (d) by incorrectly counting or deliberately omitting votes, ballot papers, names or signatures, by reading out names or signatures other than those written down or by recording in the summary of proceedings or the official return a result other than the true one; or
- (e) by withholding concealing, altering or destroying electoral returns or documents or by improperly handing them over to persons not qualified to receive them, is punishable with simple imprisonment or fine.

**Art. 466. – Aggravated Offences.**

Where the fraud or falsification is carried out by means of intangible or material forgery (Art. 383 and 384) the relevant provision applies concurrently.

**Art. 383. – Material Forgery.**

Whosoever, with intent to injure the rights or interest of another, or to procure for himself or another any undue advantage:

- (a) Falsely executes an instrument, such as, a writing a deed or any document or material means constituting proof of, or capable or proving, a fact material, or susceptible or becoming material, to legal proceeding; or
- (b) Makes improper use of the sign manual, signature, mark or stamp of another to make a false instrument; or
- (c) Counterfeits an instrument, especially by changing his handwriting, by affixing to the instrument a false signature, mark or stamp, or by signing it in a false capacity purporting to certify its authorship; or
- (d) Falsified an instrument, especially by modifying, deleting or altering, in whole or in part, the name or signature of its author or the terms, figures, facts or material details its contains is punishable with rigorous imprisonment not exceeding five years, or, in less serious cases, with simple imprisonment for not less than three months.

**Art. 384. – Intangible Forgery.**

Whosoever, with the intent specified in Art. 383, falsely inserts or causes to be inserted in an instrument, while it is being drawn up, a fact possessing or susceptible of assuming legal significance, is punishable under Art. 383.

**Art. 467. – Breach of Secrecy of the Ballot.**

A third party who:

- (a) by any unlawful means – succeeds in discovering the way in which one or more electors have exercised their right and cast their vote or votes; or
- (b) having fortuitously learned of such a fact, intentionally makes it public and spreads it, whether by word of mouth, by way of the press or otherwise, is punishable with simple imprisonment or fine.

**Art. 468. – Removal or destruction of Ballot Papers or Boxes.**

- (1) Whosoever removes, makes away with or destroys ballot boxes containing votes or marked ballot papers not yet counted, or the votes or ballot papers contained therein, is punishable with simple imprisonment or fine.

- (2) Where such removal or destruction is carried out by more than one person or is accompanied by violence, the punishment is rigorous imprisonment not exceeding ten years, without prejudice to increase of sentence with respect to chiefs or ringleaders (Art, 81 (d)).
- (3) Acts of violence or coercion against a polling station or electoral or polling officers are punishable in accordance with the general provisions (Art. 433 to 435).

***Art. 81. General Aggravating Circumstances.***

(d)When he acted in pursuance of a criminal agreement, together with others or as a member of a gang organized to commit offences and, more particularly, as chief, organizer or ringleader;

***Art. 433. – Resisting Authority.***

- (1) Whosoever, without proper cause:
  - (a) offers resistance to a public servant in the exercise of his official duties; or
  - (b) fails, when summoned to do so by a public servant in the exercise of his duties, to quit an unlawful assembly or a prohibited place, or to take part in measures to combat a public danger, caused by a conflagration, floods or any other like happening; or
  - (c) fails to obey a lawful decision of a competent authority duly notified to him under pain of the penalty prescribed in this Article, is punishable with simple imprisonment not exceeding one month, or a fine not exceeding one hundred dollars.
- (2) Where the resistance to authority or disobedience is accompanied by force, intimidation, violence or assault, the provisions of Art. 434 shall apply.

***Art. 434. – Violence and Coercion.***

- (1) Whosoever:
  - (a) by use of threats, coercion or violence, prevents a public servant from performing an act which it is his duty to perform or forces him to perform such an act; or
  - (b) strikes him or his assistants or uses violence or any other act of coercion against him, is punishable with simple imprisonment not exceeding six months or a fine not exceeding three hundred dollars.
- (2) Simple imprisonment and fine may be increased up to the general maximum prescribed by law, according to the gravity of the case and the function of the victim, where the latter has been threatened, coerced or struck by means of instruments or weapons.
- (3) Nothing in this Article shall affect the power of the court to increase the penalty where bodily harm or physical injury results.

***Art. 435. – Collective Action***

Where the intimidation, coercion or violence is the deed of an unlawful assembly or rioting mob, the relevant provisions (Art. 478 and 482) apply concurrently.

***Art. 469. – Additional Penalties.***

Where an electoral offence is punished by imprisonment, the Court may at all times order temporary deprivation of civic rights for a definite period (Art. 122 (a)).

***Art. 122. – Deprivation of rights.***

Where the nature of the offence and the circumstance under which the offence was committed justify such an order, and the offender has, by his unlawful act or omission, shown himself unworthy of the exercise of any of the following rights, the Court may make an order depriving the offender of:

- (a) his civil rights, particularly the right to vote, to take part in any election or to be elected to a public office or office of honour, to be a witness to or a surety in any deed or document, to be an expert witness or to serve as assessor; or

***Art. 470. – Increased Penalties.***

Where the person charged with an offence under this title is a public servant or an official member or scrutiner of an electoral or polling station, simple imprisonment shall be from one month to up one and a half times

**Excerpts from Penal Code of Ethiopia 1957 (“Offences Against Public Elections & Voting”)**

the punishment generally prescribed, where the act does not come under a specific provision such as that relating to abuse of powers (Art. 414) or that relating to breach of official secrecy (Art.405).

In more serious cases, or where the offence is repeated, the Court may add the fine to the punishment of imprisonment.

***Art. 405. – Breaches of Official Secrecy.***

- (1) Public servant (Art. 410) who disclose or intentionally communicate information, documents or facts which are secret within the meaning of Art. 404 and which have come to their knowledge in the course of their duties, are punishable with simple imprisonment or fine, whether the disclosure was made during the period of their employment, office or duties or after termination thereof.

***Art. 414. – Abuse of Power***

- (1) Public servant who with intent to procure for themselves or another an unlawful advantage or to do injury to another:
  - a. a part the cases especially provided for below, misuse their official position the powers proper to their office, whether by a positive act or by a culpable omission; or
  - b. exceed the powers with which they are officially invested; or
  - c. perform official acts when they are not, or are no longer, qualified to do so, especially in the case or in consequence of in competency, suspension removal from office or its cessation, are punishable with simple imprisonment or fine, except where a specific provision prescribes a more severe penalty.
- (2) In case entailing or capable of entailing grave consequence for public or private interests, the punishment shall be rigorous imprisonment not exceeding five years and fine.