

**DIRECTIVE CONCERNING THE PROECEDURE  
FOR THE ACTIVITIES OF PUBLIC OBSERVERS  
AND REPRESENTATIVES OF POLITICAL PARTIES  
AND PRIVATE CANDIDATES**  
**Number 3/2009**  
**(as amended)**

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**Chapter 1**

**Article 1. Issuing Authority**

The National Electoral Board of Ethiopia has issued this Directive pursuant to the authority granted to it by the Amended Electoral Law of Ethiopia Proclamation Number 532/2007.

**Article 2. Short Title**

This Directive maybe cited as “Procedure for the Activities of Public Observers and Representatives of Candidates”

**Article 3. Definitions**

Unless the context otherwise requires, in this Directive:

1. “Board” shall mean The National Electoral Board of Ethiopia;
2. “Electoral Law” shall mean the Proclamation to Amend the Electoral Law of Ethiopia Proclamation No. 532/2007;
3. “General Election” shall mean elections to the House of Peoples’ Representatives and Regional State Councils conducted in accordance, with relevant law;

4. “Local Election” shall mean Elections to Zonal, Woreda, City, Municipality, Sub City, or Kebele Councils conducted in accordance with relevant law;
5. “Reelection” shall mean an election to be conducted upon the decision of the Board in accordance with the Electoral Law, or where candidates get equal votes and it becomes impossible to determine the winner;
6. “Bye-Election” shall mean an election to be conducted to fill in vacant seats of members whose mandates are terminated due to recall or any other reason;
7. “Political Organization or Political Party” shall mean a group legally registered to lawfully advance its political program;
8. “Public Observer” shall mean an impartial resident of each constituency or polling station elected by the people to observe elections;
9. “On-site Representative” shall mean a person delegated by a political party or private candidate running for an election, to a specific constituency or polling station to observe the election process on - site and follow the respect of the rights of the body he represents;
10. “Mobile Observer” shall mean a person delegated by a political party or a private candidate running for an election who observes the election process and follow the respect of the rights of the body he represents by moving to different polling stations in a constituency;
11. “Person” shall mean any natural or juridical person.

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

This Directive shall be applicable to general and local elections, by-elections and re-elections.

#### **Article 5. Objective**

1. To enable the electorate to follow the electoral process and observe elections through its representatives;
2. To establish an impartial and transparent system whereby the private candidates and political organizations are able to follow the electoral process through their representatives.

#### **Article 6. Gender Reference**

In this Directive, provisions set out in the masculine gender shall also apply to the feminine gender.

### **CHAPTER TWO PUBLIC OBSERVERS**

#### **Article 7. Principle**

1. The public has a fundamental right to closely follow the electoral process through its representatives;
2. It shall only be those people who are non-partisan and neutral who are elected by the people and who are accountable to them that can follow the electoral process as public observers;

3. Competing political parties and private candidates or their representatives shall be invited in writing by electoral offices at various levels to attend the meeting called for the election of public observers.

#### **Article 8. Establishment**

Public observers shall be organized at constituency and polling station levels according to the electoral law.

#### **Article 9. Election of Polling Station Public Observers**

1. Each polling station shall have 5 public observers.
2. The public observers shall be directly elected by the residents of the polling station. The candidates who are to be elected as public observers shall fulfill the following criteria:
  - A. be an Ethiopian national;
  - B. be loyal to the constitution;
  - C. be non-partisan;
  - D. be resident of the polling station for at least 6 months;
  - E. be 18 years old and above and
  - F. be a person who has earned the trust of the local people.

3. The election of public observers shall take into account gender representation as well as the representation of the local people. It shall also as far as possible be assured that the candidates have better knowledge, and experience in election observation.
4. The election of public observers shall have following procedure:
  - A. The head of the polling station shall officially call the people of the polling station to a meeting.
  - B. The meeting shall be chaired by the head of the polling station or by another election official of the polling station delegated by him. The election officials of the polling station shall give the necessary support.
  - C. The chairman shall make a brief presentation about the procedure for the election of public observers and about their duties and responsibilities.
  - D. He shall make ten persons to be nominated as candidates, to elect five public observers.
  - E. The election shall proceed and voting shall be by show of hand; each person shall vote only for five candidates.
  - F. Five of the candidates who got the highest vote shall be deemed elected as polling station public observers. The remaining five candidates shall be kept on the waiting list in order of the votes they got.
5. The elected public observers shall take an oath of office before the people affirming that they shall serve with impartiality and loyalty and in good faith.
6. The election officials of the polling station shall give training to the public observers.
7. The head of the polling station shall send to the constituency office a document containing the following data about the public observers just elected:
  - A. name;
  - B. age;
  - C. nationality;
  - D. gender and
  - E. other necessary information.
8. Where a person nominated as a candidate to be a public observer does not fulfill the required criteria, he shall decline the nomination and remove himself from the list of candidates.
9. Any person who violates the provisions of sub - article 8 of this article shall be punished according to appropriate laws.
10. Where there are public observers missing for various reasons, each polling station shall replace them with those public observers who are kept on the waiting list according to sub- article 4 (F) of this article. The observers on the waiting list shall be called upon in order of the number of votes they got, the one with the highest vote being called upon first.
11. In advance of the meeting to be called for the election of public observers, the head of the polling station shall invite in writing competing political parties and private candidates (those private candidates who have expressed their intention to run for elections) to attend the meeting.

## **Article 10. Duties and Responsibilities of Polling Station Public Observers**

1. Public observers shall follow the electoral process to assure that it is being conducted according to the law by being present at the polling station where they were elected when electors are registered and votes are cast; and also when votes are counted and results announced.
2. Without prejudice to the provisions of sub - article 1 which are expressed in general terms, during electors' registration, public observers shall:
  - A. Observe that residents of the polling station who have the right to vote are properly registered.
  - B. Assure that electors are properly registered on the electoral roll according to the law; they shall also assure that each day, the last elector's serial number and date is filled in the form to be signed in accordance with the provisions of Article 40 sub- article 1 of the Electoral Law, after which they shall sign the form.
  - C. Assist the registrar in accordance with the provisions of Article 39 sub- article 5 by testifying in cases where the elector does not have an identity card or where his age is doubtful.
  - D. Assure that people who do not qualify as electors are not registered and that an elector is registered only once.
  - E. Follow that complaints submitted to the polling station are promptly and properly resolved.
  - F. Follow that the electors are registered with no hassle or that they are getting the appropriate service.
3. On polling day:
  - A. They shall be present at the polling station on time according to article 62 sub 3 of the electoral law and shall sign the form for recording the minutes which state that voting started after the empty ballot box has been installed in front of the public observers.
  - B. According to article 63 sub - article 4, they shall present a request to the head of the polling station that the security of the polling station be maintained.
  - C. They shall follow that preparations are made so that the voting process is conducive for an elector to cast his ballot in secret without any pressure according to the electoral law and regulations and directives issued by the Board.
  - D. They shall follow that there is preparation to identify and control unlawful electors.
  - E. They shall follow that there is control to assure that only those who are allowed to enter the polling station do so.
  - F. They shall follow that representatives of political organizations and private candidates are properly performing their activities by sitting in the place assigned to them.
  - G. They shall observe that complaints submitted on
- G. Appropriately put their signature when the electors roll is closed according to article 40 sub- article 2 of the electoral law.

polling day are promptly and properly dealt with and that polling station officials are performing their duties with due diligence and efficiency.

- H. In general, they shall follow that the voting process is carried on according to the law.
- I. They shall assure that after the conclusion of voting, the ballot box is properly locked and that it is appropriately secured and kept with the necessary care until the commencement of counting of votes.

4 At the time of counting of votes and announcement of results:

- A. Pursuant to article 73 of the electoral law, they shall be present at the closure of polls and ascertain that the seal of the ballot box has not been opened or broken and that it is in the condition it has been sealed before the start of voting. They shall also ascertain that the ballot box (sack) has not been broken or damaged and sign the minutes.
- B. They shall ascertain that the ballot box is empty after it has been opened and all the ballot papers are taken out.
- C. They shall ascertain that the counting of the votes is conducted on time according to the law.
- D. They shall ascertain that the voting, the vote counting and the results are correct and sign the minutes drawn to record these facts.
- E. They shall follow that the complaints concerning the process of vote counting and the results are properly resolved on time by the polling station or that they are registered and referred to the constituency.

- F. After the conclusion of voting, they shall ascertain that the ballot papers are put back in the ballot box after they have been properly sorted according to the type of council they relate to. They shall also ascertain that the relevant document is filled out and put in the ballot box together with the ballot papers and that the box is then sealed and sent to the constituency. In addition, they shall ascertain that the results are immediately announced to the public.

- G. They shall observe the counting at the constituency election office when it is decided to carry out the counting there in accordance with article 72 sub article 2 of the electoral law. They shall also sign the necessary documents as to the correctness of the process.

- H. They shall assure that the total of the polling station results added up at the constituency level and sent to the polling station is officially announced to the people as sent by the constituency.

### **Article 11. Election of Constituency Public Observers**

1. Each constituency shall have no more than 3 public observers elected according to article 20 sub article 4 of the electoral law.
2. Constituency public observers shall be elected from among the public observers of the polling stations under the constituency.

3. To elect the public observers of the constituency the head of the constituency electoral office shall convene to a meeting all the public observers of the polling stations in the constituency.
4. The head of the constituency electoral office shall have 6 candidates, who qualify to be constituency public observers, nominated from among the polling station public observers who are attending the meeting pursuant to the call issued by him.
5. The gathered public observers shall vote by a show of hand. Each person shall vote for only three candidates.
6. Three of the six candidates who get the highest vote shall be the constituency public observers and the rest shall be put on a waiting list.
7. The public observers thus elected shall be made to take an oath of office according to the traditions of the area to perform their duties in good faith and loyalty.
8. In advance of the meeting called to elect the public observers, the head of the constituency electoral office shall invite in writing the candidates of competing political parties and private candidates to attend the meeting.
9. The head of the constituency electoral office shall list and keep for the record the names of the elected public observers and other relevant information pertaining thereto. He shall send a copy to the Secretariat of the Board.
10. Where public observers are missing for various reasons, each constituency shall replace them with those who have the highest votes from among the ones put on the waiting list according to sub -article 6 of this article.

## **Article 12. Responsibilities of Constituency Public Observers**

1. Constituency public observers shall perform their duties as observers by being present at the constituency office during electors' and candidates' registration; during the transfer and distribution of ballot papers, election documents and materials; and after polling day, during the delivery of the sealed ballot boxes containing the ballot papers sent from polling stations, and also during the adding up of the votes and designation of the winner.
2. Without prejudice to the general provisions of sub- article 1 above, constituency public observers shall:
  - A. Observe that candidates of political organizations and private candidates who fulfill the criteria set by the law are registered according the election timetable.
  - B. Follow that the constituency provides an impartial and equal service to all candidates.
  - C. Follow that the complaints of electors and those of candidates are attended to promptly and appropriately.
  - D. Follow that the candidates are publicized to the public in accordance with the election timetable.
  - E. Follow that election documents and materials are sent properly to the polling station with due care and on time.

3. On polling day, after the conclusion of voting and during the delivery of documents from polling stations, constituency public observers shall:

- A. Follow that the constituency has provided the necessary support to the polling stations so that the election shall proceed peacefully.
- B. Follow that complaints or appeals that are lodged daily are promptly dealt with.
- C. Follow that that documents and materials utilized for voting are delivered to the constituency in line with the electoral law and the directives of the Board, and that transfer of the same was properly done.
- D. Follow that complaints relating to voting and counting are duly registered and sent to the constituency, and that they are appropriately decided.
- E. Follow that after the results of the vote counting from the various polling stations are properly added up and sorted according to the type of council; and the winner identified accordingly, the result is announced on time to the people of the constituency, the Board and its regional office.
- F. Observe that the correctly filled out and duly signed certification form pertaining to the result of the adding up of votes at the constituency is given to the candidates or their representatives on time.
- G. Observe the counting of votes together with polling station observers when it is decided to count the votes at the constituency according to Article 72 sub article 2 of the electoral law. They shall also sign a document as regards the process.

H. In general, assure that the election was conducted according to the law and that the result is correct.

### **Article 13. Request for Corrective Measures to be taken**

Public observers assigned at any level may, without obstructing the electoral process, submit a request either in writing or orally to the head of the polling station or the constituency to have corrective measures taken as regards the irregularities they encounter in the process of observing the electoral process.

### **Article 14. Responsibilities of Public Observers**

- 1. Polling Station or constituency public observers shall have the following duties and responsibilities:
  - A. To follow the electoral process only in the polling station and constituency they were elected from by being present at the time and on the date required.
  - B. Not to interfere in the work of any election official such as counting and adding of votes, and the registration of candidates or electors.
- 2. To appropriately discharge their responsibilities when they are assigned to be members of constituency or polling station grievance hearing committees.
- 3. Shall not side with any candidate of a political organization or a private candidate.

4. Shall attentively read the electoral law, regulations and directives and properly follow the training given to them so that they acquire sufficient understanding and be able to appropriately follow the electoral process.
5. Shall not interfere with the work or the decision of the electoral officials, or try to solve on their own the problems and irregularities they encounter.
6. Shall show good behavior and give due respect to constituency or polling station election officials, representatives of candidates of political organizations and private candidates, as well as the public.
7. Shall not at any time be seen carrying or collecting symbols, emblems or similar items reflecting partisanship.
8. Shall not carry any kind of arms when engaged in their work of observing the elections.
9. Shall conspicuously pin on their chest the public observer identity card issued to them when observing elections.
10. Shall respect the confidential nature of matters that come to their knowledge by virtue of their duties as observers, in the constituency or polling station where they are assigned, before these matters are made public by the body concerned.
11. Shall as appropriate write their opinion and sign electoral documents and minutes they are concerned with.
12. Shall respect the order given them by the head of the constituency or polling station they are assigned to.
13. Shall refrain from any activity that prevents the electoral process from proceeding freely, correctly and efficiently.

## **Article 15. Exception**

1. The provisions of this directive concerning the procedure for electing public observers and their duties and responsibilities shall be applicable as appropriate where the size of constituencies and the number of polling stations is not uniform because of the special nature of local elections.
2. Taking the special nature of conducting each election, the Board may decide to follow the procedure prescribed herein to have public observers elected in the electoral offices it establishes at various levels and for their activities to be governed by it.

## **CHAPTER THREE**

### **Representatives of Political Organizations and Private Candidates**

## **Article 16. Types of Representatives**

Political organizations and private candidates may assign on-site and mobile representatives at each polling station under the constituency in which they are running to follow the electoral process on their behalf.

## **Article 17. Assigning on-site representatives**

1. Any political party that has fielded a candidate may assign:

- A. One on-site representative at the constituency in which he is running and
  - B. One on-site representative at each polling station under the constituency in which he is running.
2. Any private candidate may assign:
- A. One on-site representative at the constituency in which he running and
  - B. One on-site representative at each polling station under the constituency in which he is running.

**Article 18. Assigning Mobile Observers**

Each political organization or private candidate may assign not more than 5 mobile observers to a constituency pursuant to the provisions of article 83 (3).

**Article 19. Notification of Representatives**

- 1. Any political organization that has fielded a candidate or any private candidate shall submit to the constituency electoral office where they run a list of the names of their on-site and mobile representatives including those of the substitute representatives ten days before the commencement of the registration of candidates and electors respectively, and also ten days before the polling day.
- 2. The constituency electoral office shall duly notify to each polling station the list of representatives submitted to it according to sub article 1 above. It shall also issue identification cards to the representatives.

- 3. It shall also send to each polling station a letter enclosing the name of the mobile agents assigned to the constituency and the name of the political organization or private candidate they represent.

**Article 20. Method for Submission of the List of Representatives**

- 1. The list of representatives of a political organization shall be verified by the seal of the organization and must be signed by the highest leadership of the organization or the chairman of its zonal or woreda committee in the constituency or its lawful agent.
- 2. Where the representatives are submitted by a private candidate, the list shall be verified only by the signature of the candidate himself.
- 3. When submitting the list of representatives, each political party or a private candidate shall clearly indicate:
  - A. The category of the representatives as being on-site, mobile or substitute.
  - B. The polling station and the constituency they are assigned to.

**Article 21. Rights of On-site and Mobile Representatives**

- 1. An on-site representative of any candidate shall have the right to follow the electoral process in the place where he

is assigned to, to submit his complaints according to the law, to get information and to receive a copy of a duly signed form attesting to a fact pertaining to the relevant event in the electoral process he is following.

2. A mobile representative of any candidate shall have the right to get information on the electoral process in the area where he is assigned to and to contact the stationary representative of the candidate he represents.
3. A representative of a candidate of any political party or a private candidate has the right to perform the duties assigned to him by law as a representative without any pressure.

### **Article 22. Duties and Responsibilities of On-site Representative**

An on-site representative:

1. Shall be present at the constituency or the polling station he is assigned to and follow the electoral process when he is called upon according to the electoral timetable.
2. Shall sign in the appropriate place minutes recording the electoral process and forms pertaining thereto. He shall transmit all duly signed and certified documents and other forms he receives to the candidate he represents.
3. While observing the electoral process, if he encounters a situation that is a cause for complaint in the constituency or polling station he is assigned to, he shall immediately submit his complaint in writing to the head of the constituency or the polling station as the case maybe.

4. He shall carefully read and acquire sufficient understanding of the electoral law and other explanatory materials on the subject so that he is able to properly follow the electoral process.
5. Shall provide accurate information to the political organization or private candidate he represents concerning his duties as an agent.

### **Article 23 Duties and Responsibilities of Mobile Representative**

Every mobile representative:

1. Shall carry the identity card given to him as a mobile representative.
2. Shall follow the electoral process by moving around the constituency he assigned to, and the polling stations under it, he may also request for relevant information.
3. Where he encounters a situation that gives rise to a complaint, he shall submit the complaint only in the constituency office or polling station where the situation occurred.

### **Article 24. Responsibilities of On-site and Mobile Representative**

Any on-site and mobile representative of a political party or private candidate shall:

1. Obey orders given by election officials at every level;

2. Show his ID card when asked by a relevant body;
3. Respect the electoral law and refrain from committing unlawful acts;
4. Sign and respect the code of ethics for representatives issued by the Board;
5. Refrain from any activity which obstructs the electoral process;
6. Not interfere in the duties of election officials or their decision. He shall not also try to solve on his own the problems he encounters;
7. Not harass electors waiting on line to cast their vote, or those who are on their way to do so by saying to them so and so has voted for such and such a candidate or by telling them other similar information;
8. Not ask electors who have already voted to whom they have cast their votes;
9. Respect the right of electors to vote in secret;
10. Not move around outside the place he is assigned to;
11. Not perform the duties of an election official such as lining up voters, handing out ballot papers, stamping the ballot papers, counting electors' ID cards and ballot papers, signing on the register, applying ink, moving about the ballot boxes, sealing ,opening or locking ballot boxes. It is absolutely forbidden to assist the election officials perform these tasks.
12. Not campaign on polling day where electors are lined up or around the polling area or anywhere else.
13. Show due respect to and behave politely towards election officials, public observers, representatives of other political party or private candidates, the electorate and candidates.

14. Not carry or wear items with emblems, symbols or other similar things that reflect partisanship in the place where he is assigned to.
15. Not carry arms when performing his duties as a representative.
16. Refrain from any activity which obstructs the electoral process from being conducted correctly and smoothly.
17. Where a representative of a political organization or a private candidate deliberately commits an offence of obstructing the electoral process, he shall be punished according to the relevant law.

#### **Article 25. Identification Cards of Representatives of Political Organizations or Private Candidates**

1. The office that issues ID cards to any person assigned as a stationary or mobile representative of a political organization or a private candidate shall be the constituency election office.
2. The constituency office, after first ascertaining according to the law that the necessary conditions are fulfilled, shall immediately issue ID cards to the representatives.
3. Where any representative fails to respect his responsibilities as provided in the electoral law, and this directive and/or commits an offence of obstructing or interfering with the electoral process, his identification card as a representative shall be annulled and he may be removed from the

surroundings of the polling station, or he will be held responsible according to the relevant law.

### **Article 26 Removing and Substituting a Representative**

1. Any candidate may remove a representative and substitute another instead
2. The removal and the substitution of a representative shall be effective only where the candidate notifies in writing the constituency office ten days in advance the name of the representative to be removed and that of the one that will substitute him. This notice shall be signed by the private candidate himself and in the case of a candidate of a political organization it shall be signed by the head of the organization and shall bear the seal of the organization concerned.
3. The constituency shall notify the concerned polling station of the change of representatives.
4. No candidate shall be obliged to disclose the reason why he changed or removed a representative.

### **Article 27. Conduct of Local Elections**

Where appropriate, the provisions concerning representatives of candidates laid down above shall be applicable for constituencies and polling stations organized for local elections.

### **Article 28. Absence of Representative**

- 1 Where any stationary or mobile representative is absent from his assigned post due to his own reasons, he cannot request the electoral activities carried out in his absence to be invalidated.
- 2 Without prejudice to the provisions of sub-article 1 above, it shall not apply where it is proven that the absence of the representative was due to factors deliberately created to prevent him from being present.

## **CHAPTER FOUR**

### **MISCELLANEOUS PROVISIONS**

### **Article 29. Duty to Cooperate**

Any person or body shall have the duty to cooperate in implementing the provisions of this directive.

### **Article 30. Penalty**

Anyone who violates this directive or who deliberately obstructs the electoral process shall be punishable according to the relevant law.

### **Article 31. Repealed Practices and Directives**

Any directive or practice that is inconsistent with questions covered by this directive shall not be applicable to them.

**Article 32. Effective Date**

This directive shall come into force on August 19, 2009.

Merga Bekana (Professor)  
Chairman  
National Electoral Board of Ethiopia

