

**ELECTORAL COMMISSION  
OF  
NAMIBIA**



Handbook  
for  
Election Observers  
in Namibia

*Presidential and National Assembly Elections*  
**2009**

*Regional Councils  
and Local Authorities Elections*

**2010**  
*and subsequent By-Elections*

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**Konrad  
Adenauer  
Stiftung**

Konrad Adenauer Stiftung  
PO Box 1145  
Windhoek  
Namibia  
[info.namibia@kas.de](mailto:info.namibia@kas.de)  
[www.kas.de/namibia](http://www.kas.de/namibia)



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## INTRODUCTION

Dear Election Observer,

The 2009 Presidential and National Assembly elections are scheduled to take place on 27 and 28 November 2009. The Regional Councils and Local Authority elections are slated for 2010.

The Electoral Act of Namibia distinguishes between election observers and agents of political parties or candidates.

Election observation has become an integral part of the electoral process. Observers and party agents have come to play an important role in enhancing the transparency and credibility of elections and the acceptance of results. Election observers are required to be accredited by the Electoral Commission of Namibia (ECN), while party agents must obtain authorization from the ECN.

This handbook is not a training manual *per se*. It is intended to guide local and international observers and election agents through the operational processes and basic rules that govern Namibian elections.

It provides information in simple language. However, the Electoral Act, Act No 24 of 1992 as amended, forms the basis for how elections should be conducted in Namibia. This handbook should therefore not serve as an absolute source of authority. If, after reading, you are in any doubt whatsoever about issues surrounding any practice or event, you are encouraged to consult the Electoral Commission of Namibia.

Chapter 3 of this handbook contains a list of the laws which govern elections in Namibia. Among them is the Electoral Amendment Act which was passed by Parliament on 10 August 2009.

It is recommended that you carry this handbook with you for reference purposes during the election period.

We wish you well in your observation task.

### CHAPTER 1 HISTORY OF VOTING IN NAMIBIA

Namibia achieved its independence in March 1990, after elections held under the auspices and supervision of the *United Nations Transition Assistance Group* (UNTAG). These elections were for the *Constituent Assembly of Namibia*, which upon independence became the National Assembly of Namibia. The Constituent Assembly of Namibia elected the first President of independent Namibia, Dr Sam Shafiishuna Nujoma; and produced the *Namibian Constitution*, adopted on 09 February 1990, which established a multi-party system.

The Regional Councils Act (Act 22 of 1992), the Local Authorities Act (Act 23 of 1992) and the Electoral Act (Act 24 of 1992) paved the way for the first regional councils and local authority elections in 1992. The first Presidential election was held simultaneously with that of the National Assembly in December 1994. Namibia continued to conduct regular national and local authority elections in 1998, 1999, and 2004 respectively. The year 2004 was the first year in Namibian history that all four elections – Presidential, National Assembly, Regional Councils and Local Authorities – were held in the same year.

Namibia as a country prides itself in having held violence-free elections, starting with the 1989 independence elections. The Electoral Commission strives to deliver free, fair and credible elections, managed in a transparent and participatory manner to strengthen the culture, norms and values of democracy.

It is trusted that the Namibian electorate will again demonstrate the culture of political tolerance and co-operation shown during past elections.

## CHAPTER 2

### THE ELECTORAL COMMISSION OF NAMIBIA (ECN)

#### 2.1 ESTABLISHMENT OF THE COMMISSION

The Electoral Commission of Namibia was established by an Act of Parliament – *the Electoral Act*, Act 24 of 1992.

#### 2.2 DUTIES OF THE COMMISSION

The ECN is vested with statutory powers as the “exclusive authority” to direct, control and oversee the operations of elections in Namibia “in a fair and impartial manner”.

The specific functions and duties of the ECN include:

- Supervision and control of the registration of voters;
- Supervision of the preparation, publication and maintenance of a national voters’ register and local authorities voters’ register;
- Supervision and control of the registration of political parties;
- Supervision, direction, control and promotion of voter education in respect of elections;
- To provide accreditation to election observers
- Supervision, direction and control of the conduct of elections and performance of any other functions conferred upon it by or under the provisions of any relevant law as is necessary or expedient for the purposes of achieving the objectives of the Electoral Act, Act 24 of 1992 as amended.

#### 2.3 COMPOSITION AND APPOINTMENT OF THE COMMISSION

The ECN consists of five Commissioners, including the Chairperson who is appointed from amongst them. The President appoints all five Commissioners by Proclamation in the *Government Gazette*, following a selection process of applicants conducted by the Selection Committee (Section 5 of the *Electoral Act*). Qualifications and other criteria prospective applicants have to comply with are laid down by the *Standing Committee of Privileges* of the National Assembly. (Section 5(5) of the *Electoral Act* and Section 7(1) (a) of the *Powers, Privileges and Immunities of Parliament Act*.) ECN Commissioners serve a term of office not exceeding five years, but may be reappointed in a like manner at the expiration of that period. Any casual vacancy shall be filled for the unexpired portion of the term of office.



### **2.4 ECN SECRETARIAT**

The ECN's Secretariat is responsible for the administrative work of the Electoral Commission. The Secretariat is headed by a Director of Elections appointed by the President on the recommendation of the Electoral Commission.

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## CHAPTER 3

### THE CONSTITUTIONAL AND LEGAL FRAMEWORK

#### 3.1 THE NAMIBIAN CONSTITUTION

The *Constitution of the Republic of Namibia* being the basic law, as well as the supreme law of the country makes provision for four elections - Article 28 for the election of the President, Article 49 for the election of members of the National Assembly, Article 106 for the election of Regional Councillors and Article 111 for the election of Local Authority Councillors.

The *Constitution* restricts the Presidency to two terms of five years each (Article 29(3)).

#### 3.2 THE PARLIAMENT OF NAMIBIA

The Parliament of Namibia is established in accordance with Chapters 7 and 8 of the *Namibian Constitution*. Parliament consists of two houses:

- *The National Assembly*
- *The National Council*

##### 3.2.1 The National Assembly

The National Assembly consists of 72 members elected indirectly by the registered voters through their respective political parties by secret ballot for a term of five years. In addition, not more than six persons are appointed by the President under Article 32(5) (c), by virtue of their special expertise, status, skill or experience. The additional members have no voting rights and are not taken into account for the purpose of determining any specific majorities that are required under the *Namibian Constitution* or any other law.

##### 3.2.2 The National Council

The National Council, also referred to as the House of Review, consists of 26 members. It is composed of two members (councillors) from each of the thirteen regions, which are sub-divided into constituencies (currently 107 in total), each with their own councillor. The councillors from each region, directly elected during a **Regional Council election**, elect from amongst themselves – by secret ballot - two councillors each to serve as members of the National Council. The term of office for Regional Councillors and National Council members is six years.

### 3.3 DELIMITATION OF REGIONAL & CONSTITUENCY BOUNDRIES

The Republic of Namibia is divided into 13 political regions: (1) *Caprivi*, (2) *Erongo*, (3) *Hardap*, (4) *Karas*, (5) *Kavango*, (6) *Khomas*, (7) *Kunene*, (8) *Ohangwena*, (9) *Omaheke*, (10) *Omusati*, (11) *Oshana*, (12) *Oshikoto* and (13) *Otjozondjuba*. Each region is divided into constituencies depending on the size and geographical make-up of the region, population density, infrastructure and other factors.

In total, Namibia currently has 107 administrative constituencies. Article 106 of the *Namibian Constitution* stipulates that every region is to have “no fewer than 6 and no more than 12 constituencies”.

Articles 103, 104, 105 and 106 of the *Namibian Constitution* provide for the establishment of a **Delimitation Commission**, which shall be additionally regulated by an Act of Parliament (the *Regional Councils Act*, Act no. 22 of 1992). The determination of regional boundaries and the fixing of constituency boundaries are exclusively entrusted to the Delimitation Commission, which has to report to the President.

### 3.4 THE REGIONAL COUNCILS ACT ACT 22 OF 1992 AS AMENDED

In addition to the *Constitution* and the *Electoral Act*, this Act provides further stipulations relating to Regional Councils elections.

### 3.5 THE LOCAL AUTHORITIES ACT ACT 23 OF 1992 AS AMENDED

This Act provides among other things stipulations relating to Local Authorities elections, e.g. that Local Authority elections shall be held “at intervals not exceeding five years” (Section 8). The Local Authorities Amendment Act, Act No 1 of 2009 extends the term of office of the current councillors to maximum 30 November 2010 to coincide with the end of term of Regional Councillors.

Section 3 of the Act establishes three categories of local governance, namely municipalities (Schedule 1, sub-category Part I or Part II status), towns (Schedule 2) and villages (Schedule 3). Village councils have five elected members, while municipal and town councils have between seven and fifteen councillors.

### Empowering women

The *Local Authorities Act as amended* (Section 6(4)) stipulates that any political party or organisation/association contesting a local authority election is required to include at least three women on their candidates list if the number of seats is 10 or fewer and at least five women if the number of seats is 11 or more to ensure a more balanced women representation at the local level.

### 3.6 THE ELECTORAL ACT ACT 24 OF 1992 AS AMENDED

The principal *Electoral Act* was published on 31 August 1992. It has since been amended through the promulgation of the following Amendment Acts:

- 3.6.1 Electoral Amendment Act, Act 23 of 1994
- 3.6.2 Electoral Amendment Act, Act 30 of 1998
- 3.6.3 Electoral Amendment Act, Act 11 of 1999
- 3.6.4 Electoral Amendment Act, Act 19 of 1999
- 3.6.5 Electoral Amendment Act, Act 20 of 2002
- 3.6.6 Electoral Amendment Act, Act 7 of 2003
- 3.6.7 Electoral Amendment Act, Act 4 of 2006
- 3.6.8 Electoral Amendment Act, Act 7 of 2009

### 3.7 THE ELECTORAL SYSTEM

Namibia applies three electoral systems:

- 3.7.1 **The Plurality Electoral System** (for Presidential Elections )
- 3.7.2 **The Majoritan or First-Past-the-Post Electoral System** which is used during Regional Councils Election.
- 3.7.2 **The Proportional Representation Electoral System** (in Namibia known as the Party-List System) for the election of members of the National Assembly and Local Authority councillors.

In a **Presidential Election** by direct, universal and equal suffrage only the candidate who obtains more than 50% of all the votes cast will be the next President of Namibia (Article 28 of the *Constitution*).

With regard to the **Regional Council Elections**, the candidate with the most votes will automatically be declared the winner.

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In respect of **National Assembly Elections**, every contesting political party should provide a list of at least 24 but not more than 72 candidates (the number of seats available in the National Assembly) and for **Local Authority Elections** a list of candidates equal to seats in that particular Local Authority Council, which a political party or organisation/association is contesting for.

The total valid votes cast in an election for members of the **National Assembly or a Local Authority Council** are divided by the seats available in the National Assembly or a given Local Authority Council. This provides a quota for the initial allocation of seats to the parties. Each party's total votes are then divided by the quota to give them a preliminary share of the seats. Any seats left over are allocated according to the highest remainder (surplus vote) method. (See Schedule 4 of the *Namibian Constitution*)

The new *Electoral Amendment Act, Act 7 of 2009*, section 25(10) provides for determination by lot of the results of an election of members of the National Assembly or of members of a Local Authority in the event that two or more parties have received an equal number of surplus votes.

The *Electoral Act* of Namibia makes provision for organisations or associations registered with the ECN to contest Local Authority elections and stipulations regulating political parties during Local Authority Elections, also apply to such organisations or associations. (See definition of "political party" under Section 1 of the principal Act).

The Act further enables independent candidates to contest **Presidential** as well as **Regional Council Elections**.

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## CHAPTER 4

### **POLITICAL PARTIES; ORGANISATIONS AND ASSOCIATIONS; INDEPENDENT CANDIDATES**

#### **4.1 REGISTRATION OF POLITICAL PARTIES**

Political parties must apply to the Electoral Commission for registration in order to contest elections. Regulations and procedures regarding registration of political parties are outlined in the *Electoral Act* under Part IV. Section 39 was amended on 10 August 2009 by the insertion of Sub-Section 4A.

List of registered Political Parties

- 4.1.1 All Peoples Party (APP)**
- 4.1.2 Communist Party**
- 4.1.3 Congress of Democrats (CoD)**
- 4.1.4 Democratic Party of Namibia (DPN)**
- 4.1.5 DTA of Namibia (DTA)**
- 4.1.6 Monitor Action Group (MAG)**
- 4.1.7 Namibia Democratic Movement for Change (Namibia DMC)**
- 4.1.8 National Democratic Party of Namibia (NDP)**
- 4.1.9 National Unity Democratic Organization (NUDO)**
- 4.1.10 Rally for Democracy and Progress (RDP)**
- 4.1.11 Republican Party of Namibia (RP)**
- 4.1.12 SWANU of Namibia (SWANU)**
- 4.1.13 SWAPO Party of Namibia (SWAPO Party)**
- 4.1.14 United Democratic Front of Namibia (UDF)**

In the 2004 Presidential and National Assembly elections, seven presidential candidates and nine political parties contested respectively.

#### **4.2 REGISTRATION OF ORGANISATIONS and ASSOCIATIONS**

Section 42 (1) of the *Electoral Act* makes provision for the registration of associations or organisations, that desire to participate in an election for members of a local authority council.

List of registered Organisations and Associations

- 4.2.1 Ada/Gui Senior Citizen and Destitute Children's Association (Ada/Gui-Scadca)**
- 4.2.2 Association of Otjiwarongo Residents (AOR)**
- 4.2.3 Civic Association of Henties Bay (CA-H)**
- 4.2.4 Concerned People's Organisation, Keetmanshoop (C.P.O)**
- 4.2.5 Gobabis Residents Association (GRA)**
- 4.2.6 Joint Walvis Bay Resident Association (J.W.R.A)**
- 4.2.7 Katima Alliance Development Association (KADA)**
- 4.2.8 Local Community Association, Mariental (LCA)**
- 4.2.9 Local Community Association, Windhoek**
- 4.2.10 Okahandja Rate Payers Association (O.R.P.A)**
- 4.2.11 Omaruru Residents Association (ORA)**
- 4.2.12 Otavi Residents Association (O.R.A)**
- 4.2.13 Rehoboth Ratepayers Association (RRA)**
- 4.2.14 Rundu Concerned Citizens Association (RCCA)**
- 4.2.15 Swakopmund Resident Association (SRA)**
- 4.2.16 Usakos Ratepayers Association**

### **4.3 CODE OF CONDUCT FOR POLITICAL PARTIES**

Election campaigning in Namibia is regulated by a Code of Conduct which is signed by all contesting political parties (Sections 39(5), (6), (7), 41, 43, 44, 45 and 46 of the *Electoral Act*). The stipulations contained therein are also applicable to contesting organisations/associations (Section 42(2) and independent candidates.

### **4.4 INDEPENDENT CANDIDATES**

The *Electoral Act* makes provision for independent candidates to contest Presidential (Section 54) and Regional Councils elections (Section 61).

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## CHAPTER 5

### VOTER REGISTRATION AND VOTERS' REGISTERS

#### 5.1 VOTER REGISTRATION

Nobody can vote in any election in Namibia without producing his or her own official ECN voter registration card, valid for that specific election and issued by the Electoral Commission of Namibia alone. The *Electoral Act* of Namibia makes provision for three types of voter registration, i.e.

- 5.1.1 General Voter Registration**, which has to take place “at intervals of not more than 10 years” (Section 15). The last general voters’ registration was in 2003.
- 5.1.2 Supplementary Voter Registration**, which takes place during a limited period before any proclaimed election or by-election (Section 28).
- 5.1.3 Continuous Voter Registration** for which the Act provides detailed stipulations (Section 28A).

For Presidential, National Assembly and Regional Council elections an applicant is required to register as voter in the constituency in which he/she is resident and for Local Authority elections in the local authority area in which he/she has resided for more than 12 consecutive months, subject to Article 111(3) of the *Namibian Constitution* (See below: 5.1.5 bullet 4).

Voter registration and voting processes are voluntary. However, employers and persons in charge of or accommodating any registered voter are compelled by law to enable such voter to cast his/her vote in any election for which that voter is registered (Section 20 of the Electoral Amendment Act, Act 7 of 2009).

#### 5.1.4 Registration of Persons temporarily outside Namibia

The *Electoral Amendment Act*, Act 7 of 2009 (Section 3) provides for the registration of voters who qualify under this provision (only applicable to Presidential and National Assembly elections). The ECN has identified Namibian diplomatic missions abroad, as well as other suitable venues to serve as voter registration points.



### 5.1.5 Requirements for Registration as a voter

An applicant aspiring to be registered as voters must:

- be a Namibian citizen,
- be 18 years of age;
- be able to identify him/herself;
- must provide proof of having been resident in the Local Authority Area (where they apply to be registered as voter and produce copies of their municipal or telephone accounts) for 12 consecutive months or longer [applicable to Local Authority elections only]. Article 111 (3) of the *Namibian Constitution* refers.

Applicants must present proof of identity, age and Namibian citizenship at the registration venue. This can be done by either

- a) producing the official and legally recognized national documents, i.e. Namibian ID card, Namibian passport, or a combination of Namibian birth certificate, Namibian citizenship certificate, and Namibian driver's licence. OR
- b) in the absence of these documents, statements under oath or affirmation by two other persons who know the applicant (deponents) are provided for under Section 16(4) of the Electoral Act. This subsection has been further relaxed by Section 5(b) of the Electoral Amendment Act, Act 7 of 2009.

After having complied with all requirements the applicant is then provided with the official ECN **voter registration card**.

### 5.2 VOTERS' REGISTERS

The *Electoral Act* (Section 21) requires the Commission to compile and maintain two voters' registers:

- 1) a **National Voters' Register** (constituency-based) and
- 2) a **Local Authorities Voters' Register** (based on the different local authority areas).

#### 5.2.1 Electronic Voters' Register and Manual Voters' Register

Initially the ECN used a manual paper based voters' register at all polling stations during the voting process. An electronic voters' register was introduced in the 2004 national and local authorities elections, which is now used at all polling stations with access to electricity.

At mobile polling stations and polling stations without electricity, the paper based voters' register is the only option.

### **5.2.2 Refusal to register an Applicant and Appeal Procedures against such Refusal**

Provisions in this regard are made respectively under Sections 18 and 19 of the *Electoral Act* and amended or substituted respectively by Sections 6 and 7 of the *Electoral Amendment Act, Act 7 of 2009* to facilitate registration of persons temporarily outside Namibia.

### **5.2.3 Copies of Voters' Registers to Political Parties**

Section 21(c) of the *Electoral Act* stipulates that the Director of Elections must furnish each political party and each organisation or association registered with the ECN with a free copy of the relevant provisional Voters' Register and Section 26(5) stipulates the same with regard to the final Voters' Register.

### **5.2.4 Public inspection of the Voters' Registers**

Section 21(c) of the *Electoral Act* provides for public inspection of the provisional Voter's Register and Section 27(2) for public inspection of the final Voters' Register. The latter section also allows any person to make copies or take extracts from the said Register.

The law places the onus of deciding on the date, place and time for inspection of the provisional Voters' Register as well as the period within which objections may be made on the Director of Elections.

### **5.2.5 Objections against the provisional Voters' Register**

Section 9 of the *Electoral Amendment Act, Act 7 of 2009* is applicable and substitutes Section 22 of the principal Act as amended.

Objections to names included in the relevant provisional Voters' Register can be lodged, in writing, by any person whose name appears on that Register or by any registered political party at designated places in the constituency or local authority area after publication of a notice in the *Government Gazette* about the availability of the provisional Register for public scrutiny.

The written objection must be lodged with the Magistrate designated by notice in the *Government Gazette* for that purpose by the Permanent

Secretary of the Ministry of Justice in that specific constituency or local authority area.

The Act provides for specific timeframes regarding the hearing and judgement of complaints, once they have been lodged in the prescribed manner.

### **5.2.6 Publication of the final Voters' Register**

After the expiry of the period specified for the submission of objections to a provisional Voters' Register, the Director shall certify the relevant Voters' Register by publishing a notice in the *Government Gazette* to the effect that the final Voters Register has been completed and certified.

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## CHAPTER 6 NOMINATION OF CANDIDATES

### 6.1 Presidential Nominations

The President is the Namibian Head of State, elected by popular vote every 5 years. A candidate may be either a political party representative or an independent candidate. They must meet the following respective requirements according to *Article 28(3) & (4) of the Namibian Constitution* and Sections 54 and 55 of the *Electoral Act*): -

- be a Namibian citizen by birth or descent;
- be over the age of 35 years;
- be registered as a voter with the ECN;
- be either nominated by a registered political party, or be nominated as an independent candidate supported by at least 300 registered voters from each of at least 10 regions (Section 54(c)) - This list must comply with Section 55(2) (d) (ii).

Nominations must be submitted on the prescribed ECN form.

- Nominations must be signed by a party representative or office bearer. (These positions are clearly defined in Section 55 cross-referring to Section 39 (c) and (d) of the Act.)

In the case of an independent candidate, two registered voters whose names appear on the abovementioned list of supporters must sign the nomination form.

- Political party nominations must be accompanied by a certified copy of the party's registration certificate.
- Political parties must submit photographs that meet the requirements of the Commission
- Nominations must be accompanied by written consent signed by the candidate.
- Political parties must pay a deposit of N\$ 10 000 into the State Revenue Fund and attach the receipt to the nomination form.

Independent candidates are required to pay a deposit of N\$5,000 into the State Revenue Fund and attach the receipt to the nomination form.

The deposit is forfeited to the State in both cases if a candidate records less than 10% of the overall total of votes cast in that specific Presidential election.

### **Nomination Day:**

The Chairperson of the Commission is required to hold a public sitting between 9h00 – 11h00 on the date and at the place announced by the President by Proclamation in the *Government Gazette* to receive nominations by political parties.

11h00 on nomination day is the deadline for submissions by political parties. However, nominations may be submitted to the Chairperson at any time after the publication of the Proclamation of Nomination Day and before the close of the abovementioned sitting.

If any person is present and ready to submit the nomination by 11h00, but the nomination form is incomplete, the Chairperson has to continue with the sitting until the required information has been provided.

Nominations for an independent candidate must be submitted by latest at 16h00 on the second day before Nomination Day.

### **6.2 National Assembly Nominations**

Only registered political parties may nominate candidates from their own ranks. A contesting political party is required to submit to the Electoral Commission a list of at least 24, and not more than 72 candidates.

The same stipulations apply as for Presidential nominations in respect of Nomination Day.

The voter registration number of each candidate on the list must appear next to his/her name. The nomination list must be accompanied by

- a declaration by the authorized representative of the Party indicating that each listed person has consented to his/her nomination.
- by a certified copy of the registration certificate of the political party and
- a specified photograph of the party leader.

Candidates must be:

- Namibian citizens,
- over the age of 21 years,
- registered voters, and
- members of the political party nominating them.

Article 47 of the Namibian Constitution stipulates the disqualification of members.

### 6.3 Regional Council Nominations

Any candidate for a Regional Council election or by-election must:

- Be a registered voter;
- Be resident in the constituency for which he/she is standing, or be prepared to relocate and become resident in that constituency within three months after having been elected;
- Be nominated by a political party of which he/she is a member. The nomination form must be signed by the authorised representative stipulated in the Act. A certified copy of the party's registration certificate must be attached.

In the case of an independent candidate: - be supported (specified signed list) by 100 registered voters in the constituency for which the nomination is intended. The nomination form must be signed by two persons appearing on the supporters' list.

- Consent in writing to the nomination
- Provide a prescribed photograph, which must be attached to the nomination documentation.

The same stipulations apply in respect of the required deposit due to the State Revenue Fund and its forfeiture as in the case for Presidential candidates, except that the amount of the deposit is N\$ 100, irrespective whether the candidate is nominated by his party or is an independent candidate.

On Nomination Day, the Returning Officer in each constituency where the elections have been proclaimed will hold a public sitting for the submission of nominations.

The same stipulations apply as for Presidential nominations in respect of Nomination Day, except that nominations have to be submitted to the specified Returning Officer.

If at the close of the public sitting only one candidate in a certain constituency has been duly nominated, that candidate shall be declared as having been duly elected.

### **6.4 Local Authority Nominations**

Only persons who qualify to be members of a specific local authority council as contemplated in section 7 of the *Local Authorities Act, 1992*, can be nominated.

Political parties and organisations / associations may submit nominations by way of candidates' lists. The same stipulations apply as for National Assembly elections, except that the number of candidates on the respective lists must comply with the number of seats in a specific local authority.

The nomination of candidates (both for political party and civic organisations) must be accompanied by N\$100.00 deposit receipts from the State Revenue Fund.

The Returning Officer checks that candidates are qualified and meet all the requirements for nomination, at a public sitting, on Nomination Day.

If at the close of the public sitting only one political party or civic organisation has been duly nominated in a certain local authority, the persons listed on the nomination list of that party / organisation shall be declared as having been duly elected.

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## CHAPTER 7

### VOTER EDUCATION AND INFORMATION

#### 7.1 The Role of the ECN and Accredited Persons

Voter education and voter information are essential ingredients of free and fair elections. The ECN strives to promote increased citizens understanding and participation of all eligible persons in the election process through continued voter education programmes.

Section 2 of the *Electoral Amendment Act, Act 7 of 2009* stipulates that the Commission shall “supervise, direct, control and promote voter education in respect of elections”. Section 12 of that Act inserts a whole new Part into the principal Act: Part IVA entitled “Voter Education”, which makes provision for the accreditation of persons (natural or juristic) providing voter education. It sets out the requirements for accreditation and allows for a Code governing persons so accredited to be issued by the Electoral Commission. The Code has to be published in the *Government Gazette*.

The ECN appointed 22 permanent regional voter education officers who coordinate 107 constituencies-based assistant voter education officers. Their responsibilities, amongst others, are to educate the general public on electoral activities in their respective constituencies.

Various educational and informational methods used include:

- media (print and electronic)
- educational institutions
- community organizations
- face-to-face education approach
- road shows
- bill boards, banners, posters, newsletters, brochures, and leaflets.

The aim of voter education and information is to encourage public awareness about the essence of democracy in general and voting in particular.

#### 7.2 The Role of Political Parties

Section 12 of the *Electoral Amendment Act, Act 7 of 2009* by the insertion of Section 47A stipulates that: “A registered political party may provide voter education to its members, supporters and sympathisers in respect



of elections, but is not subject to any conditions or Code relating to accreditation”.

### **7.3 The Role of the Media**

The media, both electronic and print, play a crucial role in elections in Namibia. The ECN recognizes its importance in the democratization of the country as a major tool of disseminating voter education and information.

Namibia has a small but relatively vibrant media. Apart from the state broadcaster, the *Namibian Broadcasting Corporation* (NBC), there are two private TV stations (*One Africa TV* and *Trinity Broadcasting Namibia*), numerous commercial radio stations, several community radio stations and daily as well as weekly local newspapers.

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## CHAPTER 8 SAFETY AND SECURITY

### 8.1 Joint efforts by the ECN and the Namibian Police

Safety and security measures during the election process are aimed at creating and maintaining conditions of peace and stability within the country that are conducive to the setting up and management of free and fair elections in which every voter is able to freely record his or her own informed choices.

Due to the magnitude of the management of elections from a safety and security perspective, the Electoral Commission co-ordinates the planning and execution of safety and security measures in conjunction with the Ministry of Safety and Security.

The Chief of Police (Inspector General) engages and advises the leadership of contesting political party from time to time to promote tolerance and prevent conflict. National and regional police chiefs also make use of the media to raise awareness among the public in this regard.

Security Management of Elections is based on sound risk principles, and involves the following:

- Continuous identification and assessments of prevailing micro and macro threats and risks;
- Development and implementation of security measures and contingencies to counter the identified risks and threats;
- Training of personnel involved in the security plan of the election process; and
- Controlling and monitoring the implementation plan.

Some of the key electoral processes that would typically require protection and security measures in order to promote the integrity of an election would be:

- Voters
- Voting/Counting stations
- Storage facilities and warehouses
- Electoral Commission Head Office and regional structures

- Logistical and distribution networks
- Central Election Results Centre
- Constituency Offices
- Information protection which includes Information Technology and other information repositories
- ECN personnel and assets.

### **8.2 Support by other Security Forces**

Members of the Namibian Defence Force and Special Field Force may be called upon to assist the police in the abovementioned duties.

### **8.3 Conflict Resolution Mechanism**

All disputes will be dealt with by the Presiding officer with the assistance of the Returning Officer. All complaints should be directed to the Chairperson of the Electoral Commission or the Director of Elections.

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## CHAPTER 9

### ELECTION DISPUTES and ELECTION APPLICATIONS

Part VI of the *Electoral Act* deals with election related offences and penalties for such offences.

Namibia has no **Electoral Court**. All disputes may be brought before the **High Court of Namibia** at the expense of the complainant.

Part V, Section 95 of the Act stipulates that “*No election shall be set aside by the court by reason of any mistake or non-compliance with the provisions of this Part, if it appears to that court that the election in question was conducted in accordance with the principles laid down therein and that such mistake or non-compliance did not affect the result of that election.*”

Election applications may be presented by:

- a voter registered for the election in question;
- a political party or organisation/association which took part in the election in question;
- any person claiming to have had a right to be elected at the election in question;
- any person alleging himself or herself to have been a candidate at such election;
- the Attorney General if he or she deems it expedient in the public interest.

The Act prescribes specific time frames for the different legal actions.

## CHAPTER 10 GENERAL AND SPECIAL VOTING ARRANGEMENTS

### 10.1 Ordinary votes

These are cast by registered voters on Election Day at the voting station in their constituency or local authority area in which they reside.

### 10.2 Tendered votes - Presidential and National Assembly Elections

Voters unable to vote in their constituencies where they are registered are entitled to cast their votes at any polling station inside or outside Namibia through the tendered vote system.

This provision applies only to elections for the President and members of the National Assembly.

### 10.3 Special Votes

Regional Councils and Local Authorities Elections

(*Electoral Act, 1992 (Act 24 of 1992)*, section 80(2) and Amendment Act 24, 34 (a))

Provision has been made for Election Officers (Coordinators, Area Managers, Returning Officers, Presiding Officers, Polling Officers or Police Officers) who are registered voters for the said elections but are deployed outside their constituency or local authority area for election purposes, to record their votes a few days before the actual proclaimed election date – at anytime from **09h00 on the fifth day preceding the day of the election** but **not later than 19h00 on the second day preceding the official election date**.

The voter should produce a written authorisation (Elect 14) issued by the Director of Elections, to the Returning Officer, in order to be allowed to record his/her vote.

### 10.4 Voting arrangements for voters abroad or at sea

Namibians who are absent on government service abroad as well as those who are temporarily absent from the country, and are registered voters, may cast their votes at Namibian diplomatic missions and any other place

identified in the host countries by the ECN in consultation with the Ministry of Foreign Affairs. Polling day for these voters shall be 14 days prior to the general polling date determined for voting inside Namibia.

Section 13 of the *Electoral Amendment Act, Act 7 of 2009* provides for special voting days for registered seafaring voters.

Polling for voters abroad and at sea will take place on 13 November 2009 at the venues as gazetted in the *Government Gazette*. Seafaring voters may also vote on 27 and 28 November 2009.

The casting of votes in foreign countries or for persons at sea is only possible for Presidential and National Assembly elections using the tendered ballot system.

### **10.5 Assisted Voting**

Section 84(1) of the *Electoral Act No 24 of 1992* makes provision for assistance to voters who are incapacitated by blindness or other physical disability.

Visual impairment or any other physical disability that hinder such a person from voting in a manner prescribed by the provisions of the *Electoral Act*, entitle that person to request assistance. The request must be made in person to the Presiding Officer. The voter may request that the presiding officer him/herself assists or may request permission from the presiding officer that the person accompanying him/her to assist him/her in the manner directed by him/her to record his/her vote, but without interfering with the exercising of his/her choice.

### **10.6 Braille ballot papers**

In 2004 the ECN developed Braille templates to ensure that eligible visually impaired persons can vote independently and in secret. The same provision will be used in future elections.

### **10.7 Employees and others empowered to vote**

The new *Electoral Amendment Act of 2009* (Section 20) stipulates that any person who employs or accommodates on any land any voter or is in charge of any voter shall afford such voter the opportunity to vote at any election in respect of which the voter is registered.

### **10.8 Prisoners, Elderly and Hospitalised Voters**

To ensure that persons qualified to vote are not denied that right – in a spirit of fundamental human rights as enshrined in the Namibian Constitution - Namibia offers prisoners, the elderly living at old age homes and hospitalised voters equal rights to vote in all national and local elections. Mobile units of the ECN will visit these venues for this purpose.

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### CHAPTER 11 CONDUCT OF ELECTIONS

#### 11.1 POLLING STATIONS

Section 73(1) of the *Electoral Amendment Act 1994* provides that 'The Commission shall, for the purpose of facilitating the taking of the poll in any election, establish one or more polling stations at convenient places' for each constituency or local authority area. The allocation of polling stations is determined by factors such as the distribution of voters, the availability of suitable places, access routes and distances to be travelled by voters. The structure must be placed to ensure security of both the polling officials and voters. It is also important that the voters are not intimidated or influenced when they cast their vote.

The ECN is authorised by law to establish mobile polling stations.

**Every polling station is surrounded by a restricted area where political canvassing is not allowed. This area is the ground surrounding the polling station with a maximum radius of 500 metres from the centre of the polling station. Political activities, besides voting, are prohibited within this area; this includes the wearing of party colours and display of campaign material.** (Section 101 of the *Electoral Act*)

For Presidential and National Assembly elections, the Commission may establish polling stations outside Namibia for 'tendered' votes recorded by voters outside the country.

Election Agents and accredited Election Observers are at liberty to observe at any polling station.



### 11.2 PROVISION OF EQUIPMENT

Political parties are invited to witness the packing of ballot papers and all sensitive electoral material at the ECN logistics store, before the material is dispatched to the regions. During this process they are provided with the serial numbers of the ballot boxes and ballot papers. The following is a description of the material and equipment the Director of Elections is required by law to provide every returning officer with:

- See-through ballot boxes marked respectively *Ordinary Ballots* and *Tendered Ballots* for each of the Presidential and National Assembly Elections. Local Authority and Regional Councils Elections have only one category of ballot box each
- Metal boxes for election material, marked "Election Material"
- Ballot paper books
- Official (secret) mark for stamping ballot papers
- Manual voters' register and/or electronic voters' register
- Indelible ink with applicator and invisible ink with ultraviolet light detector and box
- Polling booths
- Metal clip seals for sealing ballot boxes
- Relevant Election Forms (Elect Forms) and envelopes
- Chairs
- Tables
- Stationary etc.

Note: Although the *Electoral Amendment Act, Act 7 of 2009* introduces the use of electronic voting machines (EVMs), this provision will not apply until further official notice in the Government Gazette.

### 11.3 ELECTION OFFICIALS

#### 11.3.1 Regional Coordinator

The Regional Coordinator shall be in charge of all electoral processes for an assigned region. He/she shall coordinate the duties and functions of all electoral officials in a region concerned.

#### 11.3.2 Assistant Coordinator

This position has been created by the *Electoral Amendment Act, Act 7 of 2009*. He/she acts as a link between the Regional Coordinator and Returning Officer. One or two assistant coordinators may be appointed for a region depending on the number of constituencies and geographical area.

### **11.3.3 Returning Officer**

The Returning Officer is the official in charge of elections in each of the constituencies or local authorities.

### **11.3.4 Presiding Officer**

The person appointed as presiding officer is the most senior officer at the polling station, and assumes the responsibility for the efficient and effective functioning of the polling station to which he/she is assigned. He/she reports to the Returning Officer in the constituency/local authority.

### **11.3.5 Polling Officer**

A Polling officer is assigned specific tasks within the polling station to assist voters through each step in the process. (See *Voting Steps under Chapter 12, Section 12.3*)

### **11.3.6 Counting Officer**

A counting officer shall assist any person who in terms of the *Electoral Act* is responsible to determine the results of the poll at any election.

### **11.3.7 Police Officer**

A police officer is assigned to each polling station to provide security, maintain order, monitor and control the activities at the polling station. The police officer must ensure that no political activities are conducted within a 500 metre radius from the polling station and he/she is at all times under the supervision of the Presiding Officer.

## **11.4 Election Agents**

Every registered political party, independent candidate or organisation/association contesting an election is entitled to appoint at least two *election agents* to attend the poll at any polling station.

Their main function is to observe the proceedings at the polling stations and to draw the attention of the Presiding Officer to any irregularity which they may observe, as well as witness the sealing of ballot boxes, the opening of and closing of the poll and sign the relevant ECN (Elect) forms as witnesses.

Official authorisation for appointed election agents must be obtained from the Director of Elections by a certain date.

No person shall be appointed or act as an election agent if he/she is:

- not a Namibian citizen; and
- a candidate for the election in question.

*The absence of party agents from a place where electoral proceedings are being conducted does not invalidate those proceedings.*

### 11.5 ELECTION OBSERVERS

See Chapter 13 below.

### 11.6 DECLARATION OF SECRECY

Section 53 of the *Electoral Act* stipulates that

- (1) *Every returning officer, presiding officer, polling officer, counting officer, coordinator, assistant coordinator, staff member appointed to the Directorate of Elections, every agent appointed under section 52, and a person appointed by an accredited observer, shall before assuming his or her duties or performing any function or attending at any polling station or the place where the result of an election is determined as hereinafter provided, make, in a form determined by the Director a declaration of secrecy under oath or affirmation.*
- (2) *Every candidate for any election shall make the declaration of secrecy contemplated in subsection (1) before attending a place where the result of such election is determined.*

Section 100 of the Act provides more details on the circumstances on which the declaration of secrecy has bearing.

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## CHAPTER 12

### POLLING AND COUNTING PROCESS

#### 12.1 HOURS OF OPERATION

On Election Day, the official hours of operation of polling stations inside Namibia are from 07h00 - 21h00.

Opening and closing hours of polling stations outside Namibia shall be as determined by the ECN (Section 77(1) (b) of the *Electoral Act*).

#### 12.2 VOTING STATION LAYOUT

The layout of the voting station depends on the building or structure, the size of the area to be used, the location of windows, lighting, and whether the station has one or two doorways to function as an entrance and exit.

Whatever the circumstances, the voting station should be arranged in a manner to ensure:

- the secrecy of the ballot;
- a free and smooth flow of voters from the entrance to the exit;
- that party agents/accredited observers can observe the process without interfering with voters or disrupting the process; and
- the constant visibility of voters at all times whilst in the voting station.

*The Presiding Officer must ensure that the elderly, pregnant women, sickly persons and people with disabilities are given special preference.*

#### 12.3 STEPS IN THE VOTING PROCESS

Within 30 minutes before the commencement of the voting process on a polling day at any polling station (including mobile polling stations), the Presiding Officer must permit the inspection of the interior of all ballot boxes at such polling station by all authorised persons (party agents, election observers, etc.). If everyone is satisfied that the ballot boxes are empty, the Presiding Officer shall close and seal the ballot boxes in the prescribed manner. Presiding Officers of mobile stations must seal, re-open and re-

seal ballot box apertures between stations in the presence of the above-mentioned authorised persons. The Presiding Officer must avail party agents and election observers the opportunity to record the seal numbers.

### STEP 1

#### **Table 1 – IDENTITY CONTROLLERS**

The voter will first go to the identity controllers who will check whether he/she has –

- (i) his/her Voter's Registration Card
- (ii) no indelible or visible ink on his/her fingers

If the polling officer is satisfied that the Voter Registration Card belongs to the voter, and that the identity of the voter is not questionable, the polling officer will record on the electronic Voters' Register that the voter has voted, or tick the name of the voter from the manual Voters' Register. If a voters' name does not appear on the Voters Register but he/she is in possession of a valid Voter's Registration Card, the voter is referred to the Presiding Officer who completes an Elect 27 form which allows the voter to cast his/her vote.

### STEP 2

#### **Table 2 – INKER 1 - ULTRAVIOLET LIGHT (invisible ink)**

The voter is once again checked for ink stains on the cuticles. If satisfied, the Inker checks for traces of invisible ink on the tips of voters fingers using the ultraviolet light and box detector. If no traces are found, he/she is applied with invisible ink at the finger tips (fingers dipped in ink).

NOTE: When invisible/indelible ink is found on a voter's finger the Presiding Officer shall allow every Election Agent to observe the ink on the voter's finger and such voter will not be allowed to vote. The Presiding Officer will then record the particulars of the voter on the form provided for that purpose.

### STEP 3

#### **Table 3 – INKER 2 - INDELIBLE INK**

The voter's left thumb cuticle (point where nail meets the cuticle), or any other finger if a voter has no left thumb, is marked with indelible electoral ink or visible ink to prevent him or her from voting more than once.

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A voter who refuses to have the ink applied to his/her fingers will not be allowed to vote.

### STEP 4

#### **Table 4 – BALLOT PAPER ISSUER I**

The Voter will now move to the ballot paper issuer's table. He/she must deliver his/her Voter Registration card to the officer who will check it to determine the authenticity of the voters' card and do the following:

- (i) ensure that every ballot paper, before issued to the voter, is stamped with a secret mark.
- (ii) enter the voter registration number on the counterfoil of the ballot paper;
- (iii) tear the ballot paper from the counterfoil along the perforated line;
- (iv) check, once again, that the official (secret) mark is visible on the back of the ballot paper, fold the ballot paper and demonstrate to the voter how the ballot paper should be folded after being marked;
- (v) hand the ballot paper to the voter and direct him/her to the voting booth to mark his/her ballot paper in secret.

If a voter spoils any ballot paper, he/she may return it to the Presiding Officer who, if satisfied of such inadvertence, shall retain the spoiled ballot paper which he/she shall immediately cancel and endorse with the word "spoilt" and issue the voter with another ballot paper. The Presiding Officer must place the endorsed spoiled ballot paper in the envelope provided for that purpose.

### STEP 5

#### **POLLING BOOTH I**

The voter must proceed to the polling booth and mark the ballot paper in secrecy. The voter then folds the ballot paper as explained by the ballot paper issuer, in such a way that the official (secret) mark at the back of the ballot paper is visible.

### STEP 6

#### **BALLOT BOX CONTROLLER**

The voter then leaves the polling booth and shows the reverse side of his/her

marked and folded ballot paper to the Ballot Box Controller. Once satisfied that the ballot paper is stamped at the back with the official (secret) mark, the voter will be directed, by the Ballot Box Controller, to the respective marked ballot box(es).

At simultaneous Presidential Elections and National Assembly Elections there will be four different categories of ballot boxes:

- One for ordinary votes for the President
- One for tendered votes for the President
- One for ordinary votes for the National Assembly
- One for tendered votes for the National Assembly

The voter must put the 'tendered' ballot paper into the envelope provided in the presence of the Presiding Officer or Ballot Box Controller and deposit the filled envelope into the assigned ballot box.

### STEP 7 & 8

#### **Table 6 to 8 – BALLOT PAPER ISSUER 2 AND POLLING BOOTH 2**

This is applicable to simultaneous / combined elections, e.g. Presidential simultaneous with National Assembly Elections or Regional Councils Elections together with Local Authority Elections.

### STEP 9

After having placed his/her ballot paper into the relevant ballot box, the voter must leave the polling venue without delay after having retained his/her voter registration card.

#### **12.4 OTHER PERSONS AUTHORIZED TO BE IN A POLLING STATION: -**

- a member of the Electoral Commission,
- the Director of Elections or staff members of ECN,
- any other person authorized in writing by the Director of Elections (Elect Form 12), i.e. Media, NGO's, political party agents, election observers, etc. (Section 78(1) of the *Electoral Act* refers.)

### 12.5 COUNTING PROCESS

The counting of ballot papers is the final process in the election activities from which the results of elections are derived.

- The polling officers will be appointed as the counting officers for the counting process. The Presiding Officer is in charge of the counting.
- Election agents and accredited observers are allowed to witness the proceedings.

#### 12.5.1 Procedure for closing the polling station

A Presiding Officer is required to close the polling station at the closing time as required by law. Any voter present in the queue at closing time is permitted to vote. After 21h00 a person may be assigned by the Presiding Officer to stand at the end of the queue to prevent late comers from voting and to keep order.

Immediately after the close of the poll, the Presiding Officer, in the presence of election agents and any other persons authorized to be in the station, must:

1. close and seal the aperture of all ballot boxes, and shall allow any election agents who may so desire to affix his/her seal;
2. complete a return (Elect 16) in which he/she accounts for:
  - a) the number of ballot papers issued;
  - b) the number of used ballot papers, other than spoiled ballot papers;
  - c) the number of spoiled ballot papers; and
  - d) the number of ballot papers remaining unused.
3. seal in separate packets and place in metal ballot box(es):
  - a) unused ballot papers (books),
  - b) spoiled ballots,
  - c) counterfoils,
  - d) marked copies of the voters' register,
  - e) the official (secret) stamp used at the station; and
  - f) all other relevant Elect forms.

#### COUNTING VENUE RULES:

- No person inside the venue is allowed to leave before the completion of the count and transmission or announcement of results.
- All cell phones are to be switched off.



### 12.6 THE COUNTING STEPS

The Presiding Officer shall:

- 1) allow election agents and accredited observers to inspect the ballot boxes in order to ensure that the same box(es) used during the poll, and their seals and that of the Presiding Officer that were fixed at the start of the poll, are still intact;
- 2) announce the Elect 16 – to inform the audience on the reconciliation of the ballots. i.e. number of ballot papers used, ballot papers unused, spoilt ballots etc;
- 3) open one ballot box at a time for counting;
- 4) remove all seals;
- 5) empty out all the ballots on a table, and the count will then start;
- 6) unfold and turn each ballot upside down and check for the secret mark at the back of ballot papers; reconcile the actual number of ballot papers in the ballot box with what is reflected in the Elect 16, before the actual count. If they correspond, turn ballot papers around, face up;
- 7) the party for which the ballot paper is marked is announced;
- 8) sort out and separate ballot paper votes according to political party, candidates or association by grouping into batches;
- 9) audibly count and record the total ballot votes per party / association or candidates; and
- 10) announce, loudly, the results of the count of the valid ballots cast , rejected and total ballots cast;
- 11) post the results at the polling station in accordance with Section 25 of the *Electoral Amendment Act, Act 7 of 2009*;
- 12) and transmit the results to the Returning Officer and arrange that the re-sealed ballot boxes are securely transported to the Returning Officer at the central constituency office.

#### 12.6.1 The Presiding Officer shall reject any ballot paper which:-

- is not stamped with the official secret mark,
- is unmarked,
- records more than one mark,
- contains any writing or mark which reveals the identity of the voters,
- he/she cannot with certainty determine for which political party/ association/candidate the ballot was marked; and endorse the ballot paper with the word “REJECTED”.

The Presiding Officer shall count any ballot paper on which a mark clearly indicates the voter's choice. The mark must be within any one of the blocks provided for a political party / association / candidate, but not outside any of the blocks or at the back of the ballot paper.

### **12.7 ANNOUNCEMENT AND DECLARATION OF RESULTS**

#### **12.7.1 Presidential election**

The Chairperson of the Commission announces the presidential results, giving the total number of votes recorded and votes for each candidate. The presidential results along with those of the National Assembly are announced at the Central Election Result Centre in Windhoek.

#### **12.7.2 National Assembly election**

The Director of Elections announces the results of the National Assembly election.

#### **12.7.3 Regional Councils and Local Authority elections**

The Returning Officer of a given constituency or local authority makes the announcements and declarations before informing the Commission.

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### CHAPTER 13 INTERNATIONAL AND LOCAL OBSERVERS

#### 13.1 GUIDELINES FOR ELECTIONS OBSERVERS

In terms of the *Electoral Act No 24 of 1992*, as amended by the *Electoral Amendment Act, Act 7 of 2009*, any juristic person may apply to the Electoral Commission of Namibia (ECN) for accreditation as an observer for elections conducted by the ECN in terms of the said Act. The Commission will accord accreditation to an applicant as an observer for elections after thorough scrutiny of the particulars furnished by the applicant. The Commission reserves the right to decline the accreditation of an applicant.

All the applications for accreditation from international observers should be received by the Electoral Commission of Namibia through the Election Management Bodies (EMBs) in the respective countries or the Namibian Foreign Affairs Ministry.

The person accredited as observer shall:

- be a government official or member of a registered Civil Society Organisation, EMB or any other organisation or association registered in that respective country.
- subscribe to the Code of Conduct for observers or guidelines stipulated herein.

#### 13.2 ROLE AND RESPONSIBILITIES OF OBSERVERS

- Every observer should be able to identify him/herself as follows:  
By wearing at all times the prescribed identification clothing such as a white T-shirt marked clearly with the words Election Observer on the back and on the front of the identification apparel in black letters, at a height of at least 10cm on a white background. Election observers must keep their nametags on at all times.
- Observers are required to observe the voting process at voting stations.
- Observers may leave and re-enter the voting station.
- Observers are required to observe the counting of votes, at a voting station.
- Observers are required to observe the counting, determination and

declaration of the results by the Commission.

- Observers are entitled to record election results after the counting has been completed and declared at voting stations.
- Observers are required to present themselves during the viewing and sealing of empty ballot boxes before voting begins.
- Observers are required to take notes and write observations on all aspects of voting and counting processes during elections.
- Observers are allowed to ask questions when seeking clarification from the Presiding Officer.
- Observers are allowed to associate with voters outside the voting stations.
- The Commission reserves the right to request a report from an election observer from time to time, in view of an event or incident that occurred at a polling station or Results Centre.

### **13.3 CODE OF CONDUCT FOR ACCREDITED OBSERVERS**

All accredited observers shall:

- Observe elections impartially and independently of any political party or candidate contesting.
- Be identifiable by an electoral official, political party agent, members of the media and voters.
- Remain non-partisan and neutral at all times.
- Be competent and professional in observing the elections.
- Respect the degree of impartiality and order as indicated herein or by the Commission.
- Recognize the political parties' agents monitoring all aspects of the electoral process.
- Apply fairness, kindness and respect (fullness) in all electoral process.
- Respect the roles of the media.
- Conduct him/herself in a proper and respectful manner both at polling stations and at Election Results Centre.
- Adhere to instructions, rules or orders that may be directed by the Returning Officer, Presiding Officer, Polling Officer or Counting Officer or Members of the Security Services acting on the instructions of the aforementioned ECN Officers.
- Comply with all other essential exercises that may be directed by Regional Coordinators for conducting free and fair elections.

### 13.4 RESTRICTIONS ON OBSERVERS

Observers are not allowed to:

- Disrupt or interfere with the voting process.
- Touch the ballot papers or any other election materials.
- Exert influence on voter or election officials in any way.
- Talk to voters inside the voting stations.
- Instruct, give orders to or make decisions for any electoral officer or member of security force that affects the progress of the electoral process in any way.
- Make objections or file complaints.
- Observe how a voter has marked a ballot paper.
- Take photos that may reveal the voters' choice.
- Support a candidate or any political party.
- Accept gift(s) or favour(s) from a political party, organization or persons involved in the elections.
- Express views or opinions on any matter that is subject to the electoral campaign, programmes or activities.
- Influence or attempt to influence the choice of a voter for or against any political party or candidate taking part in the elections.
- Wear, carry or display any party's symbols or colours.

### 13.5 SUSPENSION OF THE ACCREDITATION

- Should an observer fail to comply with any of the above conditions and rules or commit an offence that is punishable by the law in the Republic of Namibia or commit any act that may jeopardise the election programme, or put the Commission into disrepute, the Commission may suspend the accreditation after giving reasonable notice of the cancellation to that person or organisation.
- The Commission reserves the right to take appropriate actions and to call a disciplinary hearing after considering all facts pertaining to the misconduct of an observer.

### 13.6 GENERAL INFORMATION FOR OBSERVERS

It is important that observers familiarize themselves with the area in which they will be observing elections. For instance, they would need to know:

- Which parties are the dominant political parties;
- Where the voting stations are;
- Emergency numbers for the police and ambulance services
- The details of the hotel where they are staying;

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- The telephone number of the regional electoral office; and
- The names of the Coordinators, Returning Officers and Presiding Officers.

Please read information on each region carefully, as it will provide further background on that part of Namibia. Please keep the emergency telephone numbers handy, as you might need them at some point.

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**Contact details:**

ECN Headquarters, Windhoek: Tel: +264 61 37 6200

Private Bag 13352

Website: [www.ecn.na](http://www.ecn.na)

Email: [info@ecn.na](mailto:info@ecn.na)

**Regional Coordinators:**

Kindly consult the relevant publication of the Government Gazette

**EMERGENCY NUMBERS****Police**

Flying squad	10111 (toll free number)
Windhoek City Police	(061) - 302 302

**Hospital**

Katutura State Hospital	(061) - 203 9111
Windhoek Central Hospital	(061) - 203 9111
Medi Clinic	(061) - 222 687
Catholic Mission Hospital	(061) - 270 2911
Rhino Park Private Hospital	(061) - 375 000
International SOS	081707

The emergency numbers listed above can be used countrywide. When you reach the number called, identify yourself and the place from where you are phoning immediately.

The Electoral Commission of Namibia wishes you all the best and hopes that your experience in observing elections in Namibia will be most rewarding. The Commission would like to thank you for availing yourselves for this difficult yet important task. We are certain that together we will deliver a legitimate, free and fair election to the people of Namibia.

Yours in free and fair elections,

Electoral Commission of Namibia

# **Handbook for Election Observers, 2009/2010**



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