

Namibia

Electoral Act, 2014

Regulations for Conduct of Elections

Government Notice 297 of 2020

Legislation as at 20 November 2020

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Regulations for Conduct of Elections

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Republic of Namibia
Annotated Statutes

Electoral Act, 2014

Regulations for Conduct of Elections

Government Notice 297 of 2020

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The Electoral Commission of Namibia has under section 205 of the Electoral Act, 2014 (Act [No. 5 of 2014](#)) made the regulations set out in the Schedule.

N. Tjipueja

Chairperson

Electoral Commission of Namibia

1. Definitions

In these regulations, unless the context otherwise indicates, "the Act" means the Electoral Act, 2014 (Act [No. 5 of 2014](#)), and any word or expression to which a meaning has been assigned in the Act, has that meaning.

2. Application

These regulations apply to all Presidential elections, elections for members of the National Assembly, elections for members of Regional Councils, elections for members of local authority councils and the holding of referendum in terms of the Act.

3. Prescribed forms

A reference in these regulations to a form with a specific number is a reference to the form with that number as set out in Annexure 1 to these regulations.

4. Election agents

The number of persons who may be appointed in terms of section 66(1) of the Act by a political party or independent candidate for an election in question as election agents for a polling station may not be more than two.

5. Counting agents

The number of persons who may be appointed in terms of section 67(1) of the Act by a political party or independent candidate for an election in question as election agents for a polling station may not be more than two.

6. Sealing

- (1) A presiding officer must close and seal every ballot box to be closed and sealed by him or her in terms of paragraph (c) of section 92(1) of the Act in the manner of if a numbered strap seal provided by the Chief Electoral and Referenda Officer for this purpose is used, according to the type of ballot box, the lid of the ballot box must be closed and a strap seal must be threaded and tightened through both holes on the side of the ballot box.
- (2) A presiding officer must close and seal the aperture in every ballot box to be closed and sealed by him or her in terms of section 92(7) or paragraph (a) of section 104 of the Act in that according to the type of ballot box the sliding aperture on the lid of the plastic ballot box must be closed and a plastic strap seal must be threaded through the slit in the staple of the sliding aperture as well as the slit in the fixed staple of the lid.
- (3) Every envelope or packet to be sealed by a returning officer or presiding officer in terms of any provision of the Act or these regulations must be sealed in any manner provided for in subregulation (1) or (2) when an empty ballot box is used.
- (4) A returning officer or presiding officer must keep a record indicating the number of all numbered seals used by him or her and the purpose for which each such seal has been used.

7. Ballot papers

The ballot paper contemplated in-

- (a) paragraph (a) of section 99(2), must be in the form as set out in Annexure 2 hereto;
and
- (b) paragraph (b) of section 99(2), must be in the form as set out in Annexure 3 hereto.

8. Secrecy of official stamps and ballot papers

- (1) Particulars of the official stamp or ballot papers, except the form of the ballot papers, names of the candidates and names and symbols of the parties, for use on polling day may not be made known before or on polling day to any person other than the members of the Commission, the Chief Electoral and Referenda Officer and the officers designated to assist him or her in terms of section (17) of the Act and the returning officers, presiding officers and polling officers.
- (2) Any person who contravenes this subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$5 000 or imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

9. Additional ballot boxes

- (1) If for any reason it becomes necessary at any time during the polling period to use an additional ballot box at any polling station, the aperture of the ballot box which has been used must be closed and sealed in accordance with section 92(4) of the Act.

10. Attendance at counting of votes

- (1) During the counting of votes a person may not be allowed by the returning officer to enter the place where the result of the poll is to be determined, except -
 - (a) a member of the Commission;
 - (b) the Chief Electoral Officer;
 - (c) a director;
 - (d) a chief regional officer;
 - (e) the returning officer concerned;
 - (f) any counting officer concerned;
 - (g) any election agent or counting agent entitled to attend at the polling station;
 - (h) any person appointed by an accredited observer;
 - (i) the polling officers or any police officer on duty; and
 - (j) any other person authorised in writing by the Chief Electoral Officer.
- (2) A person who is present at the counting of votes must before the final result of the election in question has been announced in accordance with the provisions of regulation 11 outside the place referred to in that regulation by the returning officer, may not disclose outside such place any information concerning the result of the election or the number of votes cast in favour of a particular candidate or a political party or organisation.
- (3) Any person who contravenes subregulation (2) commits an offence and on conviction is liable to a fine not exceeding N\$2 500 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

11. Announcement of results

An announcement by the Presiding Officer, Returning Officer or the Chairperson of the Commission, as the case may be, of the result of an election in terms of any provision of the Act, must be made -

- (a) orally inside the place where the result of the election has been determined; and
- (b) by affixing a notice outside the entrance of the place referred to in paragraph (a).

12. Voters who voted at a constituency in which they are not registered

A list of voters who voted in an election at a constituency, but who are not registered at the constituency at which they voted referred to in section 100(17) of the Act, must be on Form 39.

Annexure 1**Form – 36 (Elect 24)*****Republic of Namibia Electoral Commission of Namibia******Account of seals used******(Regulation 6)******(Section 92 of the Electoral Act, 2014 (Act No. 5 of 2014))***

Tick in block for the appropriate election

Presidential Election	
National Assembly Election	
Regional Councils Election	
Local Authorities Councils Election	
Referenda	

Polling station:

Constituency:

Local Authority:

Region:

Seal number provided by presiding officer	Seal number provided by election/ counting agent	Ballot box number	Name of election/ counting agent and Party

Full names of Presiding Officer in print: _____

Signature of Presiding Officer: _____ Date: _____

Form 37

Republic of Namibia Electoral Commission of Namibia

Counting and announcement of results by the Presiding Officer

(Regulation 11)

(Section 105 of the Electoral Act, 2014 (Act No. 5 of 2014))

Tick in block for the appropriate election

Presidential Election	
National Assembly Election	
Regional Councils Election	
Local Authorities Councils Election	
Referenda	

(Part A of Form 37: to be completed by Presiding Officer)

I _____ the Presiding Officer
for the _____ Polling Station in the
_____ Constituency in the
_____ Region
or _____

_____ local authority, hereby make known
that

the following votes were rejected and not counted:

Voting for more than one political party/ organisation/association/candidate	
Official/Secret mark absent	
Unmarked	
Mark where one can't determine with certainty which political party/organisation/association/ candidate, the ballot paper was marked for	
Any writing/mark that reveals the identity of a voter	
Total numbers of ballot papers rejected	

I hereby certify that the above particulars are correct.

Full names of Presiding Officer in print:

Signature of Presiding Officer: _____ Date: _____

(Part B of form 37: to be completed by Presiding Officer)

I, _____ the Presiding
Officer

for the _____ Polling Station
in the _____ Constituency
in the _____ Region or

_____ local authority, having ascertained the result of the said polling
station in

accordance with the provisions of Section 105(8)(b) of the Electoral Act, hereby make known:

that _____ ballot papers have been rejected

that _____ votes have been counted and

(total number of votes)

that the votes counted have been recorded for -

No.	Full names of Candidates/ Political Party/ Association in alphabetical order	Number of votes recorded
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

19.		
20.		

Full names of Presiding Officer in block letters:

Signature of Presiding Officer:

(sign only after election agents have signed Part C of the form)

Polling station _____ Date:

Part C of Form 37: Confirmation of results by election counting agents

(I do hereby confirm that the results recorded under Part A & B are correct)

Name of party/candidate/ organisation/association	Name of election/counting agent	Signature of agent

Full Names of Presiding officer:

Signature of Presiding officer: _____ Date:

Polling station:

Form 38

Republic of Namibia Electoral Commission of Namibia

Total results in respect of total numbers of votes recorded at collation centres

(Regulation 11)

Tick in block for the appropriate election

Presidential Election	
National Assembly Election	
Regional Councils Election	
Local Authorities Councils Election	
Referenda	

I, _____

the Returning Officer for

the _____ constituency

or _____ local authority

in the _____ Region, having ascertained the *

preliminary/result of the

election for the said constituency or local authority in accordance with the provisions of the Electoral

Act, hereby make known -

that _____ ballot papers have been rejected

(a) that _____ votes have been counted; and

(total number of votes)

(b) that the votes counted have been recorded for -

Form 38 Part A

No.	Name of political party/Candidate/ Organisation/Association	Total number of votes recorded
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

19.		
20.		

Full Names of Returning officer:

Signature of Returning officer: _____ Date:

(Sign only after election agents have verified the results)

*Delete whichever is not applicable.

Form 38 - Part B: Confirmation of results by election/counting agents

(I do hereby confirm that the results recorded under Part A are correct)

Name of political party/ Candidate/Organisation/ Association	Name of election/counting agent	Signature of agent

Full Names of Returning officer:

Signature of Returning officer: _____ Date: _____

(Sign only after election agents have verified the results)

Form 39

Republic of Namibia Electoral Commission of Namibia

Account of persons who voted outside their constituency

(Regulation 12)

(Section 98(6) of the Electoral Act, 2014 (Act No. 5 of 2014))

Tick in block for the appropriate election

Presidential Election		
National Assembly Election		

Polling Station:

Constituency:

Region:

No.	Voter Registration Number (VRN)	Constituency where the voter is registered
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

Full Names of Presiding officer:

Signature of Presiding officer: _____ Date:

Annexure 2

Form of counterfoil

No.	(a)
	(b)
	(c)
	(d)
	(e)

- (a) Serial number of counterfoil - to be printed.
- (b) Nature of Election (National Assembly Election/Local Authority Councils Election)-to be printed.
- (c) If applicable, name of local authority area in question - to be printed.
- (d) Date of election in question - to be printed.
- (e) Voter Registration number:.....

Form of front of ballot paper

(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)

- (a) the names, in alphabetical order, of the registered political parties or registered organisations taking part in the election;
- (b) the abbreviated name, if any, of each such political party or organisation; and
- (c) the distinctive symbol, if any, of each of such political party or organisation; and
- (d) the photo of the head of each such political party or organisation submitted in accordance with section 77(5).
- (e) An empty box/column for marking of vote.

Annexure 3

Form of counterfoil

No.	(a).....
	(b).....
	(c).....
	(d).....
	(e).....

- (a) Serial number of counterfoil - to be printed.
- (b) Nature of Election (Presidential Election/Regional Council Election) -to be printed.
- (c) If applicable, name of the constituency in question -to be printed.
- (d) Date of election in question - to be printed.
- (e) Voter Registration number:.....

Form of front of ballot paper

(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)
(a)	(b)	(c)	(d)	(e)

- (a) the surnames, in alphabetical order, of all the duly nominated candidates in the election and the other names or initials of the candidates as the Commission may determine;
- (b) the name of the political party or in the case of an independent candidate the word "independent candidate";
- (c) the distinctive symbol of the registered political party; and
- (d) a photo of each candidate;

- (e) an empty box/column for marking of vote.