

# Compendium: Commission Activities 2011-2015



Electoral Commission of Namibia





# COMPENDIUM OF REPORTS ON THE ACTIVITIES OF THE ELECTORAL COMMISSION OF NAMIBIA

Volume One – Annual Reports for the reporting period:

2011/2012

2012/2013

2013/2014

Volume Two – Performance Assessment and Post-Election Reports:

2014 Presidential and National Assembly Elections; and

2015 Regional Council and Local Authority Elections

# ABOUT THIS COMPENDIUM



**T**his compendium on the activities of the Electoral Commission of Namibia is presented in two series, namely, Volume 1 and Volume 2.

Volume 1 presents the summary of the annual reports of the Electoral Commission of Namibia covering the reporting period 2011/12 to 2013/14. It needs to be noted that Part A of Volume 1 is written in a manner to give an exposition of the current legal position of the Electoral Commission of Namibia, while Part B of Volume 1 outlines the situation as it pertains to each of the respective reporting periods (years).

Similarly, some issues, for example Electronic Voter Machines were recurrent. Such issues, accordingly, and consistent with compendium writing style, must be and are highlighted for each of the respective reporting periods (years) in a manner reflective of the situation as it was then.

Volume 2 is a compendium of the Performance Assessment and Post-election Reports as compiled for the 2014 Presidential and National Assembly elections and the 2015 Regional Council and Local Authority elections as required by the new Electoral Act of 2014.



# VOLUME ONE



ELECTORAL COMMISSION OF NAMIBIA

COMPENDIUM OF ANNUAL REPORTS 1/12 to 2013/14

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# ABBREVIATIONS AND ACRONYMS

BVRS	Biometric Voter Registration System
CEN	Commonwealth Electoral Network
CERC	Central Result Centre
CSOs	Civil Society Organisations
DDB	Division Democracy Building
ECN	Electoral Commission of Namibia
ECF-SADC	Electoral Commissions Forum of the SADC countries
EMB	Electoral Management Body
ERTS	Election Result Transmission System
EVMs	Electronic Voter Machines
FAQs	Frequently Asked Questions
GRV	General Registration of Voters
LA	Local Authority
LRDC	Law Reform and Development Commission
OMAs	Offices, Ministries and Agencies
PNA	Presidential and National Assembly Elections
PVR	Provisional Voters' Register
RC	Regional Council



Voter Education Sessions being conducted in the oshana region.





# FOREWORD



This compendium has been compiled to include the Annual Reports spanning the five year term of the Commission as from 23 August 2011 - 22 August 2016.

The compendium addresses the implementation and achievements of the strategic objectives set for the period under review under the following strategic themes:

- Democracy Building
- Capacity Building
- Legal Framework
- Infrastructure Development
- Operational Excellence

Under the theme Democracy Building significant achievements by the ECN during the period under review include the completion of the General Voter Registration in 2013. This ambitious assignment was done through the use of biometric technology to develop the National Voters Register. Extensive voter education preceded this exercise with major emphasis on people living with disabilities and other marginalised communities. The introduction of the EVMs during by-elections during 2013/2014 and the 2014 general elections was the second most significant achievement under this strategic theme. This was a historic milestone in the election history of Africa and significantly enhanced the accuracy of results with the total elimination of spoilt ballots from the electoral process.

The theme Capacity Building saw the development of a Gender Policy for the ECN and the development of a new structure which addresses the changed legal framework to be refined in alignment with the next Strategic Plan.

The theme Legal Framework witnessed the development of the Electoral Act 5 of 2015, by the ECN in collaboration with the Law Reform Commission. Furthermore, Constitutional amendments elevated the Electoral Commission to a constitutional body.

Under the Infrastructure Development theme the ECN identified land in three regions and commenced with architectural designs for the construction of ECN offices. This is in compliance with the requirement of the Electoral Act that regional offices be established throughout the country.

Under the theme Operational Excellence the ECN has commenced with the initial stages of the implementation of a Performance Management System. To this end, all permanent staff members signed Performance Management Agreements for the period ending 31 March 2017.

The numerous achievements highlighted by the ECN during the period under review specifically address the five strategic themes. These significant achievements were made possible purely as a result of a committed staff complement, the continued interaction by the ECN with its stakeholders, and the constant oversight role of the Commission.

The ECN has delivered upon its mandate during the period under review and remains committed to furthering the principles of electoral democracy in our nation.

Adv. Notemba Tjipueja

Chairperson: Electoral Commission of Namibia



# PART A:

## General Information Strategic Overview

### *Vision*

The strategic plans, programmes and activities of the ECN are guided by its vision:

“To be the leading autonomous and most credible elections management institution in Africa”.

To obtain the said vision and carry out its mandate the Mission Statement of the ECN is:

“To deliver free, fair and credible elections, managed in a transparent, innovative and participatory manner in order to strengthen democracy in Namibia.”

The Strategic Goals which articulate what the ECN aims to achieve through the carrying out of its mandate are outcome-oriented. To this end, the strategic goals of the Commission are to:

- Build a democratic culture in the country;
- Achieve operational excellence;
- Invest in capacity building;
- Play the lead role in the development and enactment of a sound electoral legal framework.

The implementation of these strategic goals is geared to achieve certain objectives, namely, to:

- Improve coordination and communication technology;
- Ensure responsive electoral legal framework;
- Deliver free, fair and credible elections;
- Improve voter education activities;
- Mainstream gender and disability and ensure compliance with the relevant policies at national level;
- Ensure highly skilled and competent personnel.

To achieve its vision, mission, strategic goals and objectives, the Commission has adopted a set of five (5) Core Values to guide and dictate the day-to-day behaviours and actions of its Commissioners and staff members. These core values and their meaning are as follows:



i) **Accountability:**

To account to the Electorate, Parliament and the Namibian nation at large;

ii) **Non-Partisanship:**

To maintain political neutrality and refrain from deliberately advancing or prejudicing the interest of a given political party and stakeholders;

iii) **Professionalism:**

To demonstrate, through collective efforts, the highest level of competence, skills and acumen in the delivery of our mandate;

iv) **Confidentiality:**

Adhere to the secrecy of the vote, thereby to instil confidence in the process outcome; and

v) **Integrity:**

To uphold honesty and transparency in the electoral process.

### *Constitutional and legislative mandate of the ECN*

**T**he Namibian Constitution and the Electoral Act No.5 of 2014 provide the electoral framework for the powers and functions of the ECN.

The constitutional mandate of the ECN emanates from article 94B of the Namibian Constitution.

This article establishes the ECN as the exclusive electoral management body (EMB) of the country. To this end, the ECN is tasked to direct, supervise, manage and control the conduct of elections and referenda in the country. This article further requires the ECN to exercise and perform its powers and functions in an independent, transparent and impartial manner subject only to the Constitution and the law.

The constitutional mandate of the ECN referred to above is given effect by the Electoral Act No.5 of 2014. This piece of legislation similarly establishes the ECN as the exclusive EMB of Namibia. It lists the objectives of the Commission as being to organise, direct, supervise, manage and control the conduct of elections and referenda in a free, fair, independent, credible, transparent and impartial manner. It directs the Commission to strengthen constitutional democracy and to promote democratic electoral and referenda processes in the country. It clearly stipulates that the ECN is only answerable to the Namibian Constitution and its enabling Act Electoral Act No. 5 of 2014). It further requires the Commission to exercise and perform its powers and functions independent of any direction or interference from any other authority or any person. The Commission reports to the National Assembly in term of section 2(3) of the Electoral Act.



## Governance

### *Governance Structure of the ECN*

The ECN consists of five Commissioners; the Chairperson and four other Commissioners. The Commissioners are appointed by the President with the approval of the National Assembly upon nomination by the President.

### *Procedures for appointing Commissioners*

**A**ny person, who complies with the qualifications and criteria for appointment as a member of the Commission, can apply in writing for appointment as a member of the Commission after invitation by notice in the Government Gazette and in at least two daily newspapers circulating in Namibia.

The selection of eligible commissioners is done by a five-member Selection Committee. The Selection Committee consists of the Chairperson of the Public Service Commission, the Chairperson of the Council of the Law Society of Namibia, the Chairman of the Public Accountants' and Auditors' Board, the Registrar of the High Court of Namibia, and the Director of the Namibia Qualifications Authority. At least two members of the Commission must be women. The meetings of the Selection Committee are open to the public and the media.

The Secretariat is headed by the Chief Electoral Officer (CEO) with the day-to-day administration of election-related operations being done by the ECN Secretariat.

Backrow: from left to right, Mr. Ulrich Freyer, Mr. Barney Karuoombe, Mr. Nespect Salom  
Front row: from left to right, Adv. Notemba Tjipueja (Chairperson) and Ms. Albertina Nangolo



# PART B:

## Compendium of Annual Reports

*Part B constitutes the collection of the three (3) annual reports submitted to the National Assembly during the tenure of the outgoing Commissioners of the ECN. This means that the three (3) annual reports are, generally, presented in the form submitted to the appointing authorities then. Similarly, it is once again necessary to point out that each of the reports reflects the situation, legal or otherwise, as it pertains then. This must be borne in mind when reading this part of the compendium.*

## ANNUAL REPORT 2011 – 2012

This section of the compendium reflects the provision of the Commission's annual report for the 2011-12 reporting period.

### *Message from the Chairperson*

The 2011/2012 Annual Report covers a broad spectrum of issues that should be informative to public officials, researchers, politicians, media houses, diplomats, election observers and civic organizations who are interested in elections. It also serves as a tool for the Commission to monitor and evaluate its progress in the implementation of our goals and strategic plans and to measure the intended impact of activities such as voter education and voter registration.

This year was crucial for the Electoral Commission of Namibia to adapt and successfully manage the transition that resulted from the change in the top management structure. A new team of Commissioners was appointed to take charge of the ECN.

As the new Commissioners were being inducted into their new portfolios, there was an expectation that, because of their qualifications and experience, they would bring fresh and innovative ideas to strengthen the capacity of the ECN to carry out its mandate effectively. As the new Chairperson, I am humbled to have served the ECN under the tutelage of the former Chairperson, Victor Tonchi, who, together with my former colleagues Lazarus Shatipamba, Ruusa Rosalia Shipiki-Kapolo and Shafimana Ueitele, rendered professional and high quality service to the ECN. They deserve our heartfelt thanks for their selfless input and commitment to the nation.

It is my honour and privilege to submit this Annual Report on behalf of the ECN, to His Excellency, the President of the Republic of Namibia and to the Honourable Speaker of the National Assembly, in accordance with Section 10 (1) of the Electoral Act (Act No. 24 of 1992) as amended.



Electoral reform in newly established democracies is a long and thorough process that takes years to yield the desired results. This is demonstrated by the numerous times that the Electoral Act, 1992 (Act 24 of 1992) as amended, has evolved over the years.

The year 2011 was important in terms of the electoral reform process. During this year, ECN collaborated with the Law Reform and Development Commission (LRDC) and the National Institute for Democracy (NID) in conducting country-wide consultations to engage the public for inputs to improve the regulatory environment. One of the major recommendations from the public hearings was the possible establishment of an election tribunal for Namibia. Participating members of the public reasoned that such a body would address electoral complaints such as acts of intimidation and fraudulent incidents during elections.

Such a tribunal may facilitate the resolution of some of the complaints outside the courts of law, without infringing on the normal standard law enforcement procedures regarding electoral offenders.

The broader Namibian public was invited to participate in the public hearings. Consultations were held in all the capitals of the thirteen political regions as shown in the table below.

City/Town	Region	Date	Venue
Windhoek:	Khomas Region;	3 February 2012	NamPower Convention Centre
Katutura:	Khomas Region	4 February 2012	Habitat Research and Development Centre
Katima Mulilo	Caprivi Region	7 February 2012	Community Hall
Rundu	Kavango Region	9 February 2012	Evangelical Lutheran Church Hall
Tsumeb	Oshikoto Region	11 February 2012	Town Hall
Omuthiya	Oshikoto Region	13 February 2012	Okashana Development Centre
Oshakati	Oshana Region	14 February 2012	Oshakati Youth Centre
Eenhana	Ohangwena Region	16 February 2012	Eenhana ELCIN Centre
Outapi	Omusati Region	18 February 2012	Community Hall
Opuwo	Kunene Region	20 February 2012	Ministry of Gender Equality and Child Welfare
Otjiwarongo	Otjozondjupa Region	22 February 2012	Town Hall
Swakopmund	Erongo Region	24 February 2012	Tamariskia Town Hall
Lüderitz	Karas Region	27 February 2012	Benguela Community Hall
Keetmanshoop	Karas Region	29 February 2012	Community Hall
Mariental	Hardap Region	2 March 2012	Community Hall
Gobabis	Omaheke Region	5 March 2012	Nossobville Community Hall



## *Strategic outcome-oriented goals*

For the first time in the history of the ECN, a woman in the person of Advocate Notemba Tjipueja, was elected as Chairperson of the Commission. Adv. Tjipueja announced and summarised the following as the immediate targets of the newly elected Commission:

- Implementation of the EVMs in order to increase efficiency of the electoral process and general service delivery to the electorates;
- Launching and completing Namibia's third general registration of voters during 2012/2013 through the introduction of a new digital system; this is aimed at eliminating problems regarding Voter Registers, like double entries and inaccurate voter information;
- Engaging the Ministry of Home Affairs to establish a functional link of data sharing to improve the process of deletion of deceased persons from the voter registers;
- Reviewing and consolidating the Electoral Act in consultation with all stakeholders.

## *Observer Missions*

The ECN is a member of the Electoral Commissions Forum of the SADC countries. One of the recurrent activities of ECF-SADC is the deployment of election observer missions in the SADC member States. ECF-SADC also often organises regional forums and workshops for member countries to share their experiences and best practices in election management. To this end, ECN Commissioners and members of the Management team participated in various ECF-SADC election observer missions and workshops organised during the period under review. In this context, Commissioners took part in ECF-SADC observation missions sent to observe the elections in the Seychelles and the Democratic Republic of Congo during the period under review.

ECN Commissioners also participated in ECF-SADC related activities conducted during the reporting period. To this end, an ECN delegation participated in a three-day orientation workshop for new members from 05 - 07 December 2012 in Pretoria, South Africa. This activity was jointly organised by the ECF- SADC and UNDP. An ECN delegation also participated in a five-day workshop conducted under the theme: "Information Technology and Elections Management: Informed Decision for Sustainable Outcomes" over the period 5 - 9 March 2012, in Mombasa, Kenya.

## *Elections conducted*

During this reporting period the towns of Oranjemund and Otjinene were proclaimed as local authorities. This necessitated that local authority elections be held in these localities so as to allow their residents to elect their local authorities councillors.

The Oranjemund and Otjinene Local Authority Elections were planned to run concurrently on March 16, 2012. The preparations for both elections started in July 2011. These elections were conducted



according to an official calendar with deadlines and activities for the electoral officials, as outlined below:

Deadline	Activity		
14-31 July 2011	Boundary clarifications of settlements and identification of registration points		
Dec 2011-Jan 2012	Recruitment, appointment and training of registration officials		
17-21 January 2012	Supplementary registration of voters		
19-30 January 2012	Preparation, notice of provisional Voters' Register, display for objection and proclamation of the Voters' Register		
15 February 2012	Nomination day and submission of party candidates		
15 February 2012	Finalisation and certification of Voters' Register		
13-20 February 2012	Ballot papers: tendering process, proof-reading and approval by parties		
01 March 2012	Publication in Gazette, notification of candidates, polling stations and polling date		
08-14 March 2012	Training of polling officials and party agents		
08-11 March 2012	Printing of ballot papers		
09-14 March 2012	Packaging and deployment of materials. Deployment of election officials		
16 March 2012	Polling day and announcement of results		
17-30 March 2012	Demobilisation and gazetting of results		

Generally, the preparations for the Oranjemund and Otjinene Local Authority Elections went smoothly. It was done in accordance with stipulated legal provisions, namely boundary clarifications, voter registration, voter education, recruitment and training of polling officials. The same applied to the preparation and proclamation of the Voters' Register, nomination of party candidates, approval and printing of ballot papers and subsequent polling and announcement of the results.

The election campaigns for both by-elections were conducted in an atmosphere free of any violence and/or intimidation. The election was declared free, fair and transparent by the media, local independent observers and political parties.

Specifics with regard to both elections are provided in more detail as follows:



## *Otjinene Local Authority Election*

Preparations for the Otjinene Local Authority Election were affected by a legal dispute concerning a disagreement over boundary clarifications of settlements. In this context, some 404 objections were lodged by registered voters. The planned election for this local authority was subsequently postponed. This was mainly due to the fact that the court hearings were postponed to a date beyond the requirements of Section 50 of the Electoral Act. The by-election was eventually conducted. A total number of 1,805 voters registered for the said election. The elections were contested by the DTA, NUDO, RDP, SWANU and SWAPO.

## *Oranjemund Local Authority Election*

A total number of 2,221 voters registered for the Oranjemund Local Authority Election. Three parties, namely the DTA, RDP and SWAPO fielded candidates for the seven Local Authority seats. The number of votes casted was 1,986. This represented a voter turn-out of 86%.

The SWAPO Party received 1,560 votes of the votes casted. This resulted in the SWAPO Party won six (6) out of the seven (7) available council seats. The RDP and DTA received 379 and 45 votes respectively. With this result the RDP won the remaining council seat..

## *Electoral Operations Directorate*

This division is mainly responsible for ensuring the smooth running of the day-to-day activities of the ECN. Additionally, it is also charged with managing and operating elections in general. Needless to say, for the period under review the activities of the division were primarily focused on planning and managing the Oranjemund and Otjinene Local Authority Elections.

Other operational activities of the division during this period included the implementation of new technologies, overseeing the restructuring plans for the ECN, preparation of the voters register, and the provision of general services.

## ***Importation and application of new technology***

### *Digital mobile voter registration*

In its goal to digitalise voter registration in Namibia, the ECN advertised for mobile registration equipment for the capturing or verification of voters' information. The new electronic system would capture data such as photos, fingerprints, signatures and text, using customised biometric software. The ECN awarded a contract to Face Technologies, a South African company that met the requirements and prototypes which are in line with the country's electoral laws.

It is expected that the new equipment will be deployed in the field soon and that it will contribute significantly towards efficiency, speed and accuracy of data in the registration of voters.





EVM simulation activities in Ohangwena region.

### *Electronic Voting Machines (EVMs)*

**T**he ECN in pursuing its goal to introduce electronic voting contracted an Indian company, Bharat Electronics, to provide the EVMs.

This was one of the most ambitious targets of the Commission for the period under review. The introduction of EVMs is done to address the problems associated with tender ballots and delays in counting, verification and announcement of results.

### *Voter Registration*

The Electoral Act of Namibia makes provision for three types of voter registration:

- General Voter Registration, which takes place at intervals of not more than ten years (with the next General Voter Registration scheduled to take place in 2013);
- Supplementary Voter Registration, which takes place during a limited period before any proclaimed election or by-election; and
- Continuous Voter Registration for which the Act (Section 28A) provides detailed stipulations.



## *Eligibility criteria*

All persons intending to register as a voter must be able to identify themselves; be 18 years or older; be a Namibian citizen; and provide proof of having been resident in the Local Authority area (where they apply to be registered as a voter and produce copies of their municipal and/or telephone accounts) for 12 consecutive months or longer – this requirement is only applicable to Local Authority Elections.

## *Electronic Voters' Register and Manual Voters' Register*

The ECN is currently combining the use of electronic and manual paper-based voters' registers at polling stations during the voting process. Although the electronic voters' register was introduced in 2004 for the national and local authority elections, its application is only possible at polling stations with access to electricity. This is why a digital mobile registration kit is being introduced by the ECN in areas without access to electricity.

## ***Democracy Building Division***

### *The context of voter education*

The objective of ECN Voter Education has been the promotion of a democratic culture and good governance to ensure credible election processes and results. The ECN applies the following thematic concepts as part of its voter education programs:

- Understanding the conditions and requirements for voting;
- Understanding the concepts of multi-party democracy, pluralism, and proportional representation as it applies to the Namibian system of democracy;
- Knowing the Namibian Elections Code of Conduct;
- Understanding issues relating to civil rights and freedom of expression, association and movement;
- Knowing the roles and responsibilities of citizens pertaining to elections and governance;
- Knowing the type of elections in Namibia and criteria to vote and to be voted for;
- Knowing the process of voters' registration and procedures for the registration of political parties; and
- Understanding the development of a voter register.

### *Media and voter education*

The education of voters is achieved through intensive information campaigns throughout the country, through the following media: TV and radio talk-shows, election materials at trade fairs, billboards and newspapers. The ECN has established regional elections advisory committees and voter education offices throughout the country to decentralise the distribution of voter education materials and increase local participation. The ECN has produced a quarterly newsletter that is distributed to all its stakeholders and partners.



## *Voter education activities*

The 2012 annual plan of the Democracy Building Division included activities on voter education in all 13 political regions and all 107 constituencies. The activities of the division are aimed at educating the Namibian society in general, and the electorates in particular about the election process, human rights, and democracy.

The division held a stakeholders' workshop from 24 - 25 January 2012 in Otjiwarongo to discuss the draft report on the disability survey conducted by NEDICO. The Division also advertised and awarded tenders for the following services:

- a) Compilation of a comprehensive voter education booklet;
- b) National voter education policy;
- c) Baseline survey on "democracy"

The division held a two-day stakeholders' workshop from 29 - 30 March 2012 in Otjiwarongo to finalise the draft voter educational booklet.

## *Finance and Administration Division*

The ECN is financed under Vote 28 of the national budget. This vote makes provision for the financing of mainly two programs, namely, the holding of elections, and voter education. The Commission tabled a submission of N\$112.911 million for consideration and approval by Parliament. This exceeded the 2011/2012 budget by an estimate of close to 12%.

The Commission, in consultation with stakeholders, resolved to introduce mobile electronic registration and voter kits. Since the EVM system would be implemented during the period under review, the largest portion of the budget was requested from Treasury. The Commission has started with preliminary work for the next general voters' registration process. The most important motivation for the use of an electronic system is efficiency, speed and accuracy of data.

## *Public information dissemination*

The Commission embarked on an extensive information campaign to build its image. This was done through advertisements, advertorials, press releases, and in-house publications. The core themes of the information campaign centred on the following:


- The Electoral Amendment Act of 2010 that was successfully reviewed and passed by Parliament;
- Regional and Local Authorities Elections as well as a number of by-elections which were successfully completed between 2010 and 2011;
- The improvement gained in the area of voter education;
- Evaluation and monitoring of the impact of the voter education campaigns as well as the conducting of transparent post-election assessments;



- The acquisition of the EVMs, which will speed up the voting process, reduce delays in the announcement of results, cut costs and enhance operational efficiency; and
- The completion of the ECN head office which has improved service delivery and acquisition of new technology.

## ***Human Resources Management***

### ***Appointment of new Commissioners***

 On 23 August 2011, Adv. Notemba Tjipueja, Mr. Barney Karuuombe, Mr Rodney Guiseb, Mr. Ulrich Freyer and Ms. Alberthina Nangolo were appointed as the new Commissioners of the ECN. They will serve as Commissioners for a period of five years. Commissioner Guiseb resigned in October 2012. The new Commissioners were appointed by the President of the Republic of Namibia, His Excellency, Hifikepunye Pohamba, in terms of Section 5(1) of the Electoral Act, 1992 (Act No. 24 of 1992), as amended.

The newly appointed Commissioners held their first meeting on 08 September 2011 and elected Adv. Notemba Tjipueja as the Chairperson of the Commission.

The new Commissioners were welcomed by the Speaker of the National Assembly Hon. Theo-Ben Gurirab who introduced them to Members of Parliament.

### ***Permanent Staff***

The ECN comprises of a small, competent permanent staff structure headed by the Director of Elections, Mr. Moses Ndjarakana, who is also the Chief Executive Officer and Accounting Officer of the Electoral Commission. The fulltime staff of the ECN during the reporting period stood at 46.

The structure of the ECN includes the following Divisions:

- Division of Electoral Operations: Responsible for the planning and implementation of registration of voters, preparation and the maintenance of the voter's register and all the legal, logistical and administrative aspects pertaining to elections.
- Voter Education and Democracy Building: This was initially not an exclusive mandate of the ECN until the Electoral Act was amended in 2009. In terms of Section 47 of the Amended Electoral Act any natural or juristic person, other than registered political parties, may apply to the Commission in the prescribed manner for accreditation to provide voter education in respect of any election.
- The Division of Finance and Administration: Provides general support services in staff administration and financial matters. The division is further responsible to prepare the ECN budget and the release of funding.

### ***Financial information***

The ECN is financed under Vote 28 of the national budget that makes provision for financing mainly two





programmes: the holding of elections and voter education. ECN has tabled a submission of N\$112.911 million for consideration and approval by Parliament for the current financial year, which exceeds the 2011/2012 budget by almost 12%.

The largest portion of the budget requested from Treasury since the last financial year was to fund the importation of the EVMs and Mobile Voter Registration Kit. The Commission, after consultation with stakeholders has resolved to introduce a mobile electronic registration of voter kits to be used for data capturing during voter registration. The Commission has started with preliminary work for the next general voters' registration process. The most important motivation and justification for the use of an electronic system of voter registration is efficiency, speed and accuracy of data.

## Conclusion

The ECN has met its targets for the period under review. It has conducted a fair and credible Local Authority Election in Oranjemund during the period under review. However, it was unfortunate that the Otjinene Local Authority Election had to be postponed due to factors beyond the Commission's control.

The smooth transition following the appointment of new Commissioners and induction into their position is an impressive achievement. The coming year, will be crucial for the Commission to adapt and successfully manage the transition that resulted from the change at the level of the Commission. This can be done by setting new targets in line with the fast-changing political environment. The ECN continues to work towards an electoral environment that is conducive to democracy.

The goal for the next two years is the introduction of new technology to improve voter registration and the voting process. Therefore, voter education activities will be intensified on the use of the EVMs and the introduction of digital mobile registration equipment.

The ECN has displayed excellent working relationship with all its partners. This has helped to stabilise its corporate image and credibility. It is hoped that Namibians will adopt the culture of political participation as voting is an important tool of democratization.





# ANNUAL REPORT 2012 - 2013

This section of the compendium reflects the provision of the Commission's annual report for the 2012-13 reporting period.

## *Message from the Chairperson*

**T**he period under review was characterised by remarkable growth, innovation and learning for the Electoral Commission of Namibia.

With the appointment of the Commissioners in August 2011, the Commission committed to making a difference at the ECN.

The main priority of the Commission was to change public perception of the ECN in order to gain the trust of the electorate.

During the period under review the Commission participated in various electoral activities which include by-elections, providing input towards the law reform, participating in various initiatives at regional and national level and ensuring the full participation of the country's political parties in the electoral process.

Internationally, the Commission participated in election observer missions as part of the ECF-SADC missions.

Other focus areas included managing governance and developing leadership. This was done through functional monthly meetings and convening special meetings to deal with urgent business as required. I am delighted to report that during the year under review, the ECN finalised the institution's strategic plan for 2012 - 2017. The strategic plan will be a key management tool for the general registration of voters scheduled, the Presidential and National Assembly elections in 2014 and the Regional Council and Local Authority Elections scheduled for 2015.

One target which the Commission started implementing was a system of reporting which enables the directorate to report on activities in line with our strategic objectives so that it can measure progress regarding the strategic plan.

Furthermore, the Commission recommended a performance management and appraisal system to strengthen the effectiveness of the ECN, in line with the strategic plan.

One of the mandates of the Commission is to produce a national voters' register every ten years. For this purpose, the ECN has to conduct a general registration of voters (GRV) campaign. Since the last GVR took place in 2003, the current deadline for producing the next national voters' register is 31 August 2013. Therefore, the ECN has begun the process of drafting an amendment to the Electoral Act of 1992 to extend the statutory deadline of 31 August 2013 for the completion of the GRV process.

Once the legislative process for the amendment of the Electoral Act is finalised, the ECN is confident that it will successfully roll out the GVR, with the new Biometric

Registration Kits. The Commission is proud to have acquired the biometric machines for the upcoming general voter registration.







## ***Situational Analysis - Office of the Director***

### ***Electoral Law Reform***

**T**he electoral law review process was a top priority for the ECN. The ECN broadened its scope of consultations to a larger spectrum of stakeholders. A White Paper on the law reform process was produced.

The ECN embarked on a holistic and comprehensive review of the Electoral Act, aimed at achieving the following objectives:

- Identifying aspects of the Electoral Act where amendments should be considered;
- Consolidating all the different amendments formulated over the years into a single document; or
- Undertaking a complete overhaul of the Electoral Act.

The ECN, stakeholders and members of the broader Namibian public held the view that there was a need for a comprehensive review of the Principal Electoral Act, Act 24 of 1992. Nine amendments were enacted in 21 years.

Against this background, the ECN and the Law Reform and Development Commission (LRDC) partnered to review the Electoral Act.



### *Court Judgment of the 2009 National Elections*

**A**mong the highlights of the year under review was the delivery of a ruling of a case by the Supreme Court regarding the 2009 National Assembly elections. The judgement, which was delivered on 25 October 2012, brought some closure to the court challenge submitted by nine opposition parties three years earlier.

### *Stakeholder Workshop*

**T**he ECN held a stakeholder workshop regarding the concept paper for the electoral law reform from 12 - 13 March 2013 to update and consult with stakeholders on the way forward. The Final Concept Paper was submitted to the LRDC for inclusion of the ECN's proposals and recommendations to the Law Reform Process on 27 March 2013.

The legal drafting of the five proposed legislative Bills is underway. It is expected that Parliament will enact the legislation soon and that the 2014 elections will be conducted under the new Electoral Act.

During the reporting period the Commission embarked on a process of reviewing its strategic plan for 2007/2008 – 2011. This resulted in the development of a five year strategic plan for the period 2012 – 2017. The Plan is pragmatic, measurable and verifiable with clear accountabilities regarding the implementing of the Commission's mandate, vision, mission and values.

The new strategic plan would, inter alia, provide a clear picture of the Commission's goals and strategies to achieve its aims and objectives, identify priorities, and allocate resources and to optimise available capacity.

The new strategic plan highlighted the need for accountability, non-partisanship, professionalism, secrecy and integrity. It is anchored on four strategic themes, namely:

1. Democracy building;
2. Operational excellence;
3. Capacity building;
4. Legal framework

The Commission's key stakeholders were identified as follows:

- The Electorate;
- Political parties and civil society organisations;
- People with disabilities;
- Development partners;
- Service providers;
- National and international election observers;
- The media;
- Election officials;
- Employees of the Commission and others.

The new strategic plan would enhance the Commission's capacity to:

- Deliver free, fair and credible elections;
- Improve voter education;
- Improve organisational performance;
- Ensure prudent financial management;
- Improve coordination and communication technology;
- Attract and retain highly skilled and competent staff;
- Mainstream gender and HIV/AIDS programmes;
- Ensure a responsive electoral legal framework;



- Acquire fixed and mobile assets;
- Comply with its decentralisation policy.

### *Strategic Themes and Milestones achieved*

The period under review was one of introspection and strategic planning. Based on the lessons learnt during the 2009 and 2010 elections, the Commission started a review of its electoral processes and legislation in preparation for the 2013 general registration of voters, the Presidential and National Assembly Elections in 2014 and the Regional Council and Local Authority Elections in 2015.

This report provides the following key performance goals against its four strategic themes:

- Democracy building;
- Operational excellence;
- Capacity building;
- Legal framework.

### ***Democracy Building***

#### *Sibbinda and Tsumkwe By-Elections*

The ECN held two by-elections during the period under review, namely in Sibbinda on 14 September 2012 and in Tsumkwe on 16 November 2012. A number of parties participated in the management and delivery of free and fair elections.

In terms of Democracy Building, the ECN conducted a range of voter education activities in preparation of the aforementioned elections.

### *Operational Excellence*

The ECNs vision is to be an excellent and independent election management body committed to deliver credible elections. In order to achieve this vision, the ECN abides by a set of guiding principles or core values that should be demonstrated through the day-to-day behaviour of all staff members in the implementation of the strategic plan. These core values as mentioned previously include: accountability, non-partisanship, professionalism, secrecy and integrity.

The ECN welcomed a new team of Commissioners during the period under review.

The Commission has maintained strong liaison and interactions with various stakeholders, including political parties, civil society and faith-based organisations. It is through open dialogue with such stakeholders that the Commission is able to successfully deliver on its mandate. The ECN also has a small but effective staff team that is dedicated to ensuring that the Commission achieves its mandate successfully. In particular, the Commission acknowledges the invaluable inputs and co-operation of the





political parties through the Political Party Liaison Committee (PLC).

During the year under review, a healthy financial environment was maintained. This enabled the ECN to hold by-elections and to improve on its administrative systems.

With respect to the Mobile Voter Registration System, the ECN introduced a new Biometrics Voters Registration System. This system will be used for the first time during the upcoming general registration of voters.

### *Electronic Voting Machines (EVMs)*

In 2007 the Commission in consultation with stakeholders implemented the use of Electronic Voting Machines (EVMs). An amendment was passed by Parliament to include the use of EVMs in the Electoral Act, Act 24 of 1992. During the period under review, the ECN finalised the procurement of the EVMs. The roll out of the EVMs is planned for the 2014 Presidential and National Assembly Elections.

### *Capacity Building*

**T**he ECN encourages personal training and development of its permanent and temporary staff through personal development plans, emanating from staff development needs identified.

The Secretariat facilitated training for the Sibbinda and Tsumkwe by-elections and the development of training materials. Furthermore, the Division of Democracy building strives to improve the capacity of voter education officers in preparation of key activities.

The ECF SADC, in collaboration with the UNDP, offered training to new Commissioners and CEOs in the SADC region. The objective of the Orientation Programme was to assist new Commissioners and senior staff to embrace their roles and responsibilities, reflect and share views including, the legal framework, planning and logistics, stakeholder engagement, electoral justice and equity.

### *Legal Framework*

**T**he ECN met with the political liaison committees (PLC) for a consultative workshop on the electoral reform in March 2013. This was hosted by the ECN and the UNDP. The stakeholders were presented with a concept paper comprising ECN's recommendations. The Electoral Law Reform Project is a joint project of the ECN and the Law Reform Development Commission (LRDC). The two bodies planned to have the new Electoral Act enacted for the 2014 Presidential and National Assembly Elections.

The new electoral legislation will address the following issues:

- The establishment of the Commission;
- The electoral process;
- Registration and deregistration of political parties, referenda;
- The adjudication of electoral disputes.



## *Elections conducted*

Two Regional Council by-elections were conducted successfully during the period under review.

The Sibbinda Constituency by-election took place on 14 September 2012, following the death of the sitting Councillor, Hon. Felix Mukupi. Four political parties participated in these by-elections, namely CoD, DTA, RDP and SWAPO.

The Tsumkwe constituency by-election took place on 16 November 2012 following the death of Hon. Moses //Goma on 21 August 2012. The voter turnout during this by-election was 49.4%. Five political parties, namely APP, DTA, NUDO, RDP and SWAPO participated.

Both by-elections were conducted in a peaceful atmosphere. The election results were accepted by all the political parties that took part in the elections.

## *Election Observation*

The ECN is a member of the Electoral Commissions Forum of SADC countries (ECF-SADC). Further to this, the Commission participated in various election observation and peer learning missions in the SADC region under the auspices of ECF-SADC during period under review. These included a mission to observe the Zimbabwe Referendum and a mission to observe the National Assembly election of the Kingdom of Lesotho respectively.

## *Consultative Workshop on Electoral Law Reform*

The ECN, with the assistance of the UNDP and International IDEA, hosted a consultative workshop on March 2013 on the Electoral Law Reform process. 120 Stakeholders and representatives from academia, members of Parliament, political parties, government departments, civil society, media, churches and traditional leaders attended.

The aim of the workshop was to ensure the inclusion of ECN stakeholders' in the electoral law reform process. Specific objectives were to engage stakeholders in the validation of ECN proposals on the electoral law reform process; harness the regional and international electoral experience and best practices for Namibia's electoral law reform process; raise awareness and inculcate a sense of ownership of the law reform process.

Topics discussed were the code of conduct for political parties; duties and responsibility of the government; the media; executive authority; the legal framework; voter registration; political liaison; gender and elections; tendered ballots; political funding; party agents; electoral dispute and conflict resolution; voter assistance in polling stations; voting abroad; by-elections notices; and other issues.

It was highlighted that codes of conduct were essential to the electoral process because they guide the behaviour and actions of electoral stakeholders.

With respect to the legal framework, it was noted that the independence of the ECN, as the exclusive





EMB in Namibia should be anchored in the Constitution and that the Constitution should thus be amended. Such independence should include the budgetary independence of the ECN. The details of the process should be elaborated in a robust establishment of an Act of Parliament.

Regarding voter registration, it was recommended that there was a need to increase the diversity of marginalised voters such as women, the youth, and voters with disabilities. There was also a need for an inclusive voter registration process that is accessible and transparent with the requirements of “proof of residence” needing to be revisited.

It was further noted that the political liaison committees (PLCs) were important for credible elections as they enhance the participation of stakeholders in the electoral process. The PLC in Namibia should include representatives from other electoral stakeholders beyond party representatives and furthermore PLCs should be formalised through legislation or an Act of Parliament.

On gender and elections, it was recommended that election management bodies be allowed to operate independently, that they should act impartially and in a transparent manner and should develop policies on advancing participation of women in elections. A conducive voting climate is a prerequisite for the participation of women. Clear policies should be articulated regarding women and their participation. Women should also be involved in proportionally participating in policy making and implementation in the Election Body.

It was suggested that the proposed law must stipulate the proportion of women to be placed on the party lists as candidates. The EMB was urged to work closely with non-government organisations (NGO's) that promote women and gender equality to ensure that women enjoy the right to participate. It was noted that there was a need to understand impediments to women and the electoral process and to design measures to counteract those barriers. Political parties were urged to include women in their candidate lists where the law was silent on the matter.

It was also proposed that women be engaged in all aspects of election administration.

Participants at the workshop also discussed political funding and in this regard it was suggested that a specific Act, regulating political party funding, should be enacted. Such an Act could address the distribution of State funding and provide for the publication of accounts. It could also provide for the establishment of a monitoring body for political funding and in this respect, the EMB could be capacitated to do so. Such a body should be a separate and independent entity as is the case in Kenya. The other option proposed was the South African model. The envisaged Act should also address the complex issue of incumbency versus State resources. Due consideration should be given to in-kind support to political parties. In this regard, the achievements of Ghana could serve as an example. The proposed legislation should provide sanctions for the improper use of State funding.

The proposed legislation should also provide for a more equitable formula for funding. Such a formula should provide low thresholds for funding and seek to address the issue of extra-parliamentary political party funding.

The proposed legislation could also seek to combat illicit funding and any untoward practices. It should contain regulations to make it mandatory for political parties to disclose all their sources of funding. The regulations should ideally be bolstered through robust application and enforcement.

The proposed legislation should also provide for greater access to information regarding the release and use of political party funding. In this regard, civil society organisations (CSOs) and the media



should be given space and latitude to monitor political party funding.

In relation to electoral disputes and conflict resolution, several recommendations were made. There was a general consensus on the dispute resolution model which should be created by the proposed legislation. In this context, it proposed that the envisaged law establishes an Electoral Court, provides ways to prevent disputes, education, awareness and training of ECN officials, police, security and political parties and civil society.

Participants stressed that ECN should work hard to improve the levels of trust, credibility, accountability, consultation, and access to information.

### *External visits and missions*

**D**uring the period under review the ECN sent a delegation to the National Independent Electoral Commission of the Democratic Republic of Congo to participate in the evaluation exercise of the 2011 Presidential and National Assembly Elections.

The delegation comprised of the Director of Operations, Mr Ananias Elago and Commissioners Mr Ulrich Freyer and Ms Alberthina Nangolo.

In April 2012, the ECN's Director of Elections and Commissioner, Mr. Ulrich Freyer attended a workshop on lessons learnt from Election Instruments (2011 elections in the SADC region) in Johannesburg, South Africa. Discussions included the following: an overview of electoral instruments and recommendations; guidelines on democratic elections; norms and standards for elections in the SADC region; the African Union Declarations on the principles governing democratic elections in Africa as well as the African Charter on democracy, elections and governance, principles on election management, monitoring and observation in the SADC region; and challenges and opportunities to implementing the SADC election instruments by EMB's.

An ECN delegation consisting of Adv. Notemba Tjipueja (Chairperson), Mr Moses Ndjarakana (Director of Elections) and Ms Alberthina Nangolo (Commissioner) also attended the 14th Annual General Conference of the Electoral Commissions Forum (ECF) of SADC countries in Botswana from 23 - 25 September 2012.

In October 2012 the ECN hosted a delegation from the Malawi Electoral Commission to study voter registration systems.

The ECN was elected to the Executive Committee of the Electoral Commissions Forum of SADC countries at its 14th Annual General Conference on 24 September 2012 in Gaborone, Botswana.

### *General Voters Registration Action Plan (GVR)*

The ECN develop a comprehensive provisional action plan for the General Voters Registration. The plan consisted of the following: the determination of registration venues; the establishment of offices for regional coordinators and supervisors; the establishment of GVR IT support centres, the cost of venues, offices and office ;equipment, transport logistics; and identifying and training technical GVR staff.





## *Recruitment of Registration Officials*

A total number of 3500 registration officials across the country were recruited and subsequently trained.

Visit by Ugandan MPs

During the period under review, members of the Standing Committee on the Legal and Parliamentary Affairs of the Parliament of Uganda visited ECN.

The visiting MPs were briefed on the legal sources of the electoral systems and processes in Namibia; the operations and administration of the ECN; the establishment and legal mandate of the ECN; the appointment of ECN Commissioners; and the appointment of the Director of Elections. The Director of Elections also briefed the visiting delegation on the mandate and activities of the ECN.

## *Commonwealth Electoral Network*

Adv. Notemba Tjipueja and Mr Moses Ndjarakana attended the Biennial Conference in Toronto, Canada from 25 - 26 June, 2012. The Commonwealth Electoral Network (CEN) comprises of the Electoral Bodies of 54 Commonwealth Countries.

The CEN was formed with the objective of facilitating experience sharing, promoting good practices and facilitating opportunities for peer support across the Commonwealth.

During the conference, Adv. Tjipueja, Mr Njarakana and other delegates learnt that the CEN had launched an on-line collaborative workspace called “Commonwealth Connects for facilitating interaction and experience sharing amongst members”. One officer from each member EMB, called the Network Focal Point, would be the coordinating member with access to be considered to other officers on request. Plans for the CEN Secretariat to fully activate the workspace were underway.

During the conference, a programme for training and support to Young Election Administrators (YEAs) was launched.

The first working group meeting of CEN “Voter’s Education and Electoral Participation” was held at Nirvachan Sadan, New Delhi from 16 – 17 June, 2001 under the chairmanship of the Election Commission of India. The representatives from Electoral Management Bodies of South Africa, Kenya and Officials from Commonwealth Secretariat, London participated in the two-day meeting.

## ***Electoral Operations Directorate***

### *Preparations for the general registration of Voters (GRV)*

The general registration of voters (GRV) in Namibia takes place every ten (10) years. This means that all the eligible voters countrywide will be required to re-register. The last GRV took place in 2003, with the next GRV scheduled to take place by 31 August 2013.

The ECN decided to introduce new biometric technology during the upcoming GRV. The



advantages of the new technology include speed and accuracy in capturing registration information, the durability of the PVC type voters' cards as well as the enhanced credibility of the voter's registers. Planning for the technical training on the use of the new technology was prioritised.

### *Regional visits to determine GRV registration points*

ECN staff members from the division of Registration and Planning undertook regional visits from 20 May - 22 June 2012. The objective was to meet with Regional Governors as well as Regional and Local Authority Councillors. During these visits, ECN staff determined registration points for the upcoming GRV and lobbied for infrastructure to be used during the registration process.

The regional authorities commended the ECN for the regional visits initiative.

### *Mobile voter's registration system*

A tender to acquire Mobile Voters Registration Kits (MVRK) was awarded to Face Technology. The first consignment was received on 18 May 2012, consisting of 600 printers and the second consignment was delivered on 26 June 2012. The consignment consisted of 192 VRKs, 600 printer suitcases, 600 power extension cords and 80 toolkits. The third consignment was received on 2 July 2012. It consisted of 408 VRKs.

### *Preparations for electronic voting*

Planning for electronic voting included technical training. The new method of electronic voting is expected to speed up the voting process and the announcement of election results and to eliminate any administrative errors.

### *Compendium of election results*

The ECN took a decision to start a publication reference volume documenting the election results of all elections conducted in Namibia since the elections in 1989. Legacy Publications was awarded the tender to publish the Compendium. The draft document of Compendium of Election Results was completed.

### *The ECN Library resource centre*

**T**he new ECN head office building plan makes provision for the establishment of an ECN Library or Resource Centre. The Centre will be specialising in electoral research and publications.

Commission activities at a glance

- Commissioner Albertina Nangolo and Adv. Notemba Tjipueja (Chairperson) attended the AGC of ECF-SADC in Gaborone, Botswana from 23-25 September 2012;







- Commissioner orientation session held;
- CEO and EXCO meeting in DRC, Kinshaha, 18-19 June 2012 attended by Ananias Elago (Director of Operations) and Commissioners Ulrich Freyer and Alberthina Nangolo;
- A CEO and EXCO meeting in February 2013, Tanzania, Dar Es Salaam was attended by the Director of Elections, Mr. Moses Ndjarakana;
- New Commissioners (Nangolo, Freyer and Karuoombe) attended the orientation for new Commissioners in Pretoria from 26 - 29 September 2012;
- Commissioner Freyer attended the Thematic workshop on Electoral Management - Sustainability

held on 4- 8 March in Maputo;

- Observer missions: Commissioner Freyer and Karuombe travelled to observe the Lesotho, Angola Parliamentary Elections and the referendum in Zimbabwe;
- In March 2013, the Commission registered a new political party; Christian Democratic Voice;
- In 2011, a Commissioner resigned and in February 2013, His Excellency the President, Dr. Hifikepunye Pohamba appointed Mr. Butty Nespect Salom as Commissioner as from 01 March 2013 – 31 August 2016.

### *Democracy Building Division*

The division's regional voter education officers carried out voter education sessions for adults and learners in secondary schools. Public gatherings were also organised to allow access to the sessions by more people.

The division represented the ECN at regional and national events, including agricultural expos and trade fairs where it showcased the ECN mandate, programmes and services regarding democracy and citizenship.

The division produced a voter education booklet and a facilitation guide for use by voter educators and a draft Namibia National Voter Education Policy. It also produced and distributed the Vote Newsletter to the general public, private and public institutions including tertiary institutions.

Two training workshops were conducted in basic computing in Microsoft Office Applications and Trouble Shooting for the ECN staff at the ECN headquarters and regional centres. Two staff members attended the BRIDGE courses on Election and Media. One member attended training on Managing Democratic Elections which was organised by the University of South Africa (UNISA).

A stakeholder workshop was organised to present the draft report on the Disability Survey. The survey objectives were to collect information on how ECN was fulfilling the needs of people with disabilities in order for them to access ECN services and to participate fully. Two workshops were organised to present the drafts of the voter education booklet and facilitation guide to stakeholders for their input in Otjiwarongo.

Two more workshops to train various stakeholders including political parties, civic society organizations and churches were held in Swakopmund in January 2013.





## Information Technology Department

The IT department acquired and installed equipment and systems for warehousing at the ECN's head office. This will enable the Commission to track and manage its resources (i.e. ballot boxes and election-related material) kept at depots and warehouses all over the country. The warehouse system is expected to improve the Commission's capacity to plan for elections more effectively.

The Commission also acquired registration kits which will capture prospective voter's finger prints, issue more durable cards and ensure a more reliable voter's register. Approximately 700 kits were bought during the year under review.

A total of 27 trainers of trainers were trained during the year. The department also assisted in efforts to create awareness on electronic voting.

The year under review also saw the department virtualize all the Commission's servers with several servers now being run on one main server, resulting in improved management of resources. The department also linked all the regional offices using virtual private network (VPN). This innovation enables the staff of the Commission to access data from head office from wherever they may be at the time which reduces time and costs associated with having to obtain information physically. The VPN is highly secure and restricted to authorized ECN staff only.

As part of the preparations for general elections scheduled for 2014, the department began preparing to verify 'voters' likes' through ensuring that there is internet access at all polling stations. The idea is to prevent people voting more than once by going to a different polling station after they have voted.

Through the process of verifying 'voters' likes', the Commission can improve on its reporting with respect to the people who vote. This will provide the Commission with accurate data on voters', for example, how many people within a given age, group or sex, voted, thereby obtaining disaggregated data.

## Human Resources Management

### Staff complement

The permanent staff complement of the ECN stood at 42 (22 females and 20 males) an additional 178 temporary staff members (84 females and 94 males) employed at headquarters and in the region to assist with administrative work and civic voter education. One staff member went on retirement during the period under review. The vacant position of Training Officer was filled



VM simulations in Ohangwena Region.



to facilitate and coordinate all training.

Staff members were sent on various short courses to improve work performance and efficiency in their respective divisions.

The ECN strictly complied with its obligations to pay over to the relevant authorities all employers' contributions towards social security, medical aid and pension.

### *Employee Relations and Wellness*

As part of the Public Service Wellness and HIV/AIDS programme, the ECN promoted employee wellness and education activities on lifestyle diseases and conditions on a monthly basis. This initiative is in line with NDP 3, Goal 13 - Quality of Life as well as the HIV/AIDS National Strategic Framework (NSF) for workplace programmes. These events were, generally, well attended by staff members.

### *New Development*

The Human Resource office began the process of migrating from a manual working system, to a new automated system called Human Capital Management System (HCMS).

### *Voter Education implementation*

**T**he ECN has regional offices in all 13 regions. These offices are managed by a Regional Voter Education Officer and three Assistant Voter Education Officers. These staff members are primarily charged with conducting voter education in their respective regions.





# ANNUAL REPORT 2013 – 2014

This section of the compendium reflects the provision of the Commission's annual report for the 2013-14 reporting period.

## Part A Message from the Chairperson

During the period under review, the Commission prioritised the preparation of the GRV, law reform and the finalisation of preparations for the 2014 Presidential and National Assembly elections. The period under review was one of advancement through new registration technology and the improvement of legal matters. Public perception of the ECN was improved and the Commission gained the trust of the electorate by engaging with its stakeholders and electorate during various key processes.

Looking back, I can boldly say that the team of ECN Commissioners and staff successfully concluded the GRV in March 2014 with plans to publish the register by mid-year in 2014. For the first time, the ECN used the biometric voter registration which improved the credibility of our voters' register. The new system has eliminated challenges previously experienced.

On an international level, the Commission participated in election observer missions as part of the SADC ECF missions. It assisted Zimbabwe as leading the mission for Harmonised Elections of the Republic of Zimbabwe held on 31 July 2013.

During the year under review the ECN began the process of legal reform of the Electoral Act of 1992 which process extended beyond this financial year. It is envisaged that the new Act will be finalised before the 2014 Presidential and National Assembly elections.

The highlight of the year under review included the Grootfontein by-election; the GRV ending in March 2014; preparations for the Presidential and National Assembly elections by introducing the EVMs to stakeholders; and Law Reform of the 1992 Electoral Act.

Overall, the year under review can be described as another productive year, and I would like to express my sincere gratitude to our Government for providing material and budgetary support. I would also like to thank our other key stakeholders for their continued support and beneficial cooperation extended to the ECN during the year under review.

### *Director of Elections Message*

During the 2013/2014 financial year the ECN focused on the preparation of the general registration of voters (GRV) and the preparation for the 2014 National Assembly and Presidential elections in November 2014. In addition, the ECN embarked on the final stages of the Electoral Law Reform.

The GRV is conducted every ten years, as prescribed by the Electoral Act, thus the ECN has been educating stakeholders and the electorate on the importance of obtaining new voter cards for the upcoming Presidential and National Assembly elections, and future elections.



The ECN also welcomed a delegation from India early in 2013 to roll out the Electronic Voting Machines programme and to train ECN staff, Parliament, civil society organisations and the media.

The EVMs were acquired to speed up the voting, counting and publicising of the election results and to eliminate any possible errors.

We are confident that the introduction of innovative technology will enhance the transparency and efficiency of the electoral process, and we would like to thank our stakeholders for their support and inputs.

## ***Situational Analysis: Office of the Director***

### ***Electoral Law Reform***

**T**he Electoral Commission of Namibia (ECN), stakeholders and members of the Namibian public, have acknowledged the need for a comprehensive review of the principal Electoral Act, Act 24 of 1992. The number of amendments which have been enacted since 1994 is indicative of the need to review and consolidate the law.

The urgency of the law reform was highlighted by the Judge President of the High Court on February 14, 2011. The court found the electoral law too cumbersome and directed that it be reviewed before the 2014 elections.

It is against this background that the ECN together with the Law Reform and Development Commission (LRDC) partnered to jointly work on reforming the existing Electoral Act. The process has progressed to the final stages of the legal drafting of the Bill. Once the Bill has been crafted, it is hoped that Parliament will consider and enact it swiftly.

The Law Reform project aimed at achieving the following objectives:

- Identifying aspects of the Electoral Act where amendments are to be considered;
- Consolidating all the different amendments made over the years into a single document;
- Complete overhaul of the Electoral Act.

### ***Delimitation Commission***

On January 18 2013, President Hifikepunye Pohamba announced the fourth Delimitation Commission, to be chaired by Judge Alfred Siboleka with Dr. Zed Ngavirue and Dr. John Steytler as members.

The Delimitation Commission is the body responsible for determining the boundaries of Namibia's regions and constituencies, and for deciding how many regional councillors should serve on each Regional Council. It was created under the Namibian Constitution and gazetted on 3 September 1990 in Proclamation No. 12 of 1990 titled "Establishment of the First Delimitation Committee and the Duties thereof".



The duties as outlined in Proclamation No. 12 of 1990 are as follows:

Total Number of Votes	Candidate	Political Party	Number of Votes
3, 539	Amagulu, Nelao	SWAPO Party of Namibia	2, 412
	Naobeb, Sedekias	Rally for Democracy and Progress	635
	Katjinamunene, Theonesta	SWANU of Namibia	78
	Kahuure, Prieska	NUDO of Namibia	117
	Willemse, Julenda Serien	DTA of Namibia	102
	Hausiku, Meiisolf	APP	145
Rejected Ballot Papers	-	-	50
		Total	3, 539

- To determine the boundaries of the regions and, subject to the provisions of Article 102(4) of the Namibian Constitution, the boundaries of Local Authorities, into which Namibia is to be divided for the purposes of holding Local Authority and Regional Council elections;
- To determine the number of persons of which each Regional Council shall consist;
- To determine the number of constituencies into which each region shall be divided; and
- To fix the boundaries of each such constituency.

The Delimitation Commission submitted its report to the Head of State in June 2013 which included the following main recommendations:

- An additional region be created (splitting the previous Kavango Region into two i.e. Kavango East and Kavango West);
- The Caprivi Region be renamed as the Zambezi Region;
- Fourteen (14) new constituencies be created; and
- The boundaries of eleven (11) constituencies be adjusted.

### *Elections Conducted*

One by-election was conducted during the period under review.

### *Grootfontein by-election and preparations*

The Grootfontein constituency by-election took place on 30 May 2013, following the death of the sitting Councillor Late Hon. Bromeus Matheus on 01 March 2013. Supplementary registration of voters in the



Grootfontein constituency took place from 25 - 28 March 2013. This was preceded by the recruitment and training of 74 registration officials and party agents. Teams were deployed as from 24 March 2013.

The provisional voters register (PVR) was displayed from 04 - 05 April 2013 to allow for objections to be raised against the inclusion of names in the PVR. The period for representation before a Magistrate and ruling by the Judicial officer was scheduled for 05 - 24 April 2013, in accordance with Section 21 of the Electoral Act, 24 of 1992.

15,533 Voters were on the original voter's register with 1,511 new voters registered in the Grootfontein constituency by-election. This brought the number of registered voters' to 17,044. However, following the final verification process which found that the voters' register contained 26 deceased and 25 duplicate entries, the final voters' register recorded a total of 16,993 registered voters'.

The ECN conducted voter education before and after supplementary registration. This was mainly done through community information meetings, posters, pamphlets, radio and TV programmes.

The by-elections for the Grootfontein constituency took place on 30 May 2013. The results were as follows:

### *Election Observation*

The Electoral Commission of Namibia undertook a study tour to India to observe the 14th Legislative Assembly Elections of the Karnataka State held on 05 May 2013, and to afford the Commissioners an opportunity to familiarise themselves with the use of the Electronic Voting Machines (EVMs) in a practical setting.

The mission comprised of Adv. Notemba Tjipueja, (Chairperson), Commissioners Ulrich Freyer, Barney Karuumbwe, Alberthina Nangolo and Butty Salom. The Commissioners were accompanied by Mr. Moses Ndjarakana (Director of Election), Mr. Thomas Shapi (Chief Control Officer) and Mrs. Elizabeth Swartz (Administrative Assistant).

The ECN was introduced to the concept of EVMs in 2004 and has since sent members of Parliament to observe the Indian General Elections in 2009. The use of EVMs in Namibia was adopted by Parliamentarians and the Commission in 2010. The ECN will introduce the EVMs to the electorate and stakeholders during 2013. This will be done through a publicity campaign leading up to the 2014 Presidential and National Assembly Elections. Preceding the National Elections, the Commission will introduce the EVMs for any by-elections which may arise.

The Commissioners also visited the manufacturing plant of BEL to receive practical training on the use of the EVMs.

### *Lessons Learnt*

- i. The Electoral Commission of India released results within only four (4) hours of counting, despite a voter turnout of 71%. This is clear evidence of the fact that the use of EVMs minimises the time spent on counting by approximately 80%.



- ii. The EVMs proved to be accurate, as the Presiding Officer could tally the number of votes cast at any time during polling with the number of voters on the electors roll, which also proved to be the case with the results announced after polling.
- iii. During polling, the Presiding Officer at any given polling station was able to retrieve the total number of votes cast; the average number of voters who visited the station; and also provided gender disaggregated data.
- iv. The EVM is designed in such a manner that no other external device can be connected to the machine unless specifically designed by the manufacturer, BEL.
- v. The EC of India does not count votes at the polling station after poll closes and it is proposed that the ECN retain the provision to count votes at the polling station before verification by the Returning Officer, as required by the Electoral Act as it promotes legitimacy and transparency.
- vi. The Mission proposed that the electoral review include the provision for the ECN to be empowered to develop regulations that will restrict social activity on polling day such as the closing of bars and selling of liquor. The Electoral Commission of India banned the sale of liquor and closed all bars before polling, on polling day and during counting.
- vii. It has been noted that the demand of the EVMs is steadily increasing in countries such as South Africa, Mauritius and Nepal considering the introduction of these machines for their elections.
- viii. The company, BEL continues to improve on its innovation, a device has developed that issues a voter a slip/receipt, to prove the vote was cast; this is a means of verification and could be used for tallying the number of votes cast and improve efficiency and effectiveness of the EVM.
- ix. The mission observed that the security arrangements for the entire process of elections, specifically guarding the EVMs was consistent and high. This also ensures transparency and builds trust. Overall the ECN has a meticulous electoral process through clear procedures for each activity.

### *ECF-SADC Election Observation Mission: Zimbabwe Harmonised Elections 2013*

The ECF-SADC Election Observer Mission (the Mission) was led by Adv. Notemba Tjipueja, Chairperson of the Electoral Commission of Namibia (ECN) from 23 July 2016 - 2 August 2014.

The Mission comprised of observers from the Electoral Commissions of Botswana, the Democratic Republic of Congo (DRC), Lesotho, Malawi, Mozambique, Namibia, South Africa, Tanzania, Zambia and Zanzibar.

The Zimbabwe 2013 Harmonised Elections were, generally, well managed and conducted in a peaceful and transparent manner

## ***Electoral Operations Directorate***

### *General Registration of Voter's*

The programs of the Electoral Commission of Namibia (ECN) during the period under review were





geared towards the preparation and execution of the general registration of voters (GRV) of all eligible Namibian voters. All the eligible voters' countrywide and abroad were required to re-register so that a new national voters' register could be compiled. The last GRV in Namibia took place during 2003. This exercise is to occur every ten (10) years. The GRV was accordingly planned to take place during 2013. However, it had to be postponed due to the work of the Delimitation Commission. As a result, the third (3rd) General Registration of Voters took place between 15 January 2014 and 02 March 2014.

The 3rd general registration of voters was both historic and unique compared to the previous two. The ECN introduced new biometric technologies for the first time. The advantages of the new technology include the accuracy of capturing registration information, the durability of the PVC type voters' cards as well as the enhanced credibility of the voter's registers.

The GRV was successfully concluded on 2 March 2014 within the stipulated period. The latest national census revealed that there are about 1.2 million eligible voters in Namibia. The provisional GRV figures showed that the ECN has registered over 1 million voters, or over 90% of the eligible voters. This exceeded the Commission's expectations.

### *Registration for Local Authority elections*

**A**rticle 111 (3) of the Namibian Constitution states that "Persons shall be qualified to vote in elections for Local Authority Councils if such persons have been resident within the jurisdiction of a Local Authority for not less than one year and immediately prior to such election and if such persons are qualified in elections in the National Assembly."

In compliance with this constitutional provision, Namibians wishing to register for Local Authority elections during the GRV were required to prove 12 months of consecutive residency in their respective Local Authority areas, by means of water and electricity bills or telephone accounts from municipalities, town or village councils.

The ECN is fully aware that the utility bills are in most instances not in the name of all the members of the households and that the expansion of our cities and towns has resulted in residents who live in areas where it is virtually impossible to prove residency. There have been numerous complaints from members of the public concerning the registration requirements applicable for Local Authorities elections in particular.

The requirements for registration as voters in a local authority area discouraged many eligible voters to register in their respective local authorities. However, the ECN with the ongoing electoral law review process is considering appropriate registration requirements for local authorities. The ECN endeavoured to afford eligible voters an opportunity to register during the said supplementary registration process preceding the 2015 Regional Councils and Local Authority elections.

### *Transport during GRV*

The ECN faced acute shortages of suitable vehicles at the start of the GRV process. This caused a serious delay in the opening of some of the registration venues, especially the Windhoek Municipal area. The ECN resorted to contracting private citizens with suitable vehicles to assist in this regard. The table shows the provisional statistics of the registration process at the time of compiling this report.



## Provisional Statistics of GRV:

Number of registered voters in-country	1,158,925	Grand Total 1,162,366
Number of persons registered foreign Missions	3 441	
Duplicates detected through AFIS matching (persons who registered more than once)	1 747	
Number of people who registered through sworn statements in respect of Identity	188,855	
Number of people who registered through sworn statements in respect of Citizenship	106,313	
Percentage of Youth Registered	44%	

## *Democracy Building Division*

### *Democracy Building*

In preparation for the GRV exercise, the Division Democracy Building, commissioned the development of a series of information packages that were used to inform and educate the public on the general registration of voters. The GRV will ensure the registration of all eligible voters every ten years, as is required by law. A broad scope of communication channels was used for voter education before and during the GRV exercise.

The voters' education program aims to enlighten and encourage citizens to appreciate their individual and collective roles and contribution to the democratic process, especially through voting. It also aims at creating awareness of particular electoral activities such as registration of voters and election/polling activities. Furthermore, voter education deals with imparting knowledge regarding the rules and procedures that facilitate the organisation, planning and execution of elections and all electoral activities.

### *Namibia National Electoral and Democratic Processes Baseline Survey 2012*

The survey was commissioned by the ECN to assess the reason for the decline in voter numbers since 1992. The survey measured the level of understanding of the public regarding electoral and democratic processes, and the effectiveness of the ECN's programmes and projects. The study targeted all Namibian citizens aged 18 years and older. It used a quantitative opinion survey and was conducted in all 13 regions of Namibia.

The report was compiled by Dr. Elizabeth Ngololo, Ms. Johanna Nashandi, and Mr. Jan Swartz, and reviewed by Dr. Andrew Niikondo of the Polytechnic of Namibia. The team would like to thank Mr. Alvis Weerasinge and Ms. Aina Shinyemba of the National Statistical Agency, and Mr. Wazuu of the GIS office for methodological advice and useful comments. Mr. Reino Ihemba was also instrumental in designing the questionnaire.



It was found that the majority of respondents across regions are aware of their constitutional right to vote and the eligible age to vote. The main recommendations of the report were that the public's understanding of electoral and democratic processes needs to be improved and the effectiveness of the ECN's programmes/projects be enhanced.

Additionally Government should strengthen the ECN's budget to enable the institution to:

- Intensify awareness campaigns;
- Intensify capacity-building for staff;
- Build the capacity of political parties in voter education and promoting understanding of electoral laws;
- Amend those laws that may negatively affect the democratic processes and participation of citizens; and
- Collaborate with other stakeholders to conduct more research on voter behaviour.

### *Training program for roll out of EVMs*

**T**raining for the use of EVMs took place for Parliament, the National Council, National Assembly, Political Parties and the Media.

The team of Bharat arrived on 30 June 2013, first checking the EVMs and accessories for the demonstrations. The first demonstrations were given to State House, Cabinet Members, Commissioners, Political Parties, National Assembly, other stakeholders including the media from 1 – 4 July 2013. Thereafter the EVM's and its accessories were prepared for the regional presentations and training which was scheduled for 08 -18 July 2016. The team was also tasked to review the training manuals on the use of the EVMs after the presentations.

Pic of CEO

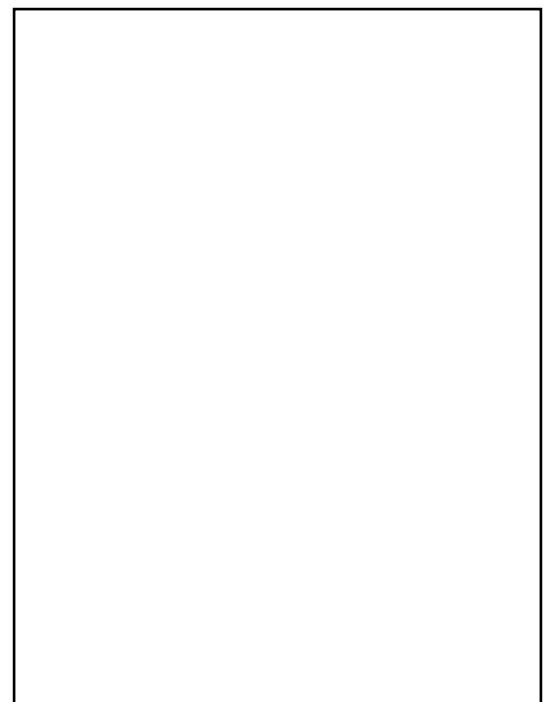
### *Human Resources Management*

**O**n 21 of August 2013, Adv. Notemba Tjipueja announced the appointment of Prof. Paul J Isaak as the new Director of Elections.

Prof Isaak assumed his duties on 1 September 2013. This appointment follows the end of term of Mr. Moses Ndjarakana.

Prof Isaak holds a Doctorate of Philosophy and was employed as Full Professor at the University of Namibia. He was also a Professor of Missiology in Switzerland at the Ecumenical Institute Bossey that is part of the University of Geneva, during the period from 2007 to 2012.

Prof Isaak was lecturing African and Western Political Philosophy, Religious Studies, Social Ethics, and Contemporary Social Issues at the University of Namibia.



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# ABBREVIATIONS AND ACRONYMS

ACHPR	African Charter on Human and People's Rights
AFIS	Automated Fingerprint Identification System
APP	All People's Party
AUEOM	African Union Election Observer Mission
CERC	Central Elections Results Centre
CVE	Voter and Civic Education
ECF-SADC	Electoral Commissions Forum of SADC Countries
ECN	Electoral Commission of Namibia
ELCIN	Evangelical Lutheran Church in Namibia
EMVs	Electronic Voting Machines
FLC	First Level Checks
GRV	General Registration of Voters
HR	Human Resources
IEC	Independent Electoral Commission
MVRKs	Mobile Voter Registration Kits
NBC	Namibian Broadcasting Corporation
NEFF	Namibia Economic Freedom Front
NUDO	National Unity Democratic Organisation
OMAs	Offices, Ministries and Agencies
PR	Proportional Representation
PVR	Provisional Voter's Registers
PWDs	Persons with disabilities
RDP	Rally for Democracy and Progress
RO	Returning Officer
SEOM	SADC Election Observer Mission
SRV	Supplementary Registration of Voter's
UDP	United Democracy Front
VVDs	Handheld Voter Verification Devices
WRP	Worker's Revolutionary Party

## *Performance Assessment and Post-Election Reports*

One of the most innovative initiatives introduced by the new Electoral Act (No. 5 of 2014) is the requirement placed on the ECN to compile a Performance Assessment and Post-election Report after every election. The Performance Assessment and Post-election Report, essentially, serve as an accountability measure. This is governed by section 116 of the Act. This section requires the ECN to carry out a performance assessment in respect of the electoral process soon after the publication of any election results. The ECN is further required to publish the post-election performance assessment report within one month of its compilation. Section 116 of the Act is clearly meant to solidify accountability, build confidence in the electoral process, and to deepen democracy. It is, undoubtedly, a welcome innovation.

The post-election performance assessment report must be submitted to the National Assembly. This is to be done by the Chairperson of the Commission within six (6) months after an election.

The Act is prescriptive and unambiguous in respect of the content of the post-election performance assessment report. For instance, it requires the following issues to be flagged in the report: Constitutional and electoral issues;

- Systems and logistics, including infrastructure;
- Training of staff members or temporary staff members (electoral officials) and their performance;
- Voter and civic education;
- The voting process and analysis of results;
- Possible recommendations of amendments to any electoral legislation; and
- Any other matter which the Commission may deem necessary.

The reports submitted to the National Assembly were therefore largely structured along these thematic areas.

The ECN has since submitted two (2) post-election performance assessment reports to the National Assembly. These reports were for the 2014 Presidential and National Assembly elections and the 2015 Regional Council and Local Authority elections respectively.

This compendium, Volume 2, serves as a summary of the two reports submitted during the period under review. For the avoidance of any confusion, it worth noting that this compendium is arranged in the same thematic format for each of the two post-election assessment reports submitted. Such an approach is consistent with compendium writing style as well as to avoid watering-down the content of the reports so submitted to the National Assembly.

### *Performance Assessment and Post-Election Report for the 2014 Namibian Presidential and National Assembly Elections*

Part A of this compendium reflects the Performance Assessment and Post-Election Report for the 2014 Namibian Presidential and National Assembly Elections held on the 28 November 2014 and as submitted the National Assembly by the Chairperson of the ECN. It (Part A) is, accordingly, a verbatim presentation of the format, content and tone of the said report as submitted to the National Assembly.





## PREFACE

The Namibian 2014 Presidential and National Assembly elections were a historic milestone, not only for Namibia, but also for the entire African continent. For the first time, an African country conducted national elections using electronic voting machines (EVMs). It was also the first in Africa to incorporate paperless balloting into the voting process.

As part of its legal mandate and exclusive authority to direct, supervise, manage and control all elections and referenda sanctioned in terms of the Electoral Act, Act No 5 of 2014, the Electoral Commission of Namibia (ECN) is obliged to produce a performance assessment and post-election report in accordance with Section 116 of the said Act. The Commission has adopted the electoral cycle approach, which is the main guiding tool for the sequential execution of the electoral processes and so informs the planning process.



Eligible voters standing in line to vote at one of the polling stations in the Windhoek East constituency during the 2014 Presidential and National Assembly elections

An important part of the electoral cycle is the gazetting of the relevant proclamation. On 19 September 2014, His Excellency, President Hifikepunye Pohamba, in terms of section 50(1) (b) of the Electoral Act, 1992 (Act No. 24 of 1992), proclaimed through Government Gazette No 5587 that:

For the election of a President, pursuant to Article 28 of the Namibian Constitution, read together with section 49(1)(a)(i) of that Act; and

(b) For the election of members of the National Assembly, pursuant to Article 46 of the Namibian Constitution, read with section 49(1)(b)(i) of that Act, that Friday, 28 November 2014 as the date upon which a poll shall take place, from the hours 07h00 to 21h00, for the election of a President as well as for the election of members of the National Assembly.

The President further determined 29 October 2014 as the date on which the submission of nominations

of candidates for election to the office of the President takes place at a public sitting to be held by the Chairperson of the Electoral Commission at Elections House, 67-71 Van Rhijn Street, Windhoek-North, from 09h00 until 11h00; and as the last day on which political parties that intend to participate in the election for members of the National Assembly, submit a written list of candidates nominated with a view to filling of any seats in the National Assembly to which such political parties may become entitled.

Such a report is thus an absolute necessity as it provides a candid and honest account of all the relevant facets of the completed election process encompassing the critical activities executed during the pre-election, the actual polling and post-election period. The report does not only highlight the successes and the milestones achieved, but also details the shortcomings and challenges experienced, with a keen understanding of the root causes of such problems, with a view to improve and enhance business processes in the next election phase of the continuous electoral cycle.

This report therefore provides a visual timeline starting with the work of the Delimitation Commission in 2012 followed by the nationwide 2013 General Voters Registration until 2014 when the Presidential and National Assembly elections were delivered.

Advocate Notemba Tjipueja

CHAIRPERSON: ELECTORAL COMMISSION OF NAMIBIA (ECN)

Stakeholders assemble at the Elections results Centre at the ECN during the 2014 Presidential and National Assembly elections.



## EXECUTIVE SUMMARY

The use of ICT technologies in the election process also included the biometric mobile Voter Registration Kits (VRKs) system to digitally capture biometric data of applicants during the registration process and the hand-held Voter Verification Devices (VVDs) to authenticate voters at polling stations during the polling process.

Presidential and National Assembly elections in Namibia are conducted under the rubric of the Namibian Constitution and the Electoral Act.

Further to the constitutional amendments of 2014, the Electoral Commission of Namibia (ECN) is now a constitutional entity, answerable and subject only to the Constitution and the laws governing its activities and procedures. The ECN is the sole institution mandated to organise, direct, supervise, manage and control the conduct of national elections in the country. The ECN is further obligated to discharge this public function in a free, fair, independent, credible, transparent and impartial manner. The 2014 Presidential and National Assembly Elections were conducted under this mandate and in strict adherence to these precepts.

The Namibian Constitution and the Electoral Act (No. 5 of 2014) provides the legal framework for the conduct of Presidential and National Assembly elections in the country.

The Namibian Constitution recognises and guarantees a range of election related fundamental human rights and freedoms. The Constitution obliges the Electoral Commission of Namibia (ECN) as an organ of state to respect, protect and fulfil these rights. It further imposes a duty on the ECN to, at all times, act within the confines of the law, fairly and reasonably in the execution and furtherance of its mandate. The Constitution also governs the eligibility and criteria of candidature for the position of President and members of the National Assembly, the election systems used in these polls, the number of seat in the National Assembly, and the determination and allocation thereof, amongst other things.

The new Electoral Act (No. 5 of 2014) was promulgated and implemented shortly before the elections. The Act introduces various innovative initiatives into the electoral process. It is, however, regrettable that the Act was promulgated so close to the polling date. This placed tremendous pressure on and presented serious administrative challenges to the ECN. This notwithstanding, the process of implementing the Act at the end went smoothly.

The 2014 Presidential and National Assembly Elections coincided with the 10 year cycle for the compilation of a new general voters' roll. To kick-start this process, a three (3)-person Delimitation Commission was appointed in January 2013. The Delimitation Commission presented their report to the former President by the end of June 2013. Following the announcement and changes made to regions and constituencies, the ECN embarked on a vigorous General Registration of Voters (GRV) campaign to encourage all eligible voters to register. Namibians, especially young persons, came out in big numbers

to register and vote. A lot of work, in the form of civic and voter education, was put into this campaign which ensured its success.

The 2014 Presidential and National Assembly elections, indeed, generated huge interest and excitement amongst the Namibian electorate. Nine (9) candidates contested the Presidential election. Also, a record number of 16 political parties participated in the National Assembly elections. The campaigns



period was largely peaceful and political parties and their supporters displayed high levels of tolerance towards each other. All the contesting candidates generally adhered to the Code of Conduct for political parties.

28 November 2014 was declared as Election Day. The day was also declared a public holiday so as to allow the voter population to exercise their suffrage.

A high voter turnout and long queues were observable throughout the country on Election Day. Encouragingly, a high number of young people participated in the elections. A voter turnout 72 per cent was recorded. The elections were generally conducted in a very peaceful and tolerant atmosphere.

Some administrative glitches were experienced during the election process especially at the start of polling. Challenges were particularly experienced with the handling of the Voter Verification Device. This resulted in delays in the verification of voters. This problem was mainly due to human error and not necessarily due to the devices itself.

The Electronic Voting Machines (EVMs) on the other hand, operated very well and accurately recorded the votes. The EVMs equally fast tracked the time spend at the voting stage.

The outcome of the general elections was announced on 1 December 2014. Dr. Hage Geingob of the SWAPO Party of Namibia won the Presidential elections with an overwhelming majority. Only ten (10) out of the 16 political parties which contested the National Assembly elections won seats in this House. SWAPO Party of Namibia scooped 77 out of the 96 seats.

The elections were observed by several foreign and domestic observer missions. All the observer missions hailed the peaceful, violent-and-intimidation-free atmosphere which prevailed during the elections. They also described the elections as free, credible, and transparent.

The Commission conducted several in-house post-mortems of the 2014 general elections and some important insights were gained from these. The recommendations made in the report are mainly drawn from these post-mortems and are aimed at improving the law, the institution and the system for delivering efficient, credible and transparent elections.

## ***PRE-ELECTORAL PHASE***

**T**he Electoral Act No 5 of 2014 defines the pre-election phase as the period prior to polling day. To assess the pre-election phase in its entirety, this section gives a brief assessment of the legal framework governing Presidential and National Assembly elections, the election system, election administration, voter registration, and the election campaign.

### ***1. LEGISLATIVE FRAMEWORK***

The Namibian Constitution and the Electoral Act No.5 of 2014 provide the legislative framework for the conducting of Presidential and National Assembly elections. These two legal instruments thus primarily guide the conduct and delivery of these elections.





## 1.1 The Constitution

### *Fundamental Rights and Freedoms*

An electoral process cannot be separated from the electorate's right to vote and a range of other fundamental rights and freedoms. To be credible, elections must take place in a conducive political environment and atmosphere that promotes equality, freedom of choice, the secrecy of vote and respect for human dignity. The Namibia Constitution, which is the supreme law of the Republic of Namibia, recognises these truths. It provides for, and guarantees various fundamental rights and freedoms of the citizens to participate in elections.

Article 17, for instance, guarantees to every citizen the right to political activity, which include the right to form and join any political party of one's choice, the right to vote (if 18 years or older), and the right to be elected to public office (if 21 years or older). Article 21, on the other hand, guarantees various freedoms recognised in a constitutional democracy and considered cardinal to elections. These include the freedom of expression, freedom of assembly, freedom of association, and freedom of movement. Article 22 provides that the enjoyment of these rights and freedoms may only be restricted or limited if authorised by a law of general application and for compellingly good reasons. These rights and freedoms are also absolutely entrenched in terms of article 131 of the Namibian Constitution.

### *Administrative Justice*

The ECN, as a state institution, is bound to observe the principles of administrative justice as guaranteed under article 18 of the Constitution. In terms of this article, all decisions taken in pursuit of the electoral process should be taken lawfully, fairly and reasonably. Moreover, persons aggrieved by decisions taken by officials from the ECN have the right to approach a competent court or tribunal for redress. The creation of Electoral Tribunals and Electoral Court to handle elections disputes in terms of the new Electoral Act should thus be seen as giving expression to the obligation to respect and fulfil the principles of administrative justice in the electoral process.

### *Constitutional mandate*

The ECN, in terms of article 94B, made pursuant to the 2014 constitutional amendments, is now a constitutional entity. This article establishes the ECN as the exclusive body to direct, supervise, manage and control the conduct of elections and referenda in the country. The ECN is further established as an independent, transparent and impartial body and subject only to the Constitution and the law.





## 1.2 The Electoral Act No.5 of 2014

**E**lections were previously conducted under the Electoral Act No. 24 of 1992. This Act has been amended several times. In fact, in 2011 the High Court of Namibia stated the following about the number of amendments made to the previous Act:

“...the law is very scattered....[this is] an unsatisfactory state of affairs and something must be done [about it] as a matter of urgency ...before the next round of elections, to consolidate the electoral law of Namibia.”

Subsequent to this judicial injunction, a new Electoral Act, 2014 (Act No. 5 of 2014) was eventually promulgated. The new Act was gazetted on 8 October and became operational on 17 October 2014, shortly before the Presidential and National Assembly elections.

The new Electoral Act, mandates the Electoral Commission of Namibia to organise, direct, supervise, manage and control the conduct of elections and referenda in a free, fair, independent, credible, transparent and impartial manner. It further obliges the ECN to strengthen constitutional democracy and to promote democratic electoral and referenda processes. The new Electoral Act introduces several innovative initiatives into the Namibian electoral landscape.

The following are some of the key outstanding changes introduced by the 2014 Electoral Act:

- ✓ The introduction of one (1) polling day for all kind of elections in Namibia;
- ✓ Establishment of Electoral Tribunals at each Regional Magistrate Court to adjudicate and decide on electoral disputes arising prior to polling day;
- ✓ The establishment of an Electoral Court as a division of, and with the status of a High Court which is to preside over appeals against Electoral Tribunal decisions, all post-election matters; it is also the competent Court to review ECN decisions; to hear allegations of contraventions of the Act; and to give the interpretation of any law relating to electoral issues;
- ✓ In terms of the new Electoral Act all presidential electoral challenges are now to be instituted in the Supreme Court; this Court is now thus the court of first instance and final recourse for presidential electoral challenges; importantly, all such matters are to be heard on an urgent basis.
- ✓ Disputes lodged with the Electoral Tribunal and the Electoral Court must be resolved with due avoidance of strict formalities, within clearly defined times frames, and, generally, with no costs order against a losing party, unless special circumstances so dictate.
- ✓ The introduction of the use of an Occurrence Book which is to be kept at every registration point, polling station, and collation centre and in which all complaints, dissatisfactions and incidents are to be recorded and signed.
- ✓ The establishment of Collation Centre in each constituency throughout the country to verify and collate results.

The promulgation and implementation of the new Electoral Act, less than two months before the elections, caused several administrative challenges for the ECN.



## 1.3 ELECTORAL SYSTEMS & BOUNDARIES

### 1.3.1 Electoral Systems

**T**he Namibian electoral law provides for different systems for electing representatives through democratic elections conducted at three levels, namely, national, regional and local.

The Presidential elections are conducted every five years and the presidential candidate is elected for a maximum of two five-year terms. A person may be nominated as a presidential candidate by a registered political party or may contest as an independent candidate provided his/her nomination is supported by at least 500 registered voters per region. Presidential elections are conducted in accordance with the majoritarian system in terms of which the winning candidate must garner more than 50 per cent in order to be declared a winner.

Candidates for the National Assembly are elected for a five-year term through the proportional representation (PR) system, drawn from a party list as submitted by the political parties contesting in the elections.

Neither the Constitution nor the Electoral Act makes allowance for independent candidates to contest in the National Assembly elections. The African Union Election Observer Mission (AUEOM) pointed out that this legal void is against the judgement of the African Court on Human and People's Rights (ACHPR) and also incompatible with the provisions of the African Charter on Human and Peoples' Rights (ACHPR)s.

### 1.3.2 Boundaries

**T**he Constitution provides that the boundaries of regions and constituencies may be changed from time to time and that new regions and constituencies may be created from time to time. Such changes can, however, only be done in accordance with the recommendations of the Delimitation Commission (now called the Boundaries Delimitation and Demarcation Commission). Further to this, the former President, His Excellency Hifikepunye Pohamba, commissioned the fourth Delimitation Commission in January 2013, to perform this constitutional function. The Commission submitted its report to the President in June 2013. The Delimitation Commission recommended that:

- ✓ An additional region be created (splitting the previous Kavango Region into two i.e. Kavango East and Kavango West);
- ✓ The Caprivi Region be renamed as the Zambezi Region;
- ✓ Fourteen (14) new constituencies were created; and
- ✓ The boundaries of eleven (11) constituencies were adjusted.

Following the work of the Fourth Delimitation Commission and, in preparation for the Presidential and National Assembly elections, the ECN undertook a major project, namely the clarification of boundaries of regions and constituencies. It was considered absolutely imperative to facilitate the conduct of elections, because the ECN conducts elections within predefined borders for the various constituencies and political regions of the country.



## 1.4 BUDGETING, FINANCING & PROCUREMENT

The ECN enjoys full financial autonomy as a state institution. The ECN received N\$369,180,000 from the fiscus to cover the expenses of the 2014 Presidential and National Assembly. All procurement of registration as well as election materials was done by following laid down procedures, e.g. through annual Tender Board Exemption and some through tendering process. Preliminary figures indicate that the total expenditure recorded as at 31 March 2015 stood at N\$355,452,258.00.

It is worth pointing out that some of the challenges experienced during the tendering and procurement processes. These processes are generally cumbersome. This invariably delays and adversely affects the entire electoral process. For example, during the elections under review it led to the late delivery of some of the election materials such as the VVDs and EVMs. The need to streamline these processes to ensure that the procurement, tender invitations and awarding of tenders are completed in good time to avoid late deliveries in the future is long overdue and beyond dispute.

## 1.5 RECRUITMENT

The recruitment of temporary staff was done under section 24 of the previous Electoral Act, Act 24 of 1992. This was necessary because the recruitment process commenced much earlier before promulgation and implementation of the new Act was promulgated and came into force.

The Supplementary Registration of Voters (SRV) for the 2014 Presidential and National Assembly elections was conducted during the period 8 - 20 September 2014. A total number of 3,495 registration officials were recruited to execute this aspect of the electoral process. For the polling process, which took place on one day only, 28 November 2014, a total of 12 876 electoral officials were recruited. These officials performed their electoral duties at 1,386 fixed polling stations and 2,586 mobile ones throughout the country. The recruitment statistics are represented in the table below:

POSITION	NUMBER OF OFFICIALS
Regional Coordinators	14
Assistant Coordinators	28
Returning Officers	122
Polling Official	10 485
IT-Field Support technicians	132
IT- VRS Coordinators (HQ)	14
Presiding Officers	2 081
<b>TOTAL</b>	<b>12 876</b>

Source: ECN, 2014



The ECN Human Resource (HR) office has incorporated wellness issues into the training programmes. Further to this, presentations on healthy life style in the work place were made together with information regarding the condition of service and other Human Resource issues.

## **1.6 TRAINING AND PREPARATION OF ELECTION OFFICIALS**

The training of election officials for the Presidential and National Assembly elections, at regional and constituency levels, started with a one (1) week training of the regional managers, i.e., the Regional Coordinators and Assistant Coordinators during the period 21 - 25 October 2014. The training was conducted by ECN Head Office staff. This was followed by another one (1) week training of Constituency Supervisors, the Returning Officers, which was conducted over the period 1 - 7 November 2014 by officials from ECN Head Office.

The training for polling officials commenced immediately after the completion of the training of election regional managers and constituency supervisors. In turn, the training of polling officials was cascaded to cluster training in the respective regions. The training at this level was conducted by Returning Officers and supervised by the Regional Coordinators during the period 19 - 25 November, while further training for Presiding Officers and their Assistants took place on 26 November 2014.

A total number of 10,485 polling officials and 2,081 Presiding Officers were trained on all aspects of the polling process, including their respective duties and responsibilities of polling officials, theory and legal provisions of the Electoral Act as well as the technical and practical training on handling and operating various equipment and devices. Most of the practical training focused on the Electronic Voting Machines (EVMs), Handheld Voter Verification Devices (VVDs), Administrative forms (Elect Forms) and the counting process (Tabulator).

Regrettably, insufficient aids such as EVMs, Printers, Voter Verification Devices (VVDs) and writing pads were provided to the large numbers of trainees who attended. The one (1) week training period allocated for training was also found to be inadequate.

## **1.7 VOTER REGISTRATION**

**A**s a statutory requirement, the ECN completed a highly successful General Registration of Voters (GRV) from 15 January - 2 March 2014. The GRV was conducted in terms of the Electoral Act, Act 24 of 1992. The law requires the ECN to conduct the GRV every ten years in order to compile a new voters' register. The GRV exercise coincided with the General election year.

A Provisional Voters' Registers (PVR) was produced and was followed by an objection period whereby stakeholders and the general public were afforded the opportunity to scrutinise the PVR for the possible inclusion of objectionable names and details in the provisional voter's register in terms of the Electoral Act. The objection period was between 3 - 30 April 2014 and no objections were lodged. At the end of this process the final Voters Register stood at 1,161,383 voters.

The ECN introduced a new biometrics voter's registration system to enhance the GRV. With this new system of voter's registration, the ECN was able to detect duplicates using the latest Automated Fingerprint Identification System (AFIS). Taking advantage of this software, the ECN made a decision



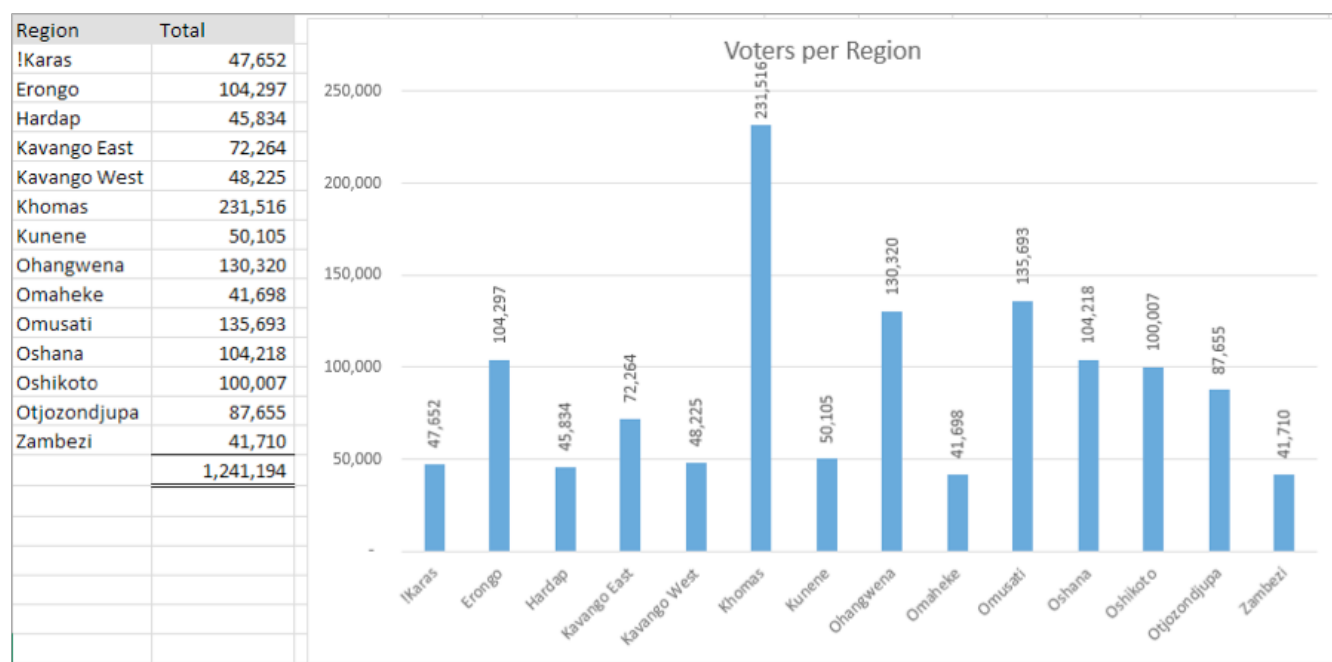
to allow voters to change their details during the Supplementary Registration of Voters (SRV) which was conducted from 8 - 20 September 2014. During the SRV process a total of 118,383 voters registered. Of these, 84 987 were new applicants and 33,396 were voters making corrections to their details.

At the conclusion of the GRV and the supplementary registrations, the total number of registered voters increased to 1, 241,194. In total, there were 657, 751 female registered voters and 583, 443 male registered voters.

## Statistical Representation

### 1. Registered Voters by Region

The registered voters are broken down by region with a column graph indicating differences in number and the pie chart indicating percentage of the total number of voters registered.



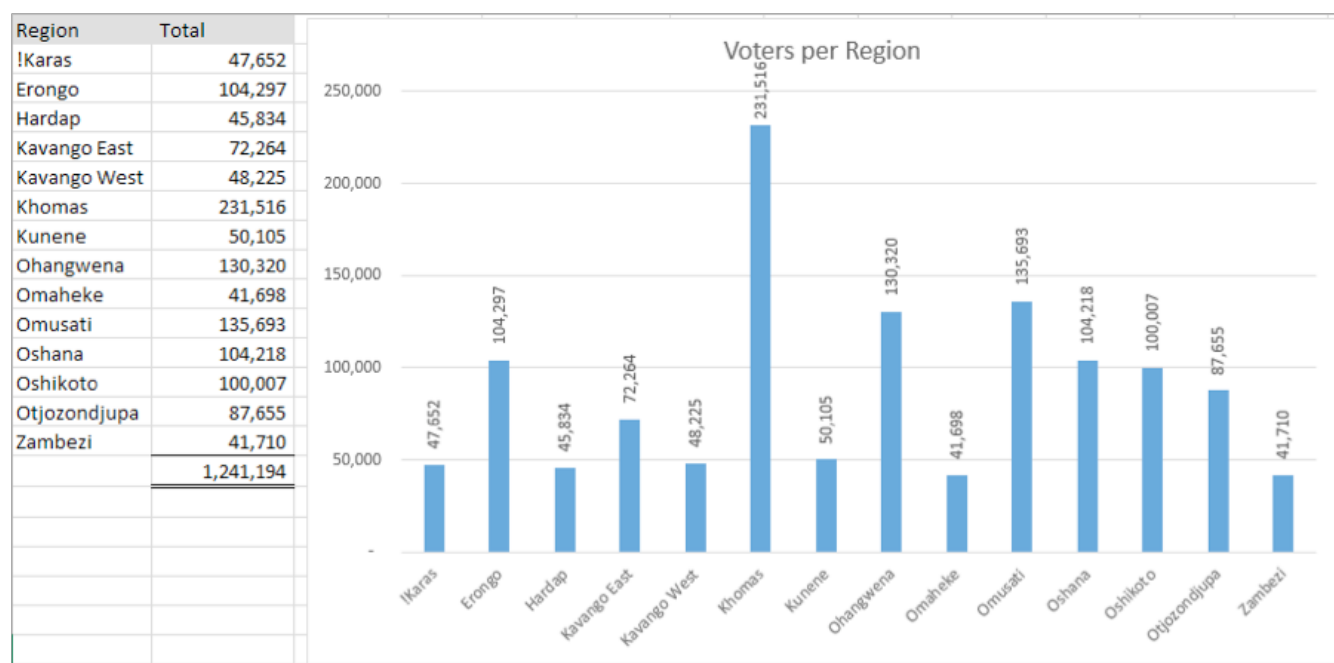
Source: ECN, 2014





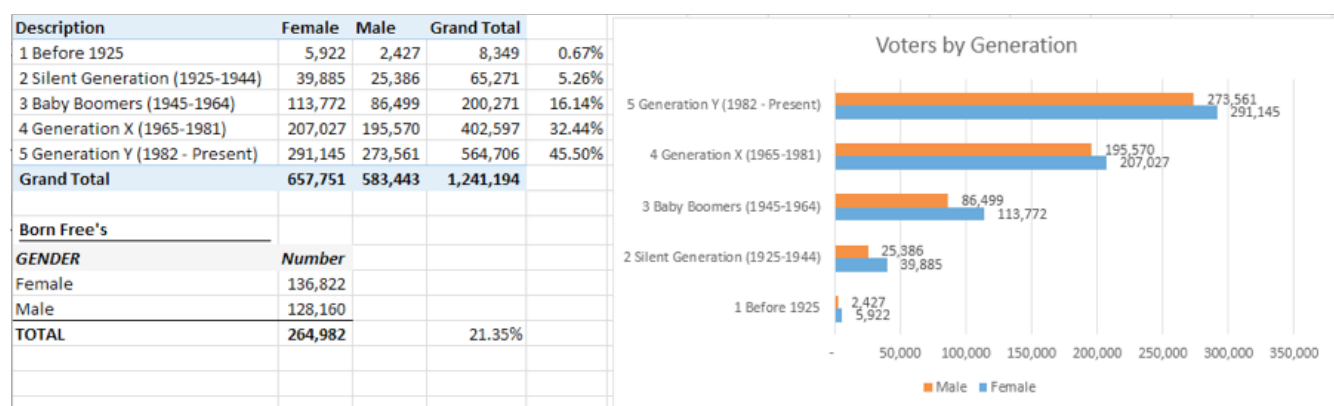
## 2. Gender representation per region

The gender breakdown indicates the relationship between the genders in the make-up of a regional total.



Source: ECN, 2014

## 3. Registered Voters by Generation



Source: ECN, 2014

The three regions with the highest voters registered voters were Khomas (231, 516); Omusati (135,693), and Ohangwena (130, 320). The regions with the lowest number of registered voters were Hardap (45, 834); Zambezi (41, 710), and Omaheke (41, 698).

The following trends can be gleaned from the voters registered in terms of the generational mix: Those born before 1925 were 0.67 per cent; Silent Generation (1925-1944) was 5.26 per cent; Baby Boomers (1945-1964) were 16.14 per cent; Generation X (1965-1981) was 32.44 per cent and Generation Y (1982-present), including the born-frees was 45.50 per cent. In short, the electorate of Namibia is comprised of more young people than any other age group.

## 1.8 VOTER AND CIVIC VOTER EDUCATION

**V**oter and Civic Education (VE) is a very crucial and a key element of democracy as it equips the public and particularly prospective and registered voters with the right education and information to partake in electoral processes. The Electoral Act mandates and empowers the ECN to be the custodian of voter education. The ECN is not only mandated to carry out voter education but also to accredit other juristic persons and credible institutions to conduct civic and voter education. This is to ensure that the public is well informed to make informed choices during any given electoral process.

A successful voter education program ensures that voters are ready, willing, and able to participate fully in the election process. Voter education is essential to ensuring voters are well-informed and can effectively exercise their voting rights and express their political will during the elections.

In execution of this mandate and in preparation for the 2014 Presidential and National Assembly elections the ECN embarked upon the following specific activities:

### 1.8.1 Media Workshop

ECN organized and conducted a media workshop in Swakopmund, during the period 6 - 9 May 2014 to introduce the media to the electoral process, laws and regulations governing the two sets of elections and to aid accurate, easy and informed reporting on electoral issues. All media houses such as newspapers, television stations, and radio stations including community and private radio stations were invited. Apart from informing the public and electorate in particular, the media also act as a watchdog in the electoral process, safeguarding the transparency and credibility of the electoral process. This can only be achieved if the media is well acquainted with the context as well as the legal framework under which elections are to be conducted.

### 1.8.2 Refresher Workshops

**D**uring the period 19 May - 13 June 2014 a series of refresher workshops were conducted for voter education officers, political party representatives, civil society organisations, including youth organisations. During these workshops targeted groups were introduced to the various electoral processes in preparation for the Presidential and National Assembly elections. The workshops were conducted in four different venues and in each venue 50 participants attended.

Participants were also introduced to the Namibian Constitution, its relationship to democratic elections and the Electoral Act. Participants were further trained on the use and application of the voter education booklet that outlines the Voter Education Curriculum and the Voter Education Facilitation Guide that was developed by ECN in consultation with some stakeholders. In addition, participants were re-introduced to the EVM for reinforcement and reassurance of its credibility as it will be used during the elections.

These workshops were very productive as partnerships in ensuring credible elections were cemented. Thereby, doubts and suspicion of the execution of electoral processes by ECN were eliminated.



### *1.8.3 Disability Mainstreaming Workshops*

The aim of the workshop was to ensure that issues of people with disabilities (PWDs) are part of electoral activities as ECN prepares for the Presidential and National Assembly elections. In this workshop, people with disabilities were engaged on various topics which included elections and human rights, citizens' roles and responsibilities, multiparty democracy and political participation. PWDs raised a host of issues they regard as crucial in ensuring their inclusion as active partners and/or participants in the electoral process. They were also introduced to the voter education booklet, voter education facilitation guide, and the EVM.

It is worth highlighting that the ECN Division took the steps of ensuring that all voter education materials produced for the Presidential and National Assembly elections are also translated into Braille, audio for the visually impaired and in audio-visual and Sign Language for the hearing impaired.

### *1.8.4 Youth Participation*

In 2014 the ECN embarked on, what it dubbed the "STOP WAITING CAMPAIGN"- a comprehensive awareness-raising strategy which was aimed at encouraging young people to register as voters during GRV period. This campaign was aimed at educating and encouraging young people to actively participate in the 2014 Presidential and National Assembly elections.

During the month of October 2014 road shows in the form of edutainment were staged as part of the voter education exercise. These roadshows were primarily aimed at enticing the youth, people with disabilities and the general public to participate in the electoral process. The ultimate objective of this outreach was to spread the message about the upcoming national elections, and importantly, the use of the EVMs during these elections. The strategy, undoubtedly proved successful as can be seen from the high number of 45.5 per cent of young people who registered during the GVR and SVR processes as well as the visible number of young persons who turned up to vote on 28 November 2014.

### *1.8.5 Demonstrations of Voting with the EVM in the Communities*

Intensive voter education sessions for the Supplementary Registration of Voters were undertaken during the period of 8 – 20 September 2014 in all the 14 regions. Voter education officers were required to compile lists of all the communities to be visited and introduced to the EVM in each constituency. This database has been of great assistance and served as a monitoring and management tool. Through this, the ECN gained an impression and insight on how far the EVM demonstrations have reached. It also assisted in identifying areas for providing regional support and re-enforcement. In total 10,031 places were listed countrywide to be visited before voting day, 28 November 2014. By 24 November a total number of 9,333 places were visited. This represents a 93 per cent coverage rate. It is worth noting that no single report was received citing any voter being unable to use the EVM on voting day.



### *1.8.6 Media*

The media, be it print, radio, TV and social media were aggressively used to complement face-to-face sessions. ECN website was populated with all produced print, audio and audio-visual materials and was a hit amongst the youth and other tech lovers. For example, NBC and all community and private radio stations were roped in to provide voter education and information-sharing. These platforms were also used to announce venues where face to face VE and EVM demonstrations were taking place countrywide.

### *1.8.7 Distribution of Voter Education (VE) Materials at Public Places*

VE materials including flyers and posters on the EVM were deposited and distributed at various public places such as regional council offices, constituency offices, schools, hospitals and clinics country wide. Shopping malls were also used as distributing centres as well as to provide face to face VE. The general public was also requested through the media to collect VE materials from ECN regional offices as well as the ECN Election office. The response to all these modes of outreach was generally overwhelming and well received. It is worth noting that some private individuals also took it upon themselves to distribute EVM materials. Such goodwill is indeed highly applauded and appreciated.

The strategies employed to implement VE for the 2014 Presidential and National Assembly elections were a great success. In this regard, the role played by regional voter education officers, the youth ambassadors and everybody who participated as a voter educator cannot be over emphasised. All these officials provided sterling work and services under difficult and strenuous conditions. A special appreciation is also extended to the Ministry of Information and Communication Technology for availing their Regional Information Officers, some of their vehicles to be used for VE without any cost implications for the ECN.

An aspect which negatively impacted on, the otherwise successful Voter and Civic Education campaign for the 2014 Presidential and National Assembly elections, relates to the Voter Verification Devices (VVDs). Voters were, admittedly, not timeously informed and adequately educated on the VVDs. This was mainly because these devices were received shortly before the actual elections from the South African company which was awarded the tender to provide them. This, needless to say, is highly regrettable.

It was practically impossible to reach each and every one of the registered voters (1, 241,194) during the civic and voter education on the EVMs and other electronic devices to be introduced during the 2014 general elections. However, every effort was made to identify accessible and convenience public places throughout the country to educate the general public on the use of EVMs. Concerted efforts were made to impress upon registered voters to attend the voter education campaigns in their respective regions and constituencies. The ECN is proud to report that the voter population generally responded positively to this call. In addition, ECN had produced both print and electronic electoral materials on EVMs, including in local languages, in an attempt to reach out to as many voters as possible.



## 1.9 ACCREDITATION OF OBSERVERS AND MEDIA

**E**lection observation is a valuable tool for improving the quality of elections. Observers help build public confidence in the integrity of electoral processes. Observation can help promote and protect the civil and political rights of participants in elections. It can lead to the correction of errors or weak practices for any future election of a particular country. It further serves to deter manipulation and fraud, or expose such problems if they do occur. When observers can issue positive reports, it builds trust in the democratic process and enhances the legitimacy of the governments that emerge from elections. Election observation by domestic groups encourages civic involvement in the political process. Following elections, reports and recommendations by observer groups can lead to changes and improvements in national law and practice and securement of free, fair, and credible elections.

In keeping with international best practice and the provisions of the Electoral Act, the ECN extended invitations to both foreign and local election observers to apply for accreditation to observe the 2014, Presidential and National Assembly elections.

The accreditation of election observer missions was done over the period September to November 2014. A total number of thirteen (13) observer missions were accredited for the 2014 general elections. Six (6) of these were foreign observer missions and seven (7) were local observation teams respectively.

FOREIGN OBSERVATION MISSIONS		
Number	Name of Observation Mission	Size of Observer Team
1	African Union Election Observation Mission (AUEOM)	55
2	SADC Election Observation Mission (SEOM)	109
3	SADC Parliamentary Forum Election Observation Mission	40
4	Electoral Commissions Forum of SADC Countries (ECF-SADC)	45
5	University of South Africa (UNISA)	2
6	University of Freiburg, Germany	1
DOMESTIC OBSERVATION TEAMS		
1	European Union of Namibia	29
2	Institute for Public Policy Research (IPPR)	10
3	Friedrich Ebert Stiftung	3
4	Konrad Adenauer Foundation	1
5	Embassy of the United States of America	21
6	Namibia Institute for Democracy and NANGOF Trust	306
7	Embassy of Zimbabwe	8

Source: ECN, 2014





Most of the observation missions submitted their preliminary statements to the ECN. Observation missions were unanimous in their acknowledgement of the peaceful manner in which the elections were conducted. On the whole, notwithstanding some administrative and procedural glitches, most of the observation missions declared the 2014 Presidential and National Assembly elections free and credible. The ECN shall endeavour to give due consideration to the observations and recommendations of the various observation missions as contained in their reports with the view to improve the electoral processes.

## **1.10 ELECTORAL CAMPAIGNS**

**E**lections in Namibia have historically been peaceful, without any major incidents of violence or intimidation before, during and after the elections. In this regard, the campaign period of the 2014 elections was no exception in this regard. The existence of an enforceable Code of Conduct for political parties is often cited as one major contributing factor which ensured that the electoral campaigns and political rallies were generally conducted in a peaceful and tolerant manner. The Electoral Act stipulates that all political parties must adhere to the Code of Conduct developed by the ECN. The ECN has also been hailed for conducting the planning and logistics towards the Election Day in a professional and effective manner.

It is worth noting, that the Namibian Broadcasting Corporation (NBC), during the 2014 general elections campaign period, for the first time, availed equal and free broadcast time to all political parties participating in the elections on its television and radio services. In previous elections, airtime was allocated proportionally according to the party's representation in the National Assembly. This approach excluded a number of smaller parties without seats in parliament. It is also important to note that the allocation of broadcast airtime was done voluntarily by the NBC, in the absence of any legal obligation to do so.

## **1.11 Logistics**

Logistics planning is the essential support functioning for ensuring that equipment, staff, and communications methods are in place in time for the successful conduct of the entire electoral process. The section briefly highlights some of the daunting logistical challenges the ECN had to surmount to deliver the 2014 Presidential and National Assembly elections in the most efficient, transparent and credible manner possible.

### **1.11.1 Election Materials and Distribution**

A large number of mobile polling stations were established during the election. The use of mobile stations is to ensure coverage of all registered voters across the country, especially those in remote areas, correctional facilities and in hospitals. The ECN subscribes to, and is committed to affording every voter the opportunity to participate in the democratic process to choose his/her representatives in government. Mobile voting stations is one of the most tangible ways of actualising this ideal/objective.

The testing out of new technologies introduced during the elections was considered very important.



In this regard, the by-elections conducted during the course of 2014 were used as trial rounds for the biometric Mobile Voter Registration Kits (VRKs) used in the registration process and the EVMs used in polling process. The testing was crucial not only for the successful implementation, but also to engender public confidence ahead of Election Day.

It is common knowledge that challenges were experienced with the handling of the VVDs, especially at the start of the polling process. However, it is worth reiterating, as was pointed out by the Chairperson



Registration Kits being prepared for registration of voters.

of the Commission, Adv. Notemba Tjipueja, during the official announcement of the results, that the problems experienced in this regard were mainly due to how the devices were handled, and not necessarily the devices itself. The ECN is committed to address the challenges experienced in the use and operation of the VVDs in all future elections.


### *1.11.2 Distribution of Election Material*

In preparation for the 2014 national elections, the ECN established a total number of 3,972 polling stations (1,386 fixed polling stations and 2,586 mobile stations) countrywide. This called for massive logistic planning to ensure that the election materials were distributed in good time to all the polling stations. Most of the election materials were distributed in time.

The late delivery of election material is a major problem which has a serious negative chain impact on

the planning and implementation of the various electoral processes. This, in most instances, is mainly caused by the tedious procurement process, including the tendering process. The ECN management, the Secretariat and the Commission took note of the issues in the tendering process which can potentially derail the electoral process. Efforts are under way to streamline the procurement process and procedures. Key amongst these is to address the timing and awarding of tenders to avoid late delivery of election material in the future.

### *1.11.3 Transport*

 n transport logistics it was reported that approximately 2,080 vehicles would be required during the elections. The ECN accordingly engaged government institutions and the private vehicle owners to secure the required fleet of vehicles.

Two regions did not make use of the private vehicles, namely Khomas and Otjozondjupa regions because these regions were provided with enough government vehicles. A total amount of N\$ 4,446, 000 was spent on the hiring of private vehicles from the general public. ECN is indeed indebted to all private individuals who availed their vehicles to the Commission during the 2014 general election period. Their generosity ensured the provision and availability of a sufficient number of vehicles before, during and after the elections.

Sincere gratitude and appreciation is also extended to all the Offices, Ministries, and Agencies (OMAs) of the Government of the Republic of Namibia as well as the private citizens who provided their private vehicles. These levels of assistance and cooperation ensured that no transport related problems were experienced on Election Day.

Finally, the only actual transport challenge experienced was in the area of special transport needs, such as boats and helicopters. Such requests were generally communicated late to ECN Head Office by the regions and constituencies in need of such services. Needless to say, advance and proper planning will have to be done regarding the use of helicopters and boats in all future electoral processes.

### *1.11.4 Printing of EVM Ballot Papers and Printing of Traditional Ballot Papers*

The introduction of electronic voting EVMs has simplified the process of printing of ballot papers.

Instead of printing thousands of ballot papers for every polling station, only one ballot paper is required for each EVM at a polling station. This translated into significant cost savings, less logistical planning and security concerns regarding the transportation and safe keeping of ballot papers.

The tender for the printing of the EVM ballot papers and traditional ballot papers were awarded to Solitaire Press. A total number of 2,600 EVM ballot papers were printed for the 2014 Presidential election and a total of 7,200 EVM ballot papers were printed for the National Assembly election. At the same time voters abroad did not vote on the EVMs and consequently the ECN also printed traditional ballot papers. A total of 9,000 traditional ballot papers were printed for the 2014 Presidential election and a total of 9,000 traditional ballot papers were also printed for the National Assembly election.





Regional Coordinators and the Namibian Police officers loading materials for their respective polling stations from ECN Headquarters.

#### *1.11.5 First Level Checking and Preparation of Electronic Voting Machines*

The First Level Checks (FLC) of the EVMs was conducted in terms of the regulations governing the use of EVMs as well as the contractual obligation between ECN and Bharat Electronics, the supplier company of the EVMs from India. In terms of the EVMs regulations and the contract obligations, the FLC is performed by engineers from the supplier and it must take place at ECN offices.

Preparation of EVMs took place from 7 - 13 November 2014. It became apparent that the complexity and the time taken to prepare an EVM machine were grossly underestimated. As a result, the preparation and deployment of the EVMs was done too late. This situation caused the Commission not to deploy EVMs at overseas polling stations. This notwithstanding, it was logistically impossible to do otherwise because it takes at least two weeks to dispatch election materials, including EVMs to all the diplomatic missions abroad.

Two views have been advanced as a solution to address this matter in future, namely, (1) that the EVMs should be prepared centrally at the ECN head office by the returning officers and (2) that each returning officers should prepare his/her own EVMs in their respective regions or constituencies. The ECN is currently weighing the pros and cons of both options.



Furthermore, it should be noted that there was an element of FLC done by the registered political parties with the ECN. The agreement between the ECN and the political parties were that each political party shall be free to come with its own technician to check all the aspects of the EVMs under the supervision of the ECN. The intention of such agreement was to enhance transparency and to remove any suspicion about the EVMs on part of the political parties.

## 1.12 Nominations of Candidates

Submissions for the nominations of candidates for presidential elections as well as members of the National Assembly are governed by sections 73, 74, and 77 of the Electoral Act.

The nomination period for the nomination of both candidates for Presidential elections and members of the National Assembly, commenced on Monday 13 October 2014 and ended on 29 October 2014. On the last day of the nomination period, which fell on 29 October 2014, and which is officially known as Nomination Day, the Chairperson of the ECN held a public seating at the ECN headquarters, to receive nominations. The Chairperson received nominations from sixteen (16) political parties to contest the National Assembly Elections and nine (9) presidential candidates to contest for the position of President.

### 1.12.1 Nomination of Presidential Candidates

The table below shows the particulars of the persons who were nominated as presidential candidates by their respective political parties.

Name of Presidential Candidate	Political Party	Acronym	Sex
Geingob, Hage Gottfried	SWAPO Party of Namibia	SWAPO Party	Male
Hamutenya, Hidipo Livius	Rally for Democracy and Progress	RDP	Male
Maamberua, Usutuaije	SWANU of Namibia	SWANU	Male
Mbai, Asser	National Unity Democratic Organization	NUDO	Male
Mudge, Henry Ferdinand	Republican Party	RP	Male
Mukwiilongo, Jan Epafras Mulinasho	Namibian Economic Freedom Fighters	NEFF	Male
Shixwameni, Ignatius Nkotong	All People's Party	APP	Male
Ulunga, Ulunga Benjamin	Congress of Democrats	COD	Male
Venaani, McHenry Mike Kanjonokere	Democratic Turnhalle Alliance	DTA	Male

Source: ECN, 2014

Strikingly, all candidates nominated by the respective political parties for the position of president were male. Also, no independent candidate contested this position.



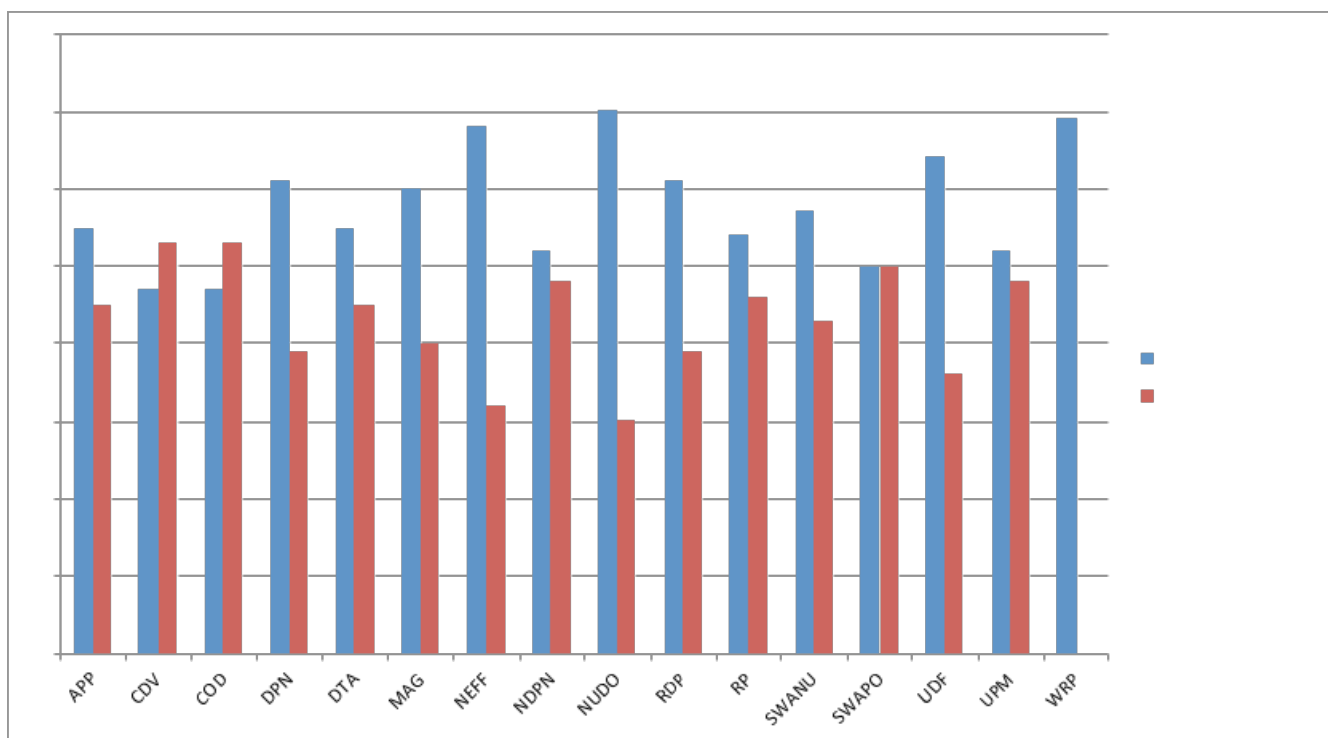


### 1.1.1 Nomination of Candidates for the National Assembly

The nominations of candidates for the National Assembly is governed by sections 77 and 78, read together with section 64(1)(a) of the Electoral Act. Registered political party planning to take part in the National Assembly elections must submit their list of candidates to the Commission for vetting. The minimum number of candidates which may be nominated is 32 and the maximum number is 96. The candidate lists must be submitted in writing and may be done at any time after the announcement and publication of the nomination period by the President in the Government Gazette. It appears as if political parties understand this to mean that they can only submit their names on nomination day because they tend to wait until the last day to submit their candidate lists. This, needless to say, places enormous pressure on the ECN to attend to all the vetting and verification procedures as required by the law. For instance, the process of verifying each of the 1,088 candidates nominated by the sixteen (16) registered for the National Assembly by political parties lasted from 09.00 until around 18.00 on nomination day.

The Electoral Act, as observed by the AUEOM does not contain specific provisions on gender equality for candidates for the National Assembly elections. This legal vacuum, in the view of the AUEOM, is incompatible with the principle and commitment to gender parity as provided for in article 2(1)(a) of the AU Protocol to the African Charter on Human and Peoples' Rights (ACHPR) on the Rights of Women in Africa and article 3(5) of the African Charter on Democracy, Elections and Governance.

The current legal position leaves it to political parties to voluntarily adopt measure to improve gender representation in their nomination lists. The effect and inconsistency brought about by leaving this aspect up to political parties, is clearly discernible from the difference in the number of males versus female candidates nominated as members of the National Assembly by the different political parties.



Source: ECN, 2014

## *The 2014 List of Males versus Females Nominated as NA members by Political Parties*

The AUEOM also expressed concern about the fact that the Electoral Act does not make provision for independent candidates to contest in National Assembly elections. This statutory void, in the view of the AUEOM, is contrary to a recent judgment given by the African Court on Human and Peoples' Rights and the ACHPR. In 2011 the African Court on Human and Peoples' Rights held that the ban on independent candidacy violates several rights, including the individual's right to equal protection of the law, the prohibition against discrimination, the right to association, and the right to political activity as recognised and protected under the African Charter.<sup>1</sup>

### **1.4 Election Petition**

A few days before the general elections some of the political parties filed an urgent court application to seek the annulment and postponement of the 2014 Presidential and National Assembly elections. They mainly argued that the EVMs violate the new Electoral Act because they leave no paper trail. However, the High Court rejected the claims that the use of the EVMs was unconstitutional and a breach of the Electoral Act.

<sup>1</sup> See Tanganyika Law Society and The Legal and Human Rights Centre and Reverend Christopher Mtikila v The United Republic of Tanzania, Application 009 and 011/2011.

## **2. ELECTION PHASE**

The election phase refers to the actual polling process. In other words, it relates to all the activities happening on Election Day, from the opening of the polls up to the very closing thereof. As assessment of this phase, thus, necessarily, must make reference to matters pertaining to the opening and closure of the polls on Election Day, measures used to prove voters identity, the presence of the voters' register at polling stations, availability and adequacy of election material, assistance given to voters with special needs, mobile voting, voter turnout, and reflect on issues of voter intimidation or undue interference with the voting process. This chapter is aimed at reporting on these and others issues.

### **2.1 Public Participation**

Participation in the electoral process is an important way of strengthening democracy. The inclusion of all eligible voters in the electoral process, irrespective of their jurisdictional, habitation and physical constraints is of utmost importance. The ECN ensured that stakeholders were informed well in advance of important dates pertaining to the elections through the Political Liaison Committee as well as public discussion forums with stakeholders such as the Civil Society, Traditional Leaders, and Faith Based Organisations in the lead up to elections.

This was done to ensure that the public and stakeholders had confidence in the electoral process and to make certain that the election process is accessible to all eligible voters as per the objective of the Commission "to organize, direct, supervise, manage and control the conduct of elections and referenda in a free, fair, independent, credible, transparent and impartial manner as well as to strengthen constitutional democracy and to promote democratic electoral and referenda processes."





EVM first level check.

## *2.2 Election Day*

In terms of the new Electoral Act, all elections in Namibia, whether Presidential, National Assembly, Regional Council or Local Authority elections are now to be conducted over one day. The 2014

Presidential and National Assembly elections were accordingly conducted on Friday, 28 November 2014. The polling day was gazetted as a public holiday to enable as many Namibians as possible to exercise their democratic right to vote.

## *2.3 Polling Stations*

A total number of 3,972 polling stations were established for the 2014 Presidential and National Assembly elections. Of this number, 1 386 were fixed polling stations and 2,586 were mobile stations. The number of polling stations proved adequate in ensuring as many eligible voters as possible cast their votes.

Special efforts were made to ensure that fixed polling stations were located in places readily accessible to the public. Polling booths were also arranged in such a way to ensure the secrecy of the vote and accessibility for people with disabilities as required by the law.

Most polling stations opened and closed at the legislated times of 07:00 and 21:00 hours, respectively. All voters that were still in the voting queue by 21:00 hours were allowed to cast their votes as provided for by the law. The opening and closing procedures prescribed by the law were duly followed in all polling stations.

## 2.4 Election Materials

All polling stations were supplied with the necessary polling materials including VVDs, EVMs, copies of the Voters' Register and indelible ink, and the two sets of ballot boxes for the different type of elections. These materials were available in adequate numbers which allowed voting to proceed smoothly throughout the day notwithstanding the few technological glitches experienced. All polling stations were adequately staffed. Admittedly, some of the polling officials, as noted earlier, found the use of the hand-held VVDs challenging.

## 2.5 The Voting Process

The Electoral Act prescribes, in elaborate detail, the manner and processes according to which voting at polling stations is to be conducted. The prescribed processes for voting, as confirmed by most of the observation mission reports, were generally complied with. Admittedly, the new idea of voter streaming, as introduced by the new Electoral Act into the voting process, was not complied with. Section 89(10) of the Act obliges presiding officers at each polling station to subdivide their respective voters' registers into alphabetic streams so as to speed up the voting process. The promulgation of the Act so close to the actual elections unfortunately meant that this invention could not be, planned, tried out and implemented. The ECN is, however, committed to comply with this legislated obligation.

Furthermore, section 64(2)(c) of the Electoral Act empowers the ECN to determine, in concurrence with the Security Commission, a different date before the general Election Day for members of the police force, defence force and correctional services who will be on duty on Election Day to cast the vote. This is one of the several changes introduced by the new Act. This welcomed change, needless to say, would require thorough planning and logistical arrangements. The late promulgation and implementation of the Act, unfortunately, once again meant that a new innovation introduced by the new Electoral Act could not be fully implemented. As a result these officials were accorded preferential treatment in voting queues as is customarily the case. This, as rightly observed by the SADC-PF observation mission, often frustrated ordinary voters already in the queue.

## 2.6 Security Arrangements

**T**he Electoral Commission has a long standing relationship with the Namibian police to ensure maximum security and maintain law and order in the electoral process. The Namibian Police was therefore also involved from the initial planning phases of the 2014 Presidential and National Assembly elections.

The safekeeping of the EVMs before, during and after polling is regulated by regulations published in Government Gazette No 5524 on 1 August 2014. According to these regulations, the sealed EVMs must be escorted by the Namibian Police. Details of safekeeping are agreed upon by the Namibian Police Inspector General and the Commission in concurrence with election agents. Importantly, the Namibian Police provided escort services to ECN officials when dispatching sensitive election material to all the regions and constituencies across the country.

The Namibian Police also played a crucial role in ensuring that election materials were delivered and stored under strict security at the various constituency police stations and ECN containers in the



regions. The ECN building was also protected by officials from the Namibian police throughout the Electoral process.

ECN officials were provided with special made entry cards into the building classified according to work stations for smooth identification and administration of elections.

## *2.7 Voting Abroad*

The Electoral Act empowers the ECN to establish temporary registration points at any Namibian diplomatic mission or any other designated areas to make it possible for such citizens to register and vote for these elections. Accordingly, all registered Namibians voters who found themselves outside the country on Election Day were afforded the opportunity to cast their votes at Namibia's diplomatic missions. The Special Voting at foreign missions took place on Friday, November 14, 2014.

Several logistical and legislative challenges were experienced concerning voting abroad. Firstly, the EVMs could not be dispatched in time mainly due to the time constraint relating to the legislated period of not less than 40 days and not more than 45 days between the Nomination Day (Nomination of Candidates) and Election Day. The fact that the Special Voting abroad takes place earlier than the in-country Election Day and the fact that it takes at least two weeks to deliver election materials to all foreign missions left the ECN with insufficient time to dispatch the EVMs. There is a need to review the legislative timelines of the election process pertaining to nominations, printing of ballot papers, and the preparation of EVMs.

All polling stations established abroad opened on time with the exception of Moscow in Russia. The voting process at the Namibian Embassy in Moscow was delayed due to customs procedures in that country and the ECN liaison with that office. However, in spite of this delay, the assigned officials managed to collect the election materials, activate the polling station and enabled all registered voters who turned up to cast their vote.

In order to uphold the secrecy of the ballot and to avoid suspicion, intimidation and victimisation of voters, the results from Namibia's diplomatic missions were announced together with the in-country Presidential and National Assembly results.

## *2.8 Voting of Sea-Going Personnel*

**T**he voting of sea-going personnel took place on 14 November 2014. In Walvis Bay, sea-going personnel voted at Hosiana Parish of the Evangelical Lutheran Church in Namibia (ELCIN) and at the Kuisebmond Community Hall from 07h00 to 21h00, while in Lüderitz, one polling station was set up at the German Hostel Hall for the same purpose. At both places the elections were declared as free, fair and credible.

The turnout at these elections, especially at Walvis Bay, was very high. The process of verifying sea-going voters was found to be very cumbersome and tedious as more than 30 companies had submitted lists with a combined total of more than 3,000 voters which the ECN had to verify. The lessons learned will be factored into the planning processes for future elections in this regard.

The AUEOM also expressed its concerns about the fact that the results of these elections were released





ahead of the general elections. International best practice dictates that results of advance voting be kept secret and declared on the same day as the result of the general elections. It goes without saying that closer attention ought to be given to this aspect in future elections.

## *2.9 Poll Closure and Counting of Votes*

All polling stations were closed according to the prescribed closing procedures. In this regard, EVMs were transparently sealed and result print-outs were produced and counter-signed by all party agents and the relevant electoral officials as prescribed by law.

The counting process, was similarly, conducted in accordance with the laid-down statutory provisions. For instance, it was done at the polling station, immediately after the closing of the polls, and in the presence of party agents and observers. The counting process was thus conducted in an open and transparent manner.

After the completion of the counting process, a copy of the results was posted outside the polling station.

## *2.10 Voter Turnout*

The 2014 Presidential and National Assembly Elections had a total Voters' Register of 1,241,194 (one million, two hundred and forty one thousand and one hundred and ninety four). The total turnout for the 2014 Presidential and National Assembly Elections was 72 per cent. Long queues of voters could be observed throughout the country. Voting took place in a very orderly and peaceful manner. No incidents of voter intimidation were reported. It was indeed encouraging to witness the high number of young persons who turned up to exercise their right to vote. The high voter turnout serves as testimony of the effectiveness and reach of the voter and civic and voter education campaign rolled out by the ECN. Namibians were also eager to vote through the use of the EVMs.

## **3. POST ELECTORAL PHASE**

**T**he Electoral Act defines the post-election phase as the period during and after polling day. Further to this definition, this section reflects on the counting process and aggregation of results, the transmission thereof, the announcement and acceptance of final results. This section also briefly reflects on the post- election reviews conducted shortly after the elections. It also touches on issues relating to possible legal Reform, and institutional capacity building.

### *3.1 Collation Centres*

The new Electoral Act does away with verification centres. Verification centres have been replaced with collation centres. Further to this, a total number of 121 collation centres were set up in each of the constituency (121) across the country.



No recounting or recalculation, as per the legislative precepts, was done at collation centres. A collation centre is only tasked to verify the correctness of the return furnished by the respective presiding officers. Further to this, voting machine (EVMs) accounts were verified at the collation centres. It is also here where the correctness of the returns furnished by the respective Presiding Officers were verified, and the results for the constituency were collated and recorded on Elect 19 (b) or Elect 20 (b). All this was done by the Returning Officer in the presence of counting agent and party agents. These two forms, the print out from the EVM and the Elect forms were transmitted to the Election Results Centre in Windhoek for verification and announcement of results thereof.

### **3.2 Election Results Centre**

**T**he results from the different collation centres were transmitted through the Elections Results Transmission System. This is a multi-functional system equipped to perform fax to email, scanning as well as the conventional faxing functions.

One of the major challenges experienced during this phase was the high voter turnout. It must be borne in mind that the 2014 general elections were the first to be conducted on one (1) day only. Moreso, Election Day was declared a public holiday. This meant that many more people honoured their civic duty to go out and vote. The high voter turnout caused some polling stations to close very late. This resulted in some polling teams arriving only in the early hours of the morning at the Collation Centres because the Presiding Officers had difficulties with the process of closing of the polls and printing of results.

The results from the collation centres were certified correct at the Election Results Centre by the Chief Electoral Officer after auditing and signed off by the Chairperson of the Commission. As soon as the results were signed off by the Chairperson, they were made public and shared with stakeholders such as the media and political parties. The results were also displayed on a large screen at the ECN Head Quarters. A dedicated website was also created and regularly updated to publish election results.

All these measures contributed towards confidence building in the electoral process of the 2014 Presidential and National Assembly Elections. This, arguably, resulted in the general acceptance of the elections results and outcome when they were announced on 1 December 2014.

## **3.3 Official Announcements of Results**

### **3.3.1 Presidential Elections**

The official announcement of the Presidential Election was done on December 1, 2014. The announcement was done by the Chairperson of the Electoral Commission of Namibia as per the provisions of the Electoral Act. The results were as follows:

NUMBER	CANDIDATE	VOTES	PERCENT
1	Geingob, Hage Gottfried	772,528	86.73
2	Hamutenya, Hidipo Livius	30, 197	3.39
3	Maamberua, Usutuaije	5,028	0.56
4	Mbai, Asser	16,740	1.88
5	Mudge, Henry Ferdinand	8,676	0.97
6	Mukwiilongo, Jan Epafras Mulinasho	2,514	0.28
7	Shixwameni, Ignatius Nkotongo	7,266	0.82
8	Ulenga, Ulenga Benjamin	3,518	0.39
9	Venaani, McHenry Mike Kanjonokere	44,271	4.97
<b>TOTAL VOTES</b>		<b>890 738</b>	<b>99.99</b>

Source: ECN, 2014

Further to the above, and consistent with article 28(2)(b) of the Namibian Constitution and section 109 (2) of the Electoral Act, Dr Hage Gottfried Geingob was declared as President-Elect. He had garnered a total of seven hundred and seventy two thousand five hundred and twenty eight (772, 528) out of the total votes casted. This represents 86.73 per cent of the total votes casted in the Presidential race.

### 3.3.2 National Assembly elections

The official announcement of the National Assembly election results was also done on December 1, 2014 by the Chairperson of the Commission as required by the Electoral Act.

The Chairperson made the announcement as laid down in subsection 3 of section 110 of the Act. This subsection requires that the Chairperson inform the nation about:

1. The total votes cast in this election;
2. The total number of votes counted;
3. The quota that has been determined in accordance with Schedule 4 to the Constitution for the allocation of seats in the National Assembly; and
4. To indicate the number of votes recorded for each political party and the seats obtained by the respective political parties.

Further to the above, the Chairperson announced the detail and final outcome of the 2014 National Assembly elections as follows:

- i) Total number votes casted in this election were 893,643;
- ii) The number of valid votes counted were 893,643; and
- iii) The quota determined for the allocation of seats in the National Assembly was 9,308.



Given the above, the outcome and seat allocation for the 2015/19 National Assembly was announced as follows:

No.	Political Parties	Total Votes Received	Seat Allocation	Surplus Votes	Total Seats
1	All People's party	20,431	2		2
2	Christian Democratic Voice party	2,606	0		
3	Congress of Democrats	3,404	0		
4	Democratic Party of Namibia	1,131	0		
5	DTA of Namibia	42,933	4	1	5
6	Monitor Action Group	3,073	0		
7	Namibia Economic Freedom Fights	3,259	0		
8	National Democratic Party of Namibia	1,389	0		
9	National Unity Democratic Organisation	17,942	1	1	2
10	Rally of Democracy and Progress	31,372	3		3
11	Republican party of Namibia	6,099	0	1	1
12	SWANU of Namibia	6,354	0	1	1
13	SWAPO Party of Namibia	715,026	76	1	77
14	United Democratic Front of Namibia	18,945	2		2
15	United People's Movement	6,353	0	1	1
16	Workers Revolutionary Party	13,328	1	1	2
		<b>893,643</b>			<b>96</b>

Source: ECN, 2014.

### 3.4 Analysis of Results

The presidential candidate of the SWAPO Party won the presidential race with a landslide majority. He received 86.73 per cent of the total votes casted in the Presidential elections.

The SWAPO Party of Namibia won the 2014 National Assembly elections with an overwhelming majority. It obtained 77 out of the 96 seat in the National Assembly.

The DTA of Namibia held the second position. It garnered 4.8 per cent or 42,933 of the votes cast in said elections. This translated into five (5) seats. The DTA of Namibia thus became the official opposition.

The Rally for Democracy and Progress (RDP) lost its status as official opposition party. It obtained three (3) seats in the 2014 National Assembly Elections, compared to the eight (8) it had in the previous National Assembly.



The CEO of the ECN greets member of political party during nomination period in 2014.





The All People's Party (APP) gained an additional seat. Its seats in the National Assembly increased from one (1) seat to two (2).

The National Unity Democratic Organisation (NUDO) and the United Democratic Front (UDF) both retained their two (2) seats in the National Assembly.

To new political parties, namely, Workers Revolutionary Party (WRP) and the United People's Movement (UPM) obtained seats in the National Assembly. The WRP obtained two (2) seats whilst the UPM obtained one (1) seat.

SWANU of Namibia, the United People's Movement and the Republican Party did not initially win any seats in the general elections. However, they each obtain one (1) seat through the application of the surplus votes system.

The remaining six political parties all received votes below 0.39 per cent, attaining less than 3,405 out of a total of 893, and 643 votes, meaning none secured a seat in the 2014 National Assembly Elections. The six political parties are: the Christian Democratic Voice Party, Congress of Democrats, Democratic Party of Namibia, Monitor Action Group, Namibian Economic Freedom Fighters, and National Democratic Party of Namibia. All six parties did not attract any significant support and votes.

Compared to earlier elections since 1989 the turnout for the 2014 National Assembly and Presidential Elections of 72 per cent was quite satisfactory. For example, in 1989 some 97 per cent of registered voters were deemed to have taken part in the voting that took place over five (5) days from 7-11 November 1989 (a figure that was cited as a world record at the time for a voluntary election). In 1994 Presidential and National Assembly elections just over 76 per cent of the voters turned out—still a high proportion. In 1999 Presidential and National Assembly elections saw turnout of about 61 per cent, a sizable drop from 76 per cent in 1994. In 2004 National Assembly and Presidential elections produced a turnout of 85 per cent—the highest since the watershed 1989 election.

### ***3.5 Post-Election Review/Assessment Audits and Evaluations***

**T**he Electoral Commission of Namibia conducted a debriefing workshop on December 9, 2014 with Regional and Assistant Regional Coordinators who represented the ECN as regional managers during the 2014 Presidential and National Assembly elections. This was done with the view to gain insight analyse, dissect and reflect on what transpired on the ground so as to come up with observations and informed recommendations, including possible law reform.

The post-election review process provided the ECN with important insights and the opportunity to make recommendations and to improve the conduct of future elections through the assessment and analysis of the past elections. The ECN deduced useful information from the past elections and learnt from experience which will assist greatly in informing strategic and operational plans to direct the course of future elections, especially the upcoming 2015 Regional Council and Local Authority Elections.

The institution also convened a post-election review with its voter education officers over the period 28 January – 4 February 2015 in four clusters across the country. The objective of this activity was to reflect on the voter education campaign conducted for the 2014 Presidential and National Assembly elections.

In the same vein, staff members held an internal post-election review on 10 March 2015. They were



requested to come up with summarised versions of key strategic points, challenges and recommendations to present to Commissioners during a post-election review process with staff

and Commissioners on 12 March 2015. The following observations and findings transpired from the various post-mortems conducted:

### 1. Political Party Agents

- ✓ Some political parties did not nominate party agents to attend training and some of the party agents who attended did not complete the training.

### 2. Training

- ✓ Training period of one (1) week for election officials were too short and need review;
- ✓ The number of trainees per training venues was too large (in some cases up to 280 per venue); this compromises the quality of the training.
- ✓ The remuneration packages offered to polling officials should be reviewed.

### 3. Daily Flat Rate

- ✓ The training fee of N\$100 per day paid to election officials during training should be reviewed.

### 4. Voter Verification Devices (VVDs)

- ✓ The challenges experienced in respect of the VVDs impacted on both knowledge levels and confidence of the officials who operated these devices.

#### 3.5.1 *Transmission and Verification of Results*

This section briefly focuses on the Collation Centres, Central Election Result Centre, and Election Results Transmission System (Web Based Geographic Information System) as used and implemented during the 2014 general elections.

#### 3.5.2 *Collation Centres*

- ✓ The synchronisation of data (election results) captured and transmitted via the Elections Results Transmission System proved to be a challenge from some Collation Centres;
- ✓ The situation of Returning Officer (ROs) not remaining on-call/stand-by after the transmission of their results in some instances caused avoidable delays in announcement of results.



### 3.5.3 Central Elections Results Centre

- ✓ The process flow, scope and complexity of the CERC appeared to have been underestimated.
- ✓ The auditing of results before their actual announcement was another first and a welcome initiative; however, issues such as the number of auditors to be used, their training needs, the provision of adequate equipment and support staff for auditing purposes must be attended to ensure that the novel objective of this initiative is not compromised.

### 3.5.4 Elections Results Transmission System

Several administrative flaws were experienced with the introduction and implementation of this system; however, these challenges are not insurmountable and can be easily addressed through adequate training and the synchronisation of the system with the entire processes.

## 3.6 Legal Reform

### 3.6.1 Namibian Constitution Third Amendment Act 8 of 2014

The ECN was not engaged in the constitutional amendment process despite the fact that these amendments had significant impact on the electoral process. For instance, some of the amendments invariably required that the ECN introduce additional administrative procedures into the system.

### 3.6.2 Review of Electoral Act No. 5 of 2014

The Electoral Act No. 5 of 2014 came into operation at a time when the institution was laden with the responsibility of planning and organising the 2014 Presidential and National Assembly elections. The ECN has taken note of the preliminary statements and reports submitted by various local and international election observer missions. The ECN also gained valuable insights from the Regional Coordinators and Assistant Coordinators who acted as regional managers during the 2014 Presidential and National Assembly elections. The observations of and recommendations given by the various observation missions and Regional Coordinators and Assistant Coordinators, objectively viewed, call for a range of possible amendments to the new Electoral Act. These include:

Section	Provision	Suggested Amendment
Section 93(1) (a)	Commencement and Closing of polls at polling stations	Clarify the meaning of “closing at 21h00” as being in the queue at 21h00 or being in attendance at 21h00; also, the Act must be amended to empower the ECN to extend voting hours if and when necessary.



Section 64(2) (c)	Different voting day for members of the police force, defence force and correctional services on duty of Election Day	Extent this provision to cover all other elections and not only the Presidential and National Assembly elections.
Section 116	Performance Assessment Report	Delete one (1) month after assessment and retain 6 months after the election in this section. The current wording of the section is ambiguous and capable of different interpretation.

Source: ECN, 2014

### 3.7 Institutional Capacity Building

The adoption of new electoral technologies by the Electoral Commission of Namibia during the 2014 Presidential and National Assembly elections allowed the institution to launch major innovative technological and electronic devices such as the EVMs. The institution however, still lags behind in managing and sustaining its electoral systems. It still heavily relies on international vendors. This creates a dependency on such vendors to operate and control these critical technologies and processes. The ECN, needless to say, needs to put strategies in place for skills transfer in order to build capacity within the institution and consequently have less need for reliance on outside assistance.

## 4. ELECTION CHALLENGES, RECOMMENDATION AND CONCLUSION

### 4.1 Election Challenges and Recommendations

The ECN experienced some challenges especially with the start of polling on the morning of Friday, 28 November 2014. Most of the challenges related to the handling of the VVDs. This problem was mainly caused by ECN temporary officials who were handling the devices, in some cases the batteries of the devices were not fully charged or were delivered with flat batteries, especially in the Northern regions of Namibia. The delays in finalising decisions on the purchasing and signing of major contracts also adversely affected the procurement processes. Likewise, certain suppliers, for example in the case of the suppliers of the VVDs and their insistence on the payment of 50 per cent in advance greatly contributed to the late arrival of such devices.

Polling officials, admittedly, had not been properly trained on the use of the VVDs. Some of these devices rejected some voters' fingerprints causing extra paperwork as voters details had to be entered on a form. All these led to longer queues building during the day of the election. Even though the situation improved in the afternoon, voting was still slow in many areas - with voters taking at least twice as long as the ECN had predicted to vote, namely 3 minutes and 30 seconds to pass through polling stations.

The EVMs operated without major problems and accurately recorded the votes. The EVMs equally fast tracked the time spent at the voting stage as well as the counting of votes. This resulted in no spoiled or rejected ballots. Furthermore, the EVMs have simplified and improved the results tabulation process. Since the Electoral Commission adopted an elaborate result verification and auditing process, it was



required to engage with Returning Officers and Presiding Officers in the field to verify data transmitted to the Central Elections Results Centre. This process was time consuming. It is the position of the ECN, however, that only verified results are announced to ensure the credibility and integrity of the election.

Reports of long winding queues at 20h30 in high density areas in Windhoek and across the northern regions and constituencies of Namibia were reported just before the closing of polls at 21h00. Consequently voting went on long after 21h00 in these places.

All eligible voters in attendance at 21h00 were allowed to vote as per Section 93(3) of the Electoral Act. Some polling officials in greater Windhoek reported that they worked till the early hours of 29 November 2014. The conduct of voters in this circumstance was simply admirable. Most waited patiently, politely and respectfully for their chance to vote. Smaller population centres seem to have had better and smoother experiences in general. The table below captures the major the challenges and provide concomitant recommendations:

Subject	Challenges	Recommendations	
1. Training to use Voter Verification Devices (VVDs)	Lack of training of polling officials (IT field support) on VVDs and Lack of understanding of polling processes by IT	IT training must be offered at all levels of the electoral process, especially on the use VVDs.	
2. Dispatchment of election material	Logistical problems made for late delivery of some electoral material	ECN should design a logistics system for dispatchment and Return Control.	
3. Technical problems before and during the 2014 elections	Some tenders were awarded late.	Procurement should be made at least 3 months in advance.	
4. Collation centres	Data (election results) captured and transmitted were not adequately synchronised with the relevant forms.	Elect 19(b) and Elect 20(b) forms must be redesigned and align them with the requirements of the Collation Centres;  There is a need to designate one verifier per Collation Centre to assist RO with verification before elections results are transmitted to CERC as integral part of enhancing efficiency.	



5. Central Elections Results Centre (CERC)	The Process Flow, scope and complexity of the CERC appeared to have been underestimated.	The entire CERC Concept should be assessed in preparation for the Regional and Local Authority Elections slated for 2015 with a view to layout clear Process Flow, required resources and operations system at all levels (i.e. Collation and Central level).	
6. Elections Results Transmission System (Web-based Geographic Information System)	Many teething problems were experienced with the introduction and used of this new and innovative system during the actual elections.	There is a need to review the recently acquired Elections Results Transmission System (web-based GIS) to be responsive to the need of the Commission.	
7. Political party agents	Some political parties did not nominate party agents to attend training and some of the party agents who attended could not complete the training.	Political parties should be encouraged to nominate party agents for training and only agents who attended training should be allowed to observe elections.	
Daily flat rate	The daily flat rate of N\$100 training fees paid to election official during training period.	ECN may consider to review the daily N\$100 flat rate training fee paid to election/ registration officials with a view to increase, if budget shall allow.	
9. Voter Verification Devices (VVDs) and EVM	Operators of the VVDs lacked both knowledge and confidence to operate these devices.	Sufficient training must be given to operators to ensure transfer of knowledge and to boost confidence of the operator of new technologies such as VVDs and EVMs.	
10. Administrative forms renders the process cumbersome	There are too many Elect Forms which overwhelm and confuse the election officials. Some of these forms don't correspond or are not in line with newly introduced technological devices.	A thorough audit of all the Elect Forms currently in used should be undertaken.	



11. 11. Announcement of results for special elections	The current practice is to announce the outcome of Special Elections such as those for sea-going voters prior to the main elections.	The Electoral Act should be amended to provide that the results of all Special Elections be announced together with that of the general elections.	
12. Independent candidates for National Assembly elections	Both the Constitution and the Electoral Act do not make provision for independent candidates to vie for seats in the National Assembly.	Reforming the law on this aspect as per the recommendation of the African Union Election Observer Mission should be given due consideration.	

Source: ECN, 2014

## 4.2 Conclusion

The Namibian 2014 Presidential and National Assembly won praise from many quarters, including international observer missions, governments, and the general Namibian public. The congratulatory message of the Independent Electoral Commission (IEC) of Botswana aptly captures the general impressions on the way these elections were conducted and delivered:

“It is with great pleasure and a high sense of pride that IEC write to congratulate you [ECN] for a job well done following professional conduct and delivery of the 2014 Presidential and Legislative elections. Your taking of the bold step to adopt and adapt electronic electoral solutions to your electoral process has filled us with excitement as one of our own in the region, and became the envy of the African continent.”

The Commissioners, Management, Secretariat, and the entire staff component of the Electoral Commission of Namibia take pride in having discharged its constitutional mandate of delivering the 2014 Presidential and National Assembly elections. We endeavoured to discharge this public function in the most transparent and credible fashion. It is with great humility that we, dare say, that we achieved this objective. We are fully cognisant of the administrative glitches which marred certain aspects of the electoral process. We take full responsibility for these flaws and commit ourselves to improve on them as far as possible. Lastly, we shall not relent in our endeavour to live up to our statutory objective to discharge our mandate in a fair and impartial manner, without fear, favour or prejudice as required by the Constitution and the Electoral Act.



## Part B

### Performance Assessment and Post-Election Report for the 2015 Regional Councils and Local Authority Councils Elections held on 27 November 2015

*Part B of this compendium concerns the Performance Assessment and Post-Election Report for the 2015 Regional Councils and Local Authority Councils Elections held on 27 November 2015 as submitted the National Assembly by the Chairperson of the ECN on 5 July 2016. It is a verbatim presentation of the format, content and tone of the said report as submitted to the National Assembly.*

## PREFACE

**T**he right to peaceful political activity and the right to vote are enshrined as inalienable fundamental human rights in the Namibian Constitution and in numerous international human rights instruments.

The Namibian Constitution and the Electoral Act (No.5 of 2014), respectively, assign the duty to ensure the enjoyment of these rights by all, on an equal footing, to the Electoral Commission of Namibia (ECN).

The ECN is, specifically, mandated to organise, direct, supervise, manage and control the conduct of elections and referenda in a free, fair, independent, credible, transparent and impartial manner. The ECN is further mandated to strengthen constitutional democracy and to promote democratic electoral and referenda processes.

In executing this mandate, the ECN conducted the 2015 Regional Councils and Local Authority Councils Elections on Friday, 27 November 2015. On this date, the Namibian electorate exercised their democratic right to freely elect their representatives for these governing structures.

All the contesting political parties, the candidates, the electorate and all stakeholders in the country must be commended for the peaceful manner in which they conducted themselves during the entire electoral process (before, during and after the elections). Indeed, everyone involved displayed high levels of political maturity throughout the entire process.

In terms of the new Electoral Act, the ECN has to give account to the nation, through the Speaker of the National Assembly, in the form of a performance assessment and post-election report of any election conducted in the country. This report has been compiled in compliance with this obligation.

In the main, we are proud to report that the 2015 Regional Council and Local Authority elections were conducted in strict compliance with the legal standards and requirements which generally and specifically apply to these elections. The reports submitted by the various observer teams attest to this. We wish to state, without fear of favour, that the ECN commits itself to address the administrative challenges which occurred during these elections, and continuously work to improve the electoral systems and processes to enhance the service delivery of future elections.

As the Electoral Commission of Namibia we are humbly submitting this Performance Assessment



Advocate Notemba Tjipueja

CHAIRPERSON: ELECTORAL COMMISSION OF NAMIBIA (ECN)

### *Executive summary*

**R**egional Councils (RC) and Local Authorities (LA) form an integral part of the democratic governance system of Namibia. The importance of these governance structures cannot be over-emphasised. These structures are proverbially charged with the responsibility of bringing the government closer to the people.

In terms of the Namibian electoral calendar RC and LA elections are conducted every five (5) years. To this end, the Namibian nation went to the polls on Friday, 27 November 2015 to elect their representatives for these respective councils.

In respect of the RC elections, a total number of 95 (out of 121) constituencies were contested while 26 constituencies were uncontested. With regard to the LC elections, a total number of 52 (out of 57) local authorities were contested while five (5) were uncontested.

Extensive preparatory work was undertaken to ensure that these elections were delivered in a free, fair, credible and a non-discriminatory manner as required by the Electoral Act (No. 5 of 2014). The Electoral Commission of Namibia (ECN) delivered its mandate in this regard. The observation missions report submitted to the Commission after the election attest to this.

The ECN embarked on a rigorous voter registration campaign before the elections. No objections were lodged against the inclusion and/or non-inclusion of names in the provisional voters' registers. The final voters' registers showed that, a total of 1, 267, 335 voters registered for the 2015 Regional Councils elections whilst 418, 544 voters were registered for the 2015 Local Authority elections respectively.

The ECN's Division Democracy Building embarked on an extensive voter and civic education outreach programme. Special efforts and strategies were devised to reach out to young eligible voters as well as to voters with disabilities. Media practitioners and civil society organisations (CSOs) were also identified as strategic partners in the quest to educate the populace on electoral issues. For instance, the ECN and the Institute for Public Policy Research (IPPR) collaborated to produce a Frequently Asked Questions (FAQs) edition about the 2015 Regional Council and Local Authority Elections. This was widely distributed in all the major newspapers. The ECN and the Namibian Broadcasting Corporation (NBC) collaborated and produced special advertisements on the importance of RC and LA elections, why voters should vote, and on the use of the electronic voting machines (EVMs).

The elections campaigns of the various political parties were conducted peacefully and displayed high levels of tolerance and maturity. The Code of Conduct for Political Parties was, generally, well observed by all political parties during campaigning.

The actual elections were, similarly, conducted in a peaceful atmosphere, free of any recorded incidents of violence or intimidation, and with all the contesting candidates adhering to the Code of Conduct for





Political Parties during and after the elections. Election technological equipment such as the EVMs and Handheld Voter Verification Devices (VVDs) were optimally utilised. As a consequence, delays and long queues were largely absent during the 2015 Regional Council and Local Authority elections. The assistance and collaboration of the Namibian Police to achieve and maintain high standards of security throughout the entire electoral process is hereby acknowledged and highly appreciated.

The voter turn-out for the RC and LC elections was very low. The voter turnout was 39.8% for the RC and 36.6% for the LC elections. The voter turnout for these elections in the country has, generally, been low.

The 2015 Regional Council and Local Authority elections were only observed by four observer missions. There seems to be less enthusiasm to observe RC and LA elections. The general finding of these observer missions, variously stated, were that these elections were organised and delivered in a free, fair, and credible manner consistent with international standards.

## ***1. Pre-Election Phase***

This chapter reports on the pre-election phase. It starts by giving a brief synopsis of the place and scope of the RC and LA elections within the Namibian electoral system. The specific systems applied in these elections are also highlighted. Furthermore, the ECN's state of readiness for the conduct of these elections with reference to budgeting, financing, procurement, recruitment and training of electoral officials, civic and voter education, voter registration, the publication of the provisional voters' register, the various stakeholder workshops held, and the printing of ballot papers are also some of the major issues reported on in the next sections.

### ***1.1 Legislative framework***

The mandate to conduct RC and LA elections emanates from the Namibian Constitution complimented by the new Electoral Act. This constitutional injunction is given greater content in the Regional Councils Act (No. 22 of 1992) and the Local Authority Councils Act (No. 23 of 1992) respectively.

Historically, the RC and LA elections did not always take place at the same time. This is due to the fact that the terms of office for Regional Councillors and Local Authority Councillors were different. However, following the passing of the Amendment Act (No.12 of 2010) the two elections were synchronized to take place simultaneously every five (5) years. Since then both elections are held together. This happened for the first time on 26 and 27 November 2010.

The 2015 LA and RC elections took place under the new legal dispensation and major electoral reforms introduced by the 2014 Electoral Act. For example, the RC and LA elections were conducted in one (1) day consistent with the dictates of the Act that all elections in Namibia should be conducted in one day.

These elections were to be organised, directed, supervised, managed and controlled by the ECN as required by the Electoral Act. This Commission duly complied with these statutory functions and executed its mandate in a free, fair, credible, transparent and impartial manner.



## **1.1 Electoral Systems and Boundaries**

### **1.2.1 Electoral Systems**

In terms of the Namibian electoral system elections are conducted at three levels, namely, national, regional and local levels. RC and LA elections are conducted at regional and local level and meant to elect councillors to serve on regional councils and local authorities respectively.

The first-past-the-post system is used to elect regional councillors. Elected regional councillors serve a five-year term.

Local Authority elections are also conducted in accordance with the proportional system using party lists. Duly elected local authority councillors serve a five (5) year term.

### **1.2.2 Clarification of Boundaries**

**D**uring the second half of 2014 following the work of the Fourth Delimitation Commission the ECN embarked on a major project – the clarification of boundaries. It is absolutely imperative that the ECN conduct elections within predetermined borders for the various political regions and constituencies. For instance, the following recommendations of the Fourth Delimitation Commission Report were directly relevant to the Regional Council and Local Authority elections: The increase of political regions from 13 to 14 (the Kavango region was divided into two, namely, Kavango East and Kavango West;

- Creation of fourteen additional constituencies (from 107 to 121 constituencies);
- The boundaries of 11 constituencies were adjusted; and
- The name changes introduced to one region, and some constituencies as per Proclamation No. 25, Government Gazette No. 5261 of 9 August 2013.

Furthermore, following the Third Constitution Amendment Act in 2014 notable changes were also introduced to the policy framework to the RC and LA elections. These include:

Members of the Regional Councils from each RC nominated to the National Council increased from 2 to 3; Resultantly, the size of the National Council increased from 26 to 42 National Council members; similarly,

- The number of polling days has been reduced to one (1) day.

Lastly, following the Regional Councils Amendment Act of 2010, the Regional Governors are now appointed by the President, instead of being elected from amongst elected regional councillors as has been the case.

## **1.3 Budgeting and Financing**

The Electoral Commission of Namibia is fully State-funded. During the 2015/2016 financial year an amount of N\$264,400,000 was allocated to the institution to cover all electoral operational and other activities. From this amount, N\$132,797,000.00 was allocated for Planning, Registration and Voting. The bulk of this amount, 80 %, was earmarked for remuneration of officials to be recruited during the elections.



A total number of 10,681 officials were recruited for the supplementary registration of the 2015 Regional Council and the Local Authorities Elections. The total expenditure in this regard was N\$110,075,279.

Table 1: The number of different election officials recruited

Positions	No. of recruited position
Training of Trainers (ToT)	22
Regional Coordinators	14
Assistance Coordinators	28
Supervisor of Registration	121
Returning Officers	179
Team leaders (worked during registration of supplementary of voters)	718
Presiding Officers	1 960
Registration Officers	2 872
Polling Officers	7 522
Logistic Officers	52
Casual Labourers	50
Regional IT Field Support Staff	28
Audit Managers	2
Transport Officers	1
Youth Ambassadors (Voter Education)	122
<b>TOTAL</b>	<b>10 681</b>

Other major expenditures included the extensive advertising initiatives, training of recruited officials, hiring of registration and voting venues, stationeries, upgrades of the ICT voting equipment, hiring of private transport, government garage vehicles, hiring of aircraft/helicopters, and other related registration and elections materials. In addition, during the month towards the polling day Youth Ambassadors were deployed in all fourteen (14) regions for intensive voter education targeting the youth voters. This method of directly engaging the Youth Ambassadors was successful.

#### 1.4 Recruitment

The recruitment process for all electoral officials for the Regional Councils and Local Authorities elections was done in a transparent manner. All positions were advertised publicly and indicated the remuneration levels. Applications were handed in at police stations throughout the country. All interviews were conducted at the ECN Head Office. All applicants were also required to write a test as provided for by the Electoral Act. Senior positions such as Regional Coordinators, Returning Officers were filled through secondment from Government Offices, Ministries and Agencies (OMAs)

Officials recruited for this process and the training and appointment dates are indicated in the table below:



Table 2: Training schedule for different election officials

POSITION	TRAINING	APPOINTMENT
Training of Trainers (ToT) (22)	15 – 25 June 2015 12 – 18 Oct 2015	06 July 15 – 05 Aug 15 19 Oct – 30 Nov 15
Regional Coordinator (14)	06 – 10 July 2015 19 – 23 October 2015	11 July – 30 Aug 2015 24 Oct – 07 Dec 2015
Assistant Coordinator (28)	06 – 10 July 2015 19 – 23 October 2015	11 July – 30 Aug 2015 24 Oct – 07 Dec 2015
Supervisor of Registration (128)	13 – 18 Jul 2015	19 Jul – 25 Aug 2015
Returning Officers (147)	21 – 25 Sep 2015 02 – 07 Nov 2015	26 Sep – 18 Oct 2015 08 Nov – 07 Dec 2015
Team Leaders (718)	23 – 26 July 2015	27 Jul – 25 August 2015
Presiding Officers (1960)	14 – 24 Nov 2015	14 – 29 November 2015
Registration Officers (2872)	27 Jul – 02 Aug 2015	03 - 23 Aug 2015
Polling Officers (7522)	14 – 25 Nov 2015	26 – 28 Nov 2015
Logistic Officers (52)	25 – 26 July 2015	27 Jul – 30 Aug 2015 09 Nov – 04 Dec 2014
Regional IT Field Support Staff (28)	25 – 30 Oct 15	23 Jul – 25 Aug 2015 02 Nov – 05 Dec 2015

Polling officials reported for training on 14 November 2015 for roll-call purposes for possible replacements to be done before actual training started on Monday, the 16<sup>th</sup> November 2015. Deployment of special voting teams took place on 22 November 2015 and for the actual voting on 25<sup>th</sup> and 26<sup>th</sup> November 2015.

### 1.5 Training and Preparation of Election Officials

During the 2014 Presidential and National Assembly elections the ECN introduced the use of Trainer-of-Trainers (ToTs) to assist with the training of electoral officers at all levels. The training specifically focused on all the electoral processes and the legal requirements pertaining to the registration of voters. Twenty- one ToTs were trained for this purpose. For the Regional Councils and Local Authority elections, these ToTs were re-appointed and re-trained on such processes.

The training of election officials for the RC and LA elections, at regional and constituency levels, started with a week-long training of the regional managers, i.e., the Regional Coordinators and Assistant Coordinators during the period 19-23 October 2015. The training was conducted by ECN Head Office staff. This was followed by a one (1) week training for Constituency Supervisors and Returning Officers. It was conducted over the period 2 - 7 November 2015, by officials from ECN Head Office.

The training of polling officials commenced immediately after the completion of the training of election



regional managers and constituency supervisors. In turn, the training of polling officials was cascaded to cluster trainings in the respective regions. The training at this level was conducted by Returning Officers and supervised by the Regional Coordinators during the period 14 - 25 November 2015. Further training for Presiding Officers and their Assistants took place from 14 - 26 November 2015.

Election officials were trained on all aspects of the registration and polling processes, the duties and responsibilities of polling officials, on relevant provisions of the Electoral Act. The training also contained a technical and practical part in that these official were trained on handling and operating various equipment and devices. Most of the practical training focused on the EVMs, VVDs, Administrative forms (Elect Forms) and the counting process (Tabulator).

The officials were also trained on the Election Result Transmission System (ERTS) by Computer Foundation (CF) instructors. Some staff members at the ECN Head Office were also trained as receivers, auditors and release officials.

## **1.6 Voter Registration**

**T**he supplementary voter registration process must be conducted before any election. This is meant to include new applicants, issue duplicate cards for the voters who have either lost or damaged their voters' cards, update their particulars or moved residential addresses from one region, constituency or local authority to another.

The Supplementary Registration of Voters (SRV) process was conducted from 5 - 22 August 2015. The biometric voter registration kits were used to register voters. A total number of 74,034 voters were registered of which 29,583 were new applicants and 44,451 duplicates. At the end of the supplementary voter registration process the total number of registered voters for the Regional Council elections was 1,267,335 and 418,544 for the Local Authority elections respectively.

## **1.7 Provisional Voters' Register**

**S**ections 31 and 32 of the Electoral Act require the ECN to prepare, publish and display the provisional voters' register for public scrutiny and objections against names of persons included therein. To this end, a total of 292 display venues were identified in all 14 regions. The RC and LA provisional voter's registers were duly displayed during the period 21 - 25 September 2015. This gave all registered voters, registered political parties and political organisations the opportunity to scrutinise and object to the inclusion or non-inclusion of any name(s) in the provisional voters' registers.

Section 32 of the Electoral Act governs the handling of objections to the inclusion and/or exclusion of names from the provisional register. Such objections must be lodged with the Electoral Tribunals designated for the given magisterial geographical area. The period 22 September to 12 October was set aside for the lodging of objections to Electoral Tribunals. Not a single objection was lodged. The final voter's registers was accordingly published in the Gazette on 20 November 2015.



## 1.8 Voter and Civic Education

The ECN's Division Democracy Building has all along been mandated to provide voter education to communities in regions, constituencies and local authority areas across the country. The new Electoral Act adds civic education to this mandate and directs that there be a permanent division providing same. The ECN, through the Division Democracy Building, is therefore now formally mandated to provide both voter and civic education. Civic and voter education focuses on educating and informing the public on different aspects pertaining to electoral issues and matters to assist them in making informed decisions, to understand and participate in the electoral processes.

It is worth noting that the Division has always incorporated civic education in its activities. For example, the booklet "Voter Education and Elections in Namibia" and the "Facilitation Guide" were published to assist the voter and civic education officers in their voter education outreach programmes in their respective communities. Apart from these voter education manuals, the ECN also produced the Voter Education Policy in 2015 aimed at informing the stakeholders on the legal framework on voter education and accreditation of persons and institutions to conduct voter education.

Civic and voter education is, however, not the exclusive prerogative of the ECN. The Electoral Act permits any natural or juristic person to provide voter and civic education. Such persons must be accredited by the Commission though.

Several information sessions were also conducted for key stakeholders.

### 1.8.1 Post-mortem workshop

A post-mortem workshop with all Voter Education Officers was conducted from 2 - 5 February 2015. The aim of this workshop was to take stock of achievements and challenges in the respective regions experienced during the 2014 Presidential and National Assembly elections. The Voter Education Officers were also expected to come up with recommendations on how best to overcome the identified challenges. The workshop served as an ideal platform for voter education officers to design their regional action plans ahead of the 2015 Regional Council and Local Authority Councils elections.

### 1.8.2 Refresher workshop

A refresher workshop was conducted in four clusters from 22 June to 3 July 2015 respectively. The main aim of this workshop was to ensure that new recruits, existing voter education officers, and stakeholders have the same understanding of the most current information and developments as well as on relevant provisions in the Electoral Act in respect of the electoral process. The refresher workshop was meant to capacitate and equip participants with the requisite knowledge and information to conduct well-organised voter education activities.

### 1.8.3 Media workshop

A one day media workshop was held in Windhoek on 29 July 2015. The aim of the workshop was to discuss issues pertaining to 2015 Regional Councils and Local Authorities Elections. The emphasis





was on sharing information in respect of the ECN's state of preparedness regarding the elections, the legal framework under which elections are conducted, Voter Verification Devices and the use of the EVMs.

The workshop was also used as a platform to review the voter education materials produced such as fliers, brochures, posters, newspaper supplements, radio and TV adverts with the view to simplify them into lay-language. In addition, this platform was utilized to further solicit information on how best the ECN could utilize the media to disseminate voter education information. A direct outcome of this workshop was the production of a detailed Frequently Asked Questions (FAQs) on the 2015 Regional Council and Local Authority Elections. The FAQs were produced through the collaboration of ECN and the Institute for Public Policy Research (IPPR). The FAQs was widely distributed as supplements in all the major newspapers. The ECN and the Namibian Broadcasting Corporation (NBC) also collaborated and produced special advertisements to educate the general populace on the 2015 Regional Council and Local Authority Elections. These advertisements specifically aimed to educating the general public on the importance of RC and LA elections, why voters should vote, and on the use of the EVMs, amongst others.

The media workshop was attended by various media houses such as radio, TV and Print media. The majority of those in attendance were from NBC radio services. This platform achieved the objective of enhancing the understanding of media practitioners on electoral issues.

#### *1.8.4 Workshop for civil society organizations*

A special workshop was also organised for civil society organisations (CSOs). It was held on 19 August 2015 and covered similar topics and programs presented to the media practitioners. The key objective was to engage, share and update the CSOs on the main activities of the ECN in preparation for the then upcoming Supplementary Registration of Voters which was scheduled from 5 - 22 August 2015 and the Regional Councils and Local Authorities Councils Elections scheduled for 27 November 2015.

The workshop was also used to share the legal framework under which these elections were to be conducted. CSOs have been identified as key allies of the ECN in ensuring free, fair and credible electoral outcomes. The FAQs produced jointly by the ECN and the IPPR serves as a prime example in this regard.

#### *1.8.5 Disability mainstreaming workshop*

Involving people with disabilities (PWDs) in all electoral undertakings remains an unwavering commitment of the Commission. To this end, voter education officers, in particular, have been charged to be sensitive to PWDs related issues when conducting their voter education in their respective communities. It was, accordingly, considered imperative to equip voter education officers with relevant information and to train them on how best to mainstream disability issues into their voter education programmes. The Division Democracy Building accordingly organised a workshop from 28 - 30 September 2015 in Windhoek to equip these officers with appropriate information relevant to PWDs.

Voter education officers showed great interest in learning how best to demonstrate the EVM to persons with visual impairments; how to read Braille numbers engraved on the EVM; to learn best approaches and attitudes befitting people with disabilities and on how to reach PWDs.



### *1.8.6 Production and distribution of voter education materials*

Voter education materials produced for the 2015 Regional Councils and Local Authorities Councils Elections were in the form of fliers, brochures, posters, newspaper supplements, radio and TV Adverts. All such materials were translated into local languages and also produced into audio visual and Braille. The new Electoral Act was also produced in Braille and Audio.

All produced voter education materials were dispatched to regions for further distribution at various public places such as constituency offices, traditional authorities' offices, schools, trade fairs, and public meetings. Also, supplements containing all registration and polling points were produced and disseminated via the print media.

### *1.8.7 Youth participation*

To ensure youth participation in the electoral process the ECN recruited 112 'Youth Ambassadors'. These Youth Ambassadors were between the ages of 18 to 24. They were contracted for a period of three months (15 September – 15 December 2015). Eight (8) Youth Ambassadors, including youth with disabilities were recruited in each of the 14 regions. These ambassadors primarily assisted voter education officers with the provision of voter and civic education; motivate and entice other young persons and people with disabilities in the regions to participate in the planned elections; and, served to supplement the staff compliment in the regions in preparation of the 2015 elections.

### *1.8.8 Voter education sessions and the EVM*

The Supplementary Registration of voters, as noted before, took place from 5 - 22 August 2015. During this period voter education officers, accordingly, concentrated on the registration requirements for the regional council and local authority council elections. Voters were specifically informed about the importance of these elections as well as the duties and functions of councillors. A practical demonstration on the EVM was included in every session. EVMs were displayed at all trade and agricultural shows in order to allow the electorate to get acquainted with the use of EVMs.

## **1.9 Accreditation of Election Observers and Media Practitioners**

In keeping with international best practice, the ECN extended invitations to foreign and local election observers to apply for accreditation to observe the 2015 Regional Councils and Local Authority elections. No applications were received from foreign observer missions. Only four applications were received from local election observer missions. To this end, election observer missions duly accredited to observe the 2015 Regional Council and Local Authority elections were:

- ☐ European Union;
- ☐ Konrad Adenauer Foundation;
- ☐ NID (Namibia Institute for Development); and the
- ☐ NANGOF Trust.



## 1.10 Election Campaigns

The 2015 RC and LA elections campaign period was peaceful and without any major incidents of violence or intimidation before, during and after the elections. The Code of Conduct for political parties must be credited for this. Political parties, generally, adhered to the Code. This, undoubtedly, ensured that the election campaigns and political rallies were generally held in a peaceful and tolerant atmosphere.

The national broadcaster, the NBC, must also be applauded for the initiative to extend equal and free broadcast time to all political parties on its television and radio services. The novelty of this gesture lies in the fact that it was done voluntarily in the absence of a statutory requirement to do so.

## 1.11 Logistics

The ECN had ample time to test-run all new technologies. The by-elections and the national elections of 2014 provided the much needed opportunity to train the operators on how to handle and operate the new equipment. In this regard, the biometric Mobile Voter Registration Kits (VRKs) used in the registration process and the EVMs used in the polling process were thoroughly tested during by-elections before the actual deployment in the RC and LA elections. The testing was crucial not only for the successful implementation, but also to engender public confidence ahead of Election Day.

### 1.11.1 Election Materials and Distribution

The ECN established a total number of 3,480 polling stations (1,162 fixed polling stations and 2,318 mobile stations) country-wide for the 2015 regional council and local council elections. Most of the election materials were distributed in time.

### 1.11.2 Transport

Reliable and adequate transport is crucial for conducting successful and efficient elections. With reference to transport logistics, the Commission required 1,938 vehicles to be used during the 2015 elections. To this end, the Commission engaged government institutions and private vehicle owners to secure required fleet of vehicles. The use of private vehicles were compensated at the rate of N\$ 1 000 per day for 2x4 Pick Ups and N\$ 1 200 per day for 4x4 Pick-ups respectively. Government OMAs altogether only availed 912 vehicles to the Commission. This amounted to only 40 % of the total transport need. The shortfalls within regions were covered with private hired vehicles.

An alarming number of 31 vehicle accidents were recorded at an estimated cost of N\$860,742.47. A breakdown of accidents recorded per region shows that Otjozondjupa had 10 accidents, Ohangwena nine (9), Omusati five (5), Khomas three (3), Oshikoto two (2), whilst the Erongo had one (1) accident. One (1) was also recorded at the ECN Head Quarters. The majority of these accidents were as a result of speeding and negligent driving. It goes without saying that the ECN will have to devise more



stringent intervention measures to curb this scourge.

As a general observation the ECN and all OMAs should timeously ensure that reliable and adequate transport is available to the ECN before every election. This, for instance, can be done through the establishment of an inter-ministerial transport committee.

### *1.11.3 Printing of Ballot Papers*

The ballot papers were printed on 6 November 2015. Solitaire Press, a Windhoek-based printing company was contracted to print the ballot papers. The fact that ballot papers for RC and LA elections do not have the same format and each constituency and local authority have different contestants, makes the printing of ballot papers more cumbersome than is the case with Presidential and National Assembly. In the latter elections the whole country is regarded as one constituency. Ballot papers in such elections have thus the same format.

The introduction of EVMs has simplified the process of printing of ballot papers. Instead of printing thousands of ballot papers for every polling station, only one ballot paper is required for each EVM.

### *1.11.4 First Level Checking and Preparation of EVMs*

The conduct of First Level Checks (FLC) of the EVMs is a legal requirement in terms of EVM regulations and the contractual obligation between ECN and Bharat Electronics, the supplier company of the EVMs from India. In terms of the EVMs regulations and the contractual obligations, the First Level Checking is performed by Engineers from the supplier and it must take place at ECN offices. Preparation of the Electronic Voting Machines was conducted in accordance with the EVM regulations. The EVMs were prepared centrally at ECN Head Office by the respective returning officers.

## **1.12 Nominations**

**T**he submission of nomination of Independent Candidates for regional councils took place on the 14<sup>th</sup> October 2015.

In terms of Section 64(3) (a), the last day of nomination of political party candidates for the submission of party lists of regional councils and local authority candidates, also known as the Nomination Day, was set for 16<sup>th</sup> October 2015. The public sitting for the submission of nomination of such candidates was held from 9h00 until 11h00 as required by section 74 of the Electoral Act.

The nomination of candidates took place in all 121 constituencies across the country. However, as noted earlier, 26 of the 121 constituencies and 5 of the 57 local authorities were uncontested. Accordingly, no nomination process took place in these constituencies and local authorities. This means that only 95 constituencies and 52 local authority areas were contested in the recently held regional council and local authority elections.



# Chapter Two: Election Day

This chapter focuses on events that took place on polling day. This includes the opening and closing of polling stations, the functional state of EVMs and VVDs, Special Voting, the number of polling stations and the procedures used in the polling stations to identify eligible voters. It also looks at whether the secrecy of the ballot was observed, the counting process, tabulation of results, results transmission and the analysis thereof, and finally, the voter turnout.

## 1.1 *Electronic Voting Machines (EVMs)*

The ECN successfully introduced the use of EVMs during the 2014 Presidential and National Assembly elections. EVMs were, similarly, used during 2015 Regional Council and Local Authority elections. No major problems were experienced with the process. Importantly, no objections were raised by stakeholders, especially by political parties, on the use of EVMs.

## 1.2 *Voter Verification Devices (VVDs)*

Voter Verification Devices (VVDs) were used to verify and authenticate the voter cards of all voters at polling stations before allowing them to cast their votes. The entire national voter's roll, which contains the biometric data of each voter, is loaded on each verification device.

To avoid the delays and a repeat of the long queues experienced during the 2014 Presidential and National Assembly elections the ECN made the proper and adequate training of operators of VVDs a top priority. The software of the VVDs was also upgraded so as to speed up the verification of voters at polling stations. VVDs were also used during by-elections. This afforded the operators ample time to gain the necessary operating skills and confidence in handling these devices.

## 1.3 *Security Arrangements*

Security arrangements were put in place with the Namibian police from the onset of the electoral process. This was to ensure that law and order was maintained at all times during the electoral process. This related to the safe guarding of the ballot printing process, the transportation and safekeeping of the EVMs and VVDs at constituency police stations and ECN containers in the regions and the overall maintenance of law and order during polling day, among others. Regional Coordinators also had stakeholders meetings with the Namibian police a few days before the elections in all the regions. This was done so as to acquaint and/or reacquaint the assigned officers with the electoral process. These meetings further serve





The CEO of the ECN greets member of political party during nomination period in 2014.





## **1.4 Election Day**

Elections for the 2015 Regional Council and Local Authority elections were simultaneously held on Friday, 27<sup>th</sup> November 2015. All polling stations opened at 07H00 and closed at 21H00 as prescribed by the Electoral Act. All eligible voters in attendance at 21H00 were allowed to cast their votes as permitted by the law.

## **2.5 Tabulation of Results**

The counting and tabulation of results was done at polling stations after the close of polls as required by the Electoral Act. The results for the specific fixed or mobile team were then displayed at the polling station. The mobile and fixed teams within a specific constituency had to then move to the constituency collation centres where results from the different polling stations within the constituency were collated, displayed and transmitted to the ECN Central Election Results Centre in Windhoek.

## **2.6 Collation Centres**

There were 147 collation centres across the country. At the collation centres the EVM accounts were verified. The Returning Officer verified the correctness of the returns furnished by the Presiding Officer, collated the results for the constituency/local authority and recorded the votes on Elect 19 (b) or Elect 20 (b) corresponding to the print out from the control unit of the EVMs. These two forms, the print out from the EVM and the Elect forms were then sent to the Election Results Centre in Windhoek for verification and announcement of results thereof.

The results were transmitted using fax to email and through traditional faxing. Significant delays were experienced during the transmission of election result returns from collation centres in the regions to the Central Election Results Centre (CERC) in Windhoek.

## **2.7 Election Results Transmission System**

The ECN contracted Computer Foundation (CF), a South African company specializing in election results transmission and publishing, as the service provider after a successful public tendering process. The ECN acquired the election results transmission and publishing system (RTS) from the same company which was contracted to provide similar services during 2014 national elections. It was expected that, with few modifications, the system should be adapted to handle the RC and LA elections.

It was initially planned that the receiving, uploading and auditing functions of the system will be decentralized to the collation/constituency centres. The results were then to be transmitted to the Central Result Centre (CERC) located at the ECN Head Office for final endorsement and announcement by the Chairperson of the Commission as provided for in the Electoral Act. However, due to the challenges experienced during the training of Returning Officers it was then resolved, after consultations with all the relevant stakeholders, that the system will be operated from the CERC by ECN staff at ECN Head Office. It was further resolved that the entire process of CERC be reviewed before the next Presidential and National Assembly elections.



## 2.8 Verification of Results and Official Announcements at CERC

Due to the nature of RC and LA elections which are constituency based, the results are announced at the collation centres. However, the new Electoral Act provides for the election results from the collation centres to be certified correct at the Central Election Results Centre by the Chief Electoral Officer after auditing of results and to be endorsed (signed off) by the Chairperson. As soon as the results were signed off by the Chairperson, they were made public. No major challenges were received on the outcome of both elections. The only challenges experienced related to the delays experienced with the verification and official announcement of the election results. Such delays were, however, successfully solved through the use of Form 30/20 and the tabulator's printouts. These were used to process the final election results.

## 2.9 Analysis of Results

A low voter turnout for Regional Councils and Local Authority elections in Namibia has been a perennial cause of concern in Namibia. In fact, only the first Regional Councils and Local Authority elections of 1992 recorded impressive high voter turn outs of 82% and 81% respectively. All other subsequent Regional Council and Local Authority elections have seen very low voter turn outs. For example, the voter turn-out for LA and RS elections in 2010 were 33 % and 38% respectively.

The 2015 RC and LA elections were no exception in this regard. For 2015, the voter turnout during these elections was 39.8% and 36.6% respectively. The low voter turnout during RC and LA elections in the country, needless to say, is a cause of great concern.

The number of Regional Council seats won by the respective political parties is indicated as follows:

Table 3: Number of seats won by political parties and independent candidates on RCs

Political Party/Independent candidate	No. of seats won
SWAPO Party	112
NUDO	4
DTA	2
UDF	1
UPM	1
Independent Candidate	1
<b>Total</b>	<b>121</b>

Source: ECN

The number of Local Authority seats won by the respective political parties is indicated as follows:



Table 4: Number of seats won by political parties and independent candidates on LAs

Political Party/Independent candidate	No. of seats won
SWAPO Party	280
DTA	41
UDF	22
NUDO	11
RDP	11
APP	4
Residents Associations	4
UPM	3
COD	1
<b>Total</b>	<b>377</b>

Source: ECN

The issue of women representation on Regional Councils remains a cause of concern. Out of the 121 seats in the Regional Councils women only 21 seats are occupied by women. This compares poorly to the National Assembly statistics. Out of the 96 seats in the National Assembly women occupied 40 seats and men 56 seats. The issue of women representation in Regional Councils is far below Namibia's commitment to gender equality. Drastic corrective initiatives must be designed to ensure the achievement of equal representation of women on Regional Councils country-wide.

The picture of women serving on the Local Authorities is somewhat different from the Regional Councils and National Councils. One can observe progress in the representation of women at Local Authorities levels. Currently there are a total of 371 seats in the Local Authorities. Out of the 371 seats women currently occupy 179 seats and men 192 seats. This means that about 48 % of the elected local authority councillors in 2015 throughout the country are women.

### 3. *Post-Election Phase*

This section highlights those activities and issues which occurred and emanated after the conclusion of the 2015 Regional Council and Local Authority elections. In this regard, a post-election review and assessment, audits and evaluation, legal reform, and institutional capacity building are specifically highlighted.

#### 3.1 *Post-Election Review, Assessment, Audits and Evaluations*

All Regional Coordinators who represented the ECN as regional managers during the 2015 RC and LA elections were required to submit post-election reports to the Office of the Chief Electoral Officer. All the Regional Coordinators duly complied with this request. The post-election reports and assessments as submitted by the Regional Coordinators provided the ECN with insights and recommendations on how to improve the conduct of future elections.

Key staff members were identified and requested to review, analyse, and dissect the reports submitted by the Regional Coordinators. They were also requested to reflect on their own experiences in this regard.

ECN officials dispatching EVMs to regions.



Post election debriefing sessions by Regional Coordinators.

All these initiatives were done with the view to inform the content of this Report. The following section highlights the major issues pointed out by Regional Coordinators and key staff members during the self-assessment exercise referred to.

### *3.1.1 Election Results Transmission and Publishing System (ERTS)*

The biggest challenge encountered during the 2015 RC and LA elections related to the transmission of election results and the publishing system. More specifically, the result transmission flow from Collation Centres was adversely affected by heavy fax to email printing on very low duty printers, incomplete packages of the needed documents, illegible printouts and unavailability of transmission facilities.

### 3.1.2 Training

The following training needs and gaps were identified:

(i) Decentralization of the ERTS

Returning Officers ought to be properly trained on how to operate the Election Results Transmission System. The system must be optimally utilised since it has been designed to operate in a decentralised manner at Collation Centres. Uploading the information onto the system at collation centres would solve many of the problems associated with the ERTS, including overloading of the system, illegible fax documents etc.

(ii) Training period

The 1 week training period for election officials was found to be too short. The period allocated for training and preparation of EVMs as well as the training on the ERTS must be conducted over a longer period with a special focus on both theory and practice.

(iii) Number of trainees per training groups

The number of trainees per group was too large. In some cases the number of trainees was more than 120. This compromised quality as well as supervision by Returning Officers.

## 3.2 Legal Reform

### 3.2.1 The Full-Time Appointment of the Chairperson of the ECN

The Namibian Constitution Third Amendment Act provides for the Electoral Act 2014 makes provision for issues such as the qualifications of and criteria for the appointment of members of the Commission, conduct of members of the Commission and disclosure of interest, the vacation of office and filling of vacancies, etc. It also makes provision for the appointment of the Chief Electoral and Referenda Officer and other staff members.

The Act also provides that the Chairperson of the Commission will be appointed in a full-time capacity. The Chairperson of the Commission took up fulltime duty in October 2015 until end of August 2016. The terms of all current Commissioners shall come to an end at the end of August 2016.

### 3.2.2 Requirements for Registration for Local Authority Election

Significant improvements in the process of registering voters was made during the 2015 Regional Council and Local Authorities elections by the new provisions of the Electoral Act, Act No.5 of 2014 following the Electoral Law Reform and the passing of the Namibian Third Amendment Act 8 of 2014.

In the past, there have been many complaints from members of the public concerning the registration requirements in order to qualify to vote in local authority elections. These requirements were based on the provisions of the Namibian Constitution. Article 111 (3) of the Namibian Constitution states:





“Persons shall be qualified to vote in elections for Local Authority Councils if such persons have been resident within the jurisdiction of a Local Authority for not less than one year and immediately prior to such election and if such persons are qualified in elections in the National Assembly.”

In practical terms and in order to comply with this constitutional provision, the ECN put regulations in place requiring eligible Namibian applicants who wish to take part in local authority elections to provide proof that they have resided 12 months consecutively in their respective local authority areas by providing water and electricity bills or telephone accounts from their municipal, town or village councils.

Unfortunately, a significant number of people were not able to comply with the abovementioned requirements in order to qualify to vote in local authority elections. The utility bills were not issued in the name of all members of the households and many applicants residing in informal settlements in cities and towns across the country could not provide proof of residency.

With regard to the registration of voters, Schedule 3 now provides for the registration of persons serving as members of the Namibian Defence force, Namibian police force, and Namibian correctional service as voters. There is also provision for the registration of persons at schools and higher education institutions as voters.



EVM simulation activities in Otjinene.



### 3.2.3 Suggestion for possible amendments to the Electoral Act

The following are some of the provisions which might warrant possible amendments in the 2014 Electoral Act:

Table 5: Suggestions for legislative amendments

Section	Subject	Challenge	Suggested amendment
Section 78	The section deals with the publication of party lists.	A subsection should be added to provide for the publication of the party lists in at least two daily newspapers circulated throughout Namibia.	Not everybody has access to, or reads the Government Gazette. If the lists are published in the newspapers, candidates who found their names on a party's candidates list whilst not belonging to that party have an opportunity to bring it to the attention of the ECN and to ensure that it is removed.
Section 79	The section deals with the requirements for nomination as a candidate for regional council elections.	A subsection should be added to prohibit a candidate to be nominated for both the regional council elections and local authority elections if it takes place on the same day.  <u>Section 101 also has reference.</u>	If it should happen that a candidate is elected as a member of both the regional council and local authority council and he/she for some reason chooses to rather take a seat on the local authority council it will mean that a by-election will have to take place. Not only will it be a huge financial burden, but it will mean a vacancy on the regional council for a period.
Section 80	The section deals with the submission of nomination as candidate for regional council elections.	A subsection should be added to make provision for the withdrawal of a candidate after nomination, but before the poll.  Subsection (4) and (5) is contradicting each other and subsection (4) should be deleted.	The Commission should have the power to remove a candidate who wishes to withdraw or who is found not to be capable of being nominated or who is no longer a member of the party who nominated him/her.  Subsection (6) makes provision for instances where the amount deposited can be returned to the depositor.



Section 81(1)	The section deals with the duration of a session on nomination day and the consideration of nominations for regional council elections.	Subsection (1) should end at “11h00” and the rest of the sentence, starting with “but if at the last-mentioned hour.....” should be deleted.	In light of the fact that nominations can be submitted from the day of publication of the <i>Gazette</i> proclaiming the nomination day, all issues regarding nominations should be finalized at least two (2) days before the actual nomination. Then the voters’ registration numbers, age, etc. can be verified beforehand and on the actual day of nomination, the Chairperson can merely receive the nominations.
Section 86(2)	The section deals with the submission of political party and organisation list for local authority elections.	The last part of the subsection, starting with “and five names, .....” should be deleted.	The Local Authorities Act, Act 23 of 1992, does not make provision for additional names to be added to the prescribed number of candidates and the Electoral Act can therefore not override and contradict the Local Authorities Act.
Section 86(7)(b) and (c)	The section deals with the submission of political party and organisation list for local authority elections.	The words “or candidate” should be deleted in both sub-subsections.	There are no independent candidates in local authority elections.
Section 98(4), (5) and (6)	The section deals with “tendered votes”	Both subsections should be deleted.	With the voting machines there is no “tendered vote” as is provided for in these subsections. There is however a form provided to ensure that voters’ names, who voted outside their registered constituency, are recorded.

### 3.3 Institutional Capacity Building

The unsuccessful attempt by the ECN to decentralize the ERTS during the 2015 RC and LA elections has once again highlighted the urgent need for the ECN to beef up its institutional capacity to maintain, sustain and optimally operate these systems.

The adoption of new electoral technologies by the Electoral Commission of Namibia during the 2014 Presidential and National Assembly elections enabled the institution to launch major innovative technological and electronic devices such as the Electronic Voting Machines that were used for the first time during elections in the SADC region as well as the African continent.

#### 4. Challenges, Recommendations and Conclusion

The major challenges identified during the 2015 Regional Council and Local Authorities election were:

The institution, as explained earlier, experienced challenges with the ERTS system. This caused delays in the announcement of election results at the CERC. The System was initially designed to be operated at Collation Centres but due to logistical reasons it had to be moved to the ECN Head Office. This prompted the Commission to take a considered decision to shift the operation of the system from collation centres to the CERC.

Problems associated with the VVDs, which caused delays and long queues during the 2014 Presidential and National Assembly elections were successfully attended to. As a consequence, delays and long queues were largely absent during the 2015 Regional Council and Local Authority elections.

EVMs operated without major problems. Through the EVMs the votes casted during the 2015 RC and LA elections could be accurately recorded. The EVMs equally fast tracked the time spent at the voting stage as well as the counting of votes. The EVM technology ensures that there are no spoilt or rejected ballots. The EVMs have also simplified and improved the results tabulation process.

The tables below summarise the challenges and recommendations experienced during the 2015 RC and LA elections:

Subject	Challenges	Recommendations
<b>1. The ERTS - Election Results Transmission System</b>	The results transmission flow from collation centres was adversely affected by heavy fax to email printing on very low duty printers, incomplete packages of the needed documents, illegible printouts and unavailability of transmission facilities.	There is a need for decentralization of results.
<b>2. Old Age Homes</b>	Some matrons at Old Age Homes were not happy that fixed points should be established there because they consider 21h00 closing time too late for the safety of the senior citizens.	The ECN should consider this request of not establishing fixed points at Old Age Homes; more so, the proximity of polling stations should be given greater attention.
<b>3. Transport</b>	Lack of a reliable and adequate transport policy.	An inter-ministerial transport committee, under the auspices of the Ministry of Works and Transport should be established.



## Conclusion

The Electoral Commission of Namibia takes this mandate very seriously. In fact the Commission is steadfast in its resolve to execute its mandate in a free, fair, credible and a non-discriminatory manner. The 2015 Regional Council and Local Authority elections were organised and directed in strict compliance with this mandate and international standards. The observation mission reports of those who observed these elections attest to this. For example, the observation mission of the European Union Delegation noted that:

“It is possible to state, that regional and local elections 2015 as observed were free and fair, organized according to international standards. No one was denied access, there were no security forces or direct political interference, as well as not any important technical malfunction witnessed. The voting process was well organized and procedures followed without difficulties or problems. The voters could choose their candidate in a fair and free manner, without any interference. The polling station environment and atmosphere was peaceful and orderly.”

Such statements serve to propel the ECN to improve on its performance in the quest to perfect the electoral system. The current system, admittedly, is not flawless. There is still ample room for improvement as pointed out in this Report. The Commission is committed to improve the electoral process in a consultative, participatory and collaborative manner with all stakeholders. The successful delivery of the 2015 Regional Council and Local Authority elections proved that this in indeed possible.







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