



Electoral Commission of Namibia

PRESS STATEMENT

19th June 2020

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**CHAIRPERSON OF THE ELECTORAL COMMISSION OF NAMIBIA - BRIEFING ON
THE ECN STATE OF PREPAREDNESS FOR THE 2020 REGIONAL COUNCIL AND
LOCAL AUTHORITY ELECTIONS**

Programme Director and Chief Electoral Officer – Mr. Theo Mujoro,

Fellow Commissioners,

Distinguished Members of the Media,

Ladies and Gentlemen,

It is my pleasure to welcome you all this morning at the Election House for this very important media engagement. As you may be aware, the ECN is currently preparing for the conduct of the 2020 Regional Council and Local Authority elections as the body mandated to organise, direct, supervise, manage and control the conduct of all elections and referenda in a free, fair, independent, credible, transparent and impartial manner.

We therefore deem it important at this juncture, to share with you the state of preparedness in relation to the forthcoming elections. As we prepare for the forthcoming elections, our foremost pre-occupation is not only relating to the logistical and operational preparations - but on how we can conduct credible elections while ensuring the safety of all stakeholders against the invisible threat – that is Covid-19 pandemic.

The mandate to conduct Regional Councils and Local Authority elections emanates from the Namibian Constitution complemented by the 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.

Regional Councils and Local Authorities form an integral part of the democratic governance system of Namibia. The importance of these governance structures cannot be over-emphasized as these structures are proverbially charged with the responsibility of bringing government closer to the people.

In terms of the Namibian legal framework, Regional Councils and Local Authority 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. As per the national electoral cycle, the Commission is expected to conduct the next Regional Council and Local Authority elections in November 2020.

Ladies and Gentlemen of the Media,

As alluded to above, the main aim of this media briefing is to share with you the state of preparedness for the 2020 Regional Council and Local Authority elections.

In order to ensure the systematic implementation of our programmes, the ECN has developed an election calendar that serves as our blueprint, outlining programmes and activities that are critical for the preparation and successful execution of various duties, obligations and responsibilities by various stakeholders, in order to ensure the delivery of free, fair and credible elections.

The election calendar for the forthcoming elections was developed during 2019 to ensure timeous execution of programmes and as such, some of our programmes and activities had to be adjusted, in order to ensure that the Commission consider the order in the landmark judgment handed down by the Supreme Court on 05th February 2020. The COVID-19 pandemic has necessitated varying degrees of restrictions and emergency measures, imposed by government, thus affecting the implementation of the important pre-election activities. In this regard, below is a summation of some of the critical activities and certain timeframes for specific activities:

Firstly, the boundary clarification exercise was originally scheduled to commence during March 2020, however, due to the outbreak of Covid-19 pandemic and measures put in place to combat

the disease during the Stage One period, this exercise is now expected to commence from 22nd June 2020.

In fact, some Local Authorities have expanded their boundaries over the last few years, thus, the objective of the boundary clarification exercise is to engage stakeholders in the affected towns in order to review the list of registration points that were used during the last 2015 Regional Councils and Local Authority Councils.

Similarly, this exercise is necessary in order to ensure that all voters who may have registered wrongly; are re-registered and issued with new Voter Cards reflecting correct details in terms of the Constituencies where they reside.

Secondly, anchoring decisions against democratic principles is imperative, thus wide-spread consultations and public involvement is crucial. Our first stakeholder engagement took place on 19th May 2020 with the Ministry of Health and Social Services specifically to discuss the draft *ECN COVID-19 Mitigation Strategy*; and then 10th June 2020 with the **Namibian Police (NAMPOL)** to discuss the deployment of teams and other operational logistics; followed by a consultative meeting with the **Political Party Liaison Committee** held on the 16th June 2020 that looked at three (3) key issues namely; *2020 Electoral Calendar*; *ECN COVID-19 Mitigation Strategy*; and *Mode of Voting* for the forthcoming elections.

We believe that elections affect all citizens and have consequences for everyone. We are thus of the view that when decisions are made, the decision process is as inclusive and consultative as possible with all our relevant stakeholders. In light of this, the ECN is organizing a stakeholders' consultation with civil society organisations during the first week of July 2020 with a view to sharing the election programme but also to solicit views on a number of election-related issues, including elections amidst COVID-19.

The ECN intends to roll out a comprehensive nationwide Civic and Voter Education program expected to start from mid-July 2020 until the holding of elections in November 2020 to ensure that all eligible voters are informed and educated on all aspects of the forthcoming electoral process.

The central message for the forthcoming elections would thus be two-pronged; *i) Educating the electorate on Voter Registration and Polling processes ii) Informing all stakeholders about compliance with COVID-19 Measures when participating in electoral processes.*

In respect to some of the key dates on the Electoral Calendar, I wish to inform you that the **Supplementary Registration of Voters (SRV)** will take place from **07th September – 15 September 2020**. The SRV is aimed at registering persons who qualify to be registered as voters as per Section 38 (1) of the Electoral Act, No. 5 of 2014.

The SRV is specifically aimed at registering people who qualify to be voters in Local Authorities but who are not so registered and who have recently turned 18 years of age. The ECN will decentralize voter registration operations immediately after the SRV to be able to issue duplicate voter cards in all regional capitals to those who may have lost or may lose their voter cards during the intervening period before Polling Day.

The **Provisional Voters Register (PVR)** will be displayed for inspection during the period **30th September 2020 – 05th October 2020**. This process is conducted in accordance with Section 31 and 32 of the Electoral Act which requires the ECN to prepare, publish and display a PVR for public scrutiny and possible objections against the names of persons included therein.

The production and printing of the final voters' register will take place during the period **10th October – 25th October 2020**.

The nomination period for candidates and submission of party lists will commence on **29th September 2020** and conclude on **16th October 2020**.

The last day of submission of nominations in the case of Independent candidates is **14th October 2020**.

The **Special Voting** for individuals who meet the terms of Section 98 (1) of the Electoral Act will take place on **23rd November 2020**. These individuals should either be:

- a) employed as a returning officer, presiding officer, polling officer, counting officer, police officer in the election;

- b) is, by reason of employment, unable to attend on any polling day at a polling station at which the voter is in accordance with subsection (1) or (7) required to record his or her vote; and
- c) produces to the returning officer for the constituency or local authority area a written authorisation issued by the Chief Electoral Officer stating that the voter concerned is by reason of the employment permitted to record his or her vote in terms of this subsection and subsections (3), (4) and (5)

Most importantly, the polling day for the 2020 Regional Council and Local Authority elections is the **Wednesday, 25th November 2020**.

In this regard, I hereby advise all of you to consult the comprehensive Electoral Calendar included in your information pack for further details.

Ladies and Gentleman of Media,

Let me now turn to the 2 elephants in the room, the first one being the question of the EVM's vs use of ballot papers and COVID-19.

As you may recall, a Supreme Court Judgement was handed down by the Chief Justice on **05th February 2020** on the Presidential elections that took place on 27th November 2020 in **CASE NO: A 1/2019**.

In this connection, I quote the following order made as part of the judgement:

- (a) The determination by the Minister that the provisions of s 97 of the Act were brought into force with the exception of s 97(3) and (4) on 17 October 2014 by Government Notice 208/2014 is in conflict with the Constitution and is invalid.
- (b) The aforesaid determination is set aside.
- (c) The aforesaid setting aside and order of invalidity will take effect on 21 March 2020 unless the determination by the Minister under s 209 is withdrawn by the Minister before such date in which event it will take effect upon the date of such withdrawal.
- (d) The validity of the election of office bearers elected under Act 5 of 2014 before 20 March 2020 and action taken by them is not affected by this order of invalidity.

Ladies and Gentlemen of the Media, the ECN believes that the integrity of elections hinges on the strict observance of the rule of law and is thus committed to executing its sacred obligation of strengthening our constitutional democracy. As testimony to this commitment, the ECN successfully conducted the Opuwo Rural and Otjiwarongo by-elections held on 09th March 2020 using manual ballot papers.

Furthermore, the ECN has taken note of the views expressed by a sizable portion of our stakeholders against the use of Electronic Voting Machines (EVM's) without the VVPAT or paper trail – a matter that was the bone of contention in the aforementioned Supreme Court case.

The ECN also wishes to note that the cost of acquiring the VVPAT devices including development of prototype, customization, shipment and operator training and voter education is estimated at **N\$ 132,927, 642**. Our view is that Namibia may not currently be in a position to afford acquiring the VVPAT devices, given multiple competing priorities further compounded by COVID-19.

Furthermore, the COVID-19 pandemic has forced both private and public sector organizations to change and re-engineer business processes. Operating and voting by Use of EVMs involves substantial touching of equipment both during the **First Level Check, Candidate Setting** and as well as the **actual casting of votes**. Given the manner that the COVID-19 is transmitted, it is clear that the use of EVM's may exacerbate the further spread of this deadly disease.

Based on the cumulative weight of the factors enunciated above, the ECN submits that manual ballot papers be used for the forthcoming elections. The ECN has designed a targeted voter and civic education campaign aimed at re-educating the electorate on the use of ballot papers. The re-introduction of the manual voting system would require a mindset shift which calls for new innovative ways of voter education that ensures that all registered voters are able to cast their votes in confidence so as to promote secrecy of the vote and reduce rejected ballot papers.

To this end, the ECN has formally informed all political parties and organizations of these factors and considerations during the consultative meeting held on Tuesday, 16th June 2020. The consensus position is that manual ballot papers will be used during the forthcoming regional councils and local authority elections.

The said meeting also agreed that the ECN will initiate proper consultations with all stakeholders during the year 2021 in order to discuss and make the best choices on the future of EVM's, considering the significant investment made in the acquisition of this technology.

Ladies and Gentlemen of the Media, the biggest challenge the ECN faces is to conduct the forthcoming elections against the backdrop of a major public health crisis.

As alluded to earlier, the ECN has established a working relationship with the Ministry of Health and Social Services (MOHSS). To this end, we have provided MOHSS with a draft mitigation strategy document in order for the Ministry to provide a public health risk assessment in respect of all electoral processes and the transmission risks they may involve.

In short, our Mitigation Strategy is anchored around the following four pillars:

- 1. Communicate and coordinate with the Ministry of Health** on risk analysis and effective implementation of the risk-mitigation strategies
- 2. To mitigate person-to-person interaction** through the enforcement of safe physical distance, respiratory hygiene and use of Personal Protective Equipment (PPE)
- 3. To prevent the contamination of common surfaces and objects** by frequently disinfecting surfaces and objects used by multiple people and by enforcing the use of PPE such as face masks and practicing of respiratory hygiene
- 4. Lastly, to prevent individual's exposure to contaminated surfaces or objects** to be achieved through encouraging hand sanitization with soap and water or alcohol-based solutions; discourage touching of mouth, nose, and eyes and enforce use of PPE.

For further details on the mitigation strategy, you are advised to consult your information pack. Please further note that final ECN COVID-19 Mitigation Strategy will be made available after consultations with Civil Society Organizations scheduled for the 1st week of July 2020.

We want to make it categorically clear that the ECN is under no illusion that conducting elections under the present circumstances will be easy by any means. We however believe that this country can hold successful elections if everyone complies with the relevant regulations and requisite health precautions and if all electoral stakeholders play their role to ensure the safety of all involved.

One important note regarding our approach is that at all material times or stages; our Strategy will be aligned to the national guidelines as may be announced by the relevant authorities under the State of Emergency Regulations.

Finally, we have received disturbing reports that there are people going around taking particulars of registered voters pretending to be staff members of the Electoral Commission. Members of the public should note that, not only is it an offence under the Electoral Act, 5 of 2014 to impersonate any staff member of the Electoral Commission, but it is also a common law offence to register people under false pretenses.

I thus caution all members of the public that if anyone approaches you with such proposition, immediately lay charges with the Namibian Police to ensure that criminal charges are instituted against such unscrupulous individuals.

WITH THESE REMARKS, LADIES AND GENTLEMEN, I THANK YOU FOR YOUR ATTENTION.