



**Electoral Commission  
of Namibia**

# **PERFORMANCE ASSESSMENT AND POST-ELECTION REPORT**

**GOBABIS, KEETMANSHOOP URBAN,  
KHOMASDAL, OSHIKUKU AND  
WALVIS BAY URBAN  
CONSTITUENCIES BY-ELECTIONS**

**15<sup>TH</sup> JANUARY 2020**





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# CONTENTS

List of Abbreviations.....	1
Preface.....	2
Executive Summary.....	3
Performance Assessment and Post-Election Report.....	5
<b>1. Chapter One: Pre-Election Phase.....</b>	<b>6</b>
1.1 Legislative Framework.....	6
1.1.1 Constitutional Provisions.....	6
1.1.2 Regional Councils Act.....	7
1.1.3 Electoral Act.....	7
1.2 Budgeting.....	7
1.3 Procurement.....	10
1.4 Recruitment.....	11
1.5 Voter and Civic Education.....	11
1.5.1 Campaign SRV.....	11
1.5.2 By-election Campaign Activities.....	11
1.5.3 Engagement with Key Stakeholders.....	12
1.6 Training and preparation of registration and polling officials.....	13
1.7 Supplementary Registration of Voters.....	13
1.8 Provisional Voters Register.....	13
1.8.1 Distribution of Election Materials.....	14
1.8.2 Transport.....	14
1.8.3 Printing of EVM Ballot Papers.....	14
1.8.4 First Level Checking and Preparations of EVMs.....	14
1.9 Nominations.....	15
<b>2. Chapter Two: Election Day.....</b>	<b>17</b>
2.1 Security Arrangements.....	17
2.1.1 Polling Stations.....	17
2.2 Voting Day.....	17
2.2.1 Voter Verification Devices (VVDs).....	18
2.2.2 Electronic Voting Machines (EVMs).....	18
2.3 Counting of Results.....	18
2.4 Collation Centres.....	18
2.5 Analysis of Results.....	18
<b>3. Chapter Three: Election Challenges, Recommendations and Conclusion.....</b>	<b>20</b>
3.1 Election Challenges and Recommendations.....	20
3.2 Conclusion.....	20

# LIST OF ABBREVIATIONS

<b>CERC</b>	Central Elections Results Centre
<b>ECN</b>	Electoral Commission of Namibia
<b>EVMs</b>	Electronic Voting Machines
<b>IC</b>	Independent Candidate
<b>FLC</b>	First Level Check
<b>GRN</b>	Government of the Republic of Namibia
<b>LA</b>	Local Authority
<b>OMAs</b>	Office, Ministries and Agencies
<b>PVR</b>	Provisional Voters Register
<b>RC</b>	Regional Council
<b>SVR</b>	Supplementary Voter Registration
<b>VRKs</b>	Voter Registration Kits
<b>VVDs</b>	Voter Verification Devices

## PREFACE

Section 116 of the Electoral Act (Act No. 5 of 2014) requires the Electoral Commission of Namibia (ECN) to conduct a performance assessment in respect of the electoral process and to publish a post-election report of any election, including by-elections. In this regard, this performance assessment report is published in compliance with this obligation.

The ECN in terms of its mandate conducted by-elections for the Gobabis, Keetmanshoop Urban, Khomasdal, Oshikuku and Walvis Bay Urban Constituencies following the resignations of the sitting councilors on 18<sup>th</sup> October 2019 in the respective constituencies. This is in compliance with section 77 (4) of the Electoral Act, No. 5 of 2014 and articles 46 and 47 of the Namibian Constitution in order to qualify to be nominated as a candidate on a list of candidates for members of the National Assembly.

Accordingly, the Supplementary Registration of Voters (SRVs) for the Gobabis, Keetmanshoop Urban, Khomasdal, Oshikuku and Walvis Bay Urban Constituencies was conducted on the 01<sup>st</sup> and 02<sup>nd</sup> November 2019 amidst ongoing preparations for the 2019 Presidential and National Assembly elections. This meant that the ECN had to ensure it had sufficient resources to ensure the successful conduct of the registration processes.

While the Commission appreciates the fact that regional councilors are elected by direct ballot, the time frame of conducting these by-elections poses a challenge in terms of preparations. Supplementary registration of voters for the by-election had to be conducted within less than three (3) weeks to the national 2019 Presidential and National Assembly elections.

This is one of the recurring challenges identified which will once again be brought to the attention of the relevant stakeholders and the Ministry of Urban and Rural Development. Despite continuous and reinforcement of voter education during the by-election, the Commission once again regrets to note



the low voter-turnout for the Gobabis, Keetmanshoop Urban, Khomasdal and Walvis Bay Urban by-elections.

Notwithstanding the challenges encountered the Commission is delighted to announce that the by-elections conducted were a resounding success.

As a Commission, we extend our sincere appreciation to all stakeholders for the continued support and cooperation and particularly to those voters that have exercised their democratic right by participating in this by-elections.

**Adv. Notemba Tjipueja**  
Chairperson  
**October 2020**

## EXECUTIVE SUMMARY

The Electoral Act read together with the Regional Councils Act mandates the Electoral Commission of Namibia (ECN) to conduct a by-election in all instances where a vacancy occurred in a said constituency. The legislative framework lays down strict guidelines within which such a by-election must be held i.e. within 90 days after the vacancy occurred.

The by-elections for the five (5) constituencies where necessitated by the resignations of the sitting councilors on 18<sup>th</sup> October 2019 in the respective constituencies. This is in compliance with section 77 (4) of the Electoral Act, No. 5 of 2014 and articles 46 and 47 of the Namibian Constitution, in order to qualify to be nominated as a candidate on a list of candidates for members of the National Assembly.

As per the provisions of the above stated legal frameworks and in accordance with Section 116 of the Electoral Act, the ECN initiated the process of conducting a performance assessment in respect of the Gobabis, Keetmanshoop Urban, Khomasdal, Oshikuku and Walvis Bay Urban constituencies by-elections. No election was conducted in the Oshikuku Constituency as only one candidate was duly nominated.

This Performance Assessment and Post-Election Report consists of three Chapters: Chapter One reports on the pre-election phase. It provides a brief synopsis of the place and scope of the Regional Council (RC) elections within the Namibian electoral system. The Electoral Act requires that an account must be given, during the pre-election phase, on the state of readiness of the ECN to conduct a particular election. Such account must reflect on issues such as budgeting, financing, procurement, transport, recruitment and training of electoral officials, civic and voter education campaigns conducted, the voter registration process, the publication of the provisional voter's register, engagement of electoral stakeholder, and the printing of ballot papers.



Chapter Two focuses on events that took place on polling day. This includes the opening and closing of polling stations, the performance of Electronic Voting Machines (EVMs) and Voter Verification Devices (VVDs), the number of polling stations set up, 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, the tabulation, transmission, analysis of results and reports on the voter turnout.

Chapter Three summarizes the election challenges, draws some conclusions and gives some recommendations as a way to redress the identified issues. It specifically highlights the major challenges experienced in respect of the conduct of the by-elections.

The outcome of the Gobabis, Keetmanshoop Urban, Khomasdal and Walvis Bay Urban by-elections once again highlighted the perennial concern of the low voter turnout trend for Regional Council elections with the highest voter turnout recorded in Keetmanshoop Urban with 30.8% and the lowest recorded in Khomasdal with a total of 8.2% voter turnout.

The ECN is however pleased to, once again, announce another delivery of a near-flawless and credible election to the nation.

**Mr. Theo Mujoro**  
Chief Electoral and Referenda Officer  
**October 2020**



# PERFORMANCE ASSESSMENT AND POST-ELECTION REPORT

The Performance Assessment and Post-Election Report of the Gobabis, Keetmanshoop Urban, Khomasdal, Oshikuku and Walvis Bay Urban Constituencies by-election is a statutory requirement in terms of Section 116 of the Electoral Act. This section obliges the ECN to conduct a performance assessment in respect of any electoral process and publish a post-election report in respect of the election concerned.

The Electoral Act of 2014 (Act No. 5 of 2014) is prescriptive of the content of the post-election performance assessment report. The following issues must be covered 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 processes and analysis of results;
- Possible recommendations of amendments to any electoral legislation; and
- Any other matter which the Commission may deem necessary.

The Post-Election Performance Assessment Report must be submitted to the National Assembly by the Chairperson of the Commission within six (6) months after an election.

The Act is also explicit on how the Speaker of the National Assembly should deal with the report. It requires the Speaker to cause the National Assembly to discuss and consider the report. The Speaker is further required to refer and distribute the report to the President, Chief Justice, the Chairperson of the Electoral Court, the Chairperson of the Magistrates Commission and the Chairperson of the Law Reform and Development Commission. The Speaker is similarly required to make the report available for public inspection.

Section 116 of the Act is clearly meant to solidify accountability, build confidence in the electoral process and to deepen democracy. This publication constitutes the performance assessment report for the Gobabis, Keetmanshoop Urban, Khomasdal, Oshikuku and Walvis Bay Urban Constituencies by-elections, held on 15<sup>th</sup> January 2020. The final results for the Oshikuku Constituency by-election is featured in this report on the duly nominated candidate as no election was conducted.

# 1. CHAPTER ONE: PRE-ELECTION PHASE

This chapter reports on the pre-election phase. It provides a brief synopsis of the place and scope of the Regional Councils (RC) elections within the Namibian electoral system. Furthermore, the ECN's state of preparedness for the conduct of the five (5) by-elections with regard to budgeting, procurement, recruitment and training of electoral officials, civic and voter education are discussed. It focusses on voter registration, the publication of the provisional voters' register, the various stakeholder engagements held, as well as the printing of EVM ballot papers.

## 1.1 Legislative Framework

### 1.1.1 Constitutional Provisions

Regional Council elections are conducted according to the majoritarian or first-past-the post electoral system. According to this system, the candidate with the most votes is declared the winner. In practical terms, this means that the candidate who receives the most votes per constituency will be elected as a member of the Regional Council.

In terms of Article 106 (2) of the Namibian Constitution, each constituency shall elect one (1) member to the Regional Council for the region in which it is situated. Article 106 (3) provides that elections shall be conducted by secret ballot in accordance of the provisions of an Act of Parliament, and the candidate receiving the most votes in any constituency shall be elected as a member of the Regional Council in that constituency.

### 1.1.2 Regional Councils Act

The Regional Councils Act, Act 22 of 1992 governs the regional government in Namibia. The Act provides for the establishment and constitution of Regional Councils, qualification of, and dates for elections for, members of the regional councils and meetings of regional councils, amongst others.

In terms of Section 10 (3) of the Regional Councils Act, any casual vacancy in a regional council shall be filled within a period of three (3) months after it has occurred by holding an election, on a date to be determined by the President by proclamation in the Gazette, of a member as contemplated in section 7 (2) for an unexpired portion of the period office of the member who has vacated his or her office, unless the period of office of the member who has so vacated his or her office expires during the said period of three months.

The by-elections for the five (5) constituencies were necessitated by the resignations of the sitting councilors on 18<sup>th</sup> October 2019 in the respective constituencies in compliance with section 77 (4) of the Electoral Act, No. 5 of 2014 and articles 46 and 47 of the Namibian Constitution in order to qualify to be nominated as a candidate on a list of candidates for members of the National Assembly.

As per Section 10 (2) of the Regional Councils Act, Act 22 of 1992, the Chief Regional Officers for the five (5) Regional Councils by notice in the Government Gazette, dated 01<sup>st</sup> November 2019, gave notice of these vacancies.

Initially, there were five (5) vacancies, however after the nomination period, only one (1) candidate was fielded for the Oshikuku Constituency. In terms of section 82 (2) of the Electoral Act, if at the close of the sitting for submission of nomination only one (1) person has been nominated in respect of the constituency, the Returning Officer must forthwith declare the person concerned to be the duly elected member of the regional council for the constituency concerned with effect from the date on which the declaration is made. In line with this provision, **Mr. Matheus Gabriel** from the SWAPO Party of Namibia (SWAPO) was duly declared as the councilor for the Oshikuku Constituency.

### 1.1.3 Electoral Act

In terms of Section 63 (2) (b) of the Electoral Act, if a casual vacancy occurs in any Regional Council and any vacancy which so occurred is, by virtue of Section 10 (3) of the Regional Councils Act, required to be filled through an election. A by-election must take place in the constituency in respect of which the vacancy in that council occurred, on a date determined in accordance with that section within the period referred to in that section.

The President, in terms of Section 64 (1) of the Electoral Act, upon recommendation of the Commission determined the **15<sup>th</sup> January 2020** as the date on which a poll for the Gobabis, Keetmanshoop Urban, Khomasdal and Walvis Bay Urban Constituencies by-elections were to be conducted.

## 1.2 Budgeting

Elections in Namibia are solely supported by funds appropriated through the State Finance Appropriation Act. The ECN through its annual budget submission makes provision for at least three (3) by-elections during any given financial year. It should be noted that the vacancy occurred towards the end of the 2019/20 Financial year, which made the execution of some activities challenging since the financial management is carried out in terms of State Finance Act and Treasury regulations.

The following financial expenditure was incurred for Gobabis, Keetmanshoop Urban, Khomasdal, Oshikuku and Walvis Bay Urban Constituencies by-elections:

*Table 1: Expenditure in respect of the Supplementary Registration of Voters of the Gobabis Constituency:*

Item No.	Description	Type (Section Coded)	Unit	Total Amount
01	Payments of Registration of officials including Supervisors of Registration	HR	30 People	<b>N\$ 149,552.00</b>
02	Expenses incurred for the lunch packs of election officials	HR	30 People	<b>N\$ 4,600.00</b>
<b>Total Expenditure for SRV</b>				<b>N\$ 154,152.00</b>

Table 2: Expenditure in respect of the Polling process of the Gobabis Constituency:

Item No.	Description	Type (Section Coded)	Unit	Total Amount
01	Fuel used for the vehicles before, during and after the election process	Transport	21 Vehicles	N\$ 16,245.05
02	Travelling allowance used by the staff members	Finance	---	N\$ 50,614.00
03	Payments of election officials including Returning Officer	HR	75 People	N\$ 179,978.00
04	Expenses incurred for the lunch packs of election officials	HR	75 People	N\$ 31,500.00
05	Over time expenses for both registration & election	Finance	---	N\$ 63,019.00
06	Rental of Registration Venues	Planning	---	N\$ 4,189.00
<b>Total Expenditure for Election</b>				<b>N\$ 345,545.05</b>

Table 3: Expenditure in respect of the Supplementary Registration of Voters of the Keetmanshoop Urban Constituency:

Item No.	Description	Type (Section Coded)	UNIT	TOTAL AMOUNT
01	Payments of Registration officials including the Supervisors of Registration	HR	17 People	N\$ 107,427.00
02	Expenses incurred for the lunch packs of election officials	HR	17 People	N\$ 2,438.00
<b>Total Expenditure for SRV</b>				<b>N\$ 109,865.00</b>

Table 4: Expenditure in respect of the polling process of the Keetmanshoop Urban Constituency:

Item No.	Description	Type (Section Coded)	UNIT	TOTAL AMOUNT
01	Fuel used for the vehicles before, during and after the election process	Transport	14 Vehicles	N\$ 19,410.45
02	Travelling allowance used by the staff members	Finance	---	N\$ 57,691.00
03	Payments of election officials including Returning Officers	HR	46 People	N\$ 110,322.00
04	Expenses incurred for the lunch packs of election officials	HR	46 People	N\$ 20,240.00
05	Over time expenses for both registration & election	Finance	---	N\$ 58,869.00
06	Rental of Registration Venues	Planning	---	N\$ 2,747.00
<b>Total Expenditure for Election</b>				<b>N\$ 269,279.45</b>

Table 5: Expenditure in respect of the Supplementary Registration of Voters of the Khomasdal Constituency:

Item No.	Description	Type (Section Coded)	Unit	Total Amount
01	Payments of Registration officials including Supervisors of Registration	HR	25 People	N\$ 135,539.00
02	Expenses incurred for the lunch packs of election officials	HR	25 People	N\$ 4,658.00
<b>Total Expenditure for SRV</b>				<b>N\$ 140,197.00</b>

Table 6: Expenditure in respect of the polling process of the Khomasdal Constituency:

Item No.	Description	Type (Section Coded)	Unit	Total Amount
01	Fuel used for the vehicles before, during and after the election process	Transport	12 Vehicles	N\$ 16,761.18
02	Payments of Election officials include Returning Officer	HR	108 People	N\$ 170,088.00
03	Refreshment for training of officials incurred	HR	108 People	N\$ 31,625.00
04	Over time expenses for both registration & election	Finance	---	N\$ 47,425.00
05	Rental of Registration Venues	Planning	---	N\$ 550.00
<b>Total Expenditure for Election</b>				<b>N\$ 266,449.18</b>

Table 7: Expenditure in respect of the Supplementary Registration of Voters of the Oshikuku Constituency:

Item No.	Description	Type (Section Coded)	Unit	Total Amount
01	Payments of Registration officials include supervisor	HR	36 People	N\$ 79,848.00
02	Refreshment for training of officials incurred	HR	36 People	N\$ 2,576.00
<b>Total Expenditure for SRV</b>				<b>N\$ 82,424.00</b>

No expenses were incurred for the Oshikuku Constituency polling process.

Table 8: Expenditure in respect of the Supplementary Registration of Voters of the Walvis Bay Urban Constituency:

Item No.	Description	Type (Section Coded)	Unit	Total Amount
01	Payments of Registration officials include supervisor	HR	19 People	N\$ 175,955.00
02	Expenses incurred for the lunch packs of election officials	HR	19 People	N\$ 4,485.00
03	Rental of Registration Venues	Planning	---	N\$ 26,682.00
<b>Total Expenditure for SRV</b>				<b>N\$ 207,122.00</b>

Table 9: Expenditure in respect of the polling process of the Walvis Bay Urban Constituency:

Item No.	Description	Type (Section Coded)	Unit	Total Amount
01	Travelling allowance used by the staff members	Finance	---	N\$ 73,555.00
02	Payments of Election officials include Returning Officer	HR	66 People	N\$ 158,034.00
03	Expenses incurred for the lunch packs of election officials	HR	66 People	N\$ 26,400.00
04	Over time expenses for both registration & election	Finance	---	N\$ 74,893.00
05	Rental of Registration Venues	Planning	---	N\$ 3,200.00
<b>Total Expenditure for Election</b>				<b>N\$ 336,082.00</b>

## 1.3 Procurement

The Procurement of various items for the by-elections were undertaken in terms of the Public Procurement Act, Act No.15 of 2015 and Regulations.

## 1.4 Recruitment

The ECN, appointed Registration and Polling Officials for the Gobabis, Keetmanshoop Urban, Khomasdal, Oshikuku and Walvis Bay Urban Constituencies by-election.

As part of cost cutting measures, including savings on accommodation expenses, the institution has implemented that residents in the constituencies are given preference when a temporary vacancy has to be filled. Preference was therefore given to the residents of the Gobabis, Keetmanshoop Urban, Khomasdal, Oshikuku and Walvis Bay Urban Constituencies as well as to those who previously worked in these five (5) constituencies during the 2019 Presidential and National Assembly elections and as a result, no advert was placed during the recruitment process. A total number of one hundred and twenty seven (127) Registration Officials were recruited, as well as two hundred and sixty three (263) Polling Officials.

## 1.5 Voter and Civic Education

In terms of section 49 of the Electoral Act, the Commission is required to conduct Voter and Civic Education to the Namibian citizenry. The programme Voter and Civic Education is implemented by the Division Democracy Building (DDB) and it focuses on educating and informing the public on different aspects pertaining to electoral issues and matters thereby empowering the electorate to make informed decisions and to understand and participate in the electoral processes. Voter and Civic 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, provided such a person is accredited by the Commission.

### 1.5.1 Voter and Civic Education Campaign for Supplementary Registration of Voters

The voter education officers in these five (5) constituencies conducted campaigns for both the Supplementary Registration of Voters for the five (5) constituencies from 01<sup>st</sup>–02<sup>nd</sup> November 2020 and for the 2019 Presidential and National Assembly elections. The voter educators managed to conduct voter education and information sessions/meetings in a manner that did not confuse the electorates and the public about the two electoral processes

The voter educators emphasised mainly on the use of the EVMs, various polling stations, voting steps and the code of conduct for political parties among others.

### 1.5.2 By-elections Campaign Activities

The campaign was conducted in all four (4) constituencies aimed at educating the electorates about electoral democracy, constitutional rights, how to correctly cast a vote using the EVM and provide information of polling venues within the respective constituencies on where to cast their votes.



**Voter and Civic education on how to vote using an EVM in the Constituencies.**

The voter education officers disseminated flyers with voting information, posters and polling points. Due to the holiday fever compounded with the end of the 2019 Presidential and National Assembly elections, stringent time frame, and constituencies variances in terms of size, sparsely populated residents and languages among others, the reinforcement of voter education officers from other regions and head offices was necessary to manage the voter education campaign successfully from 02<sup>nd</sup>-15<sup>th</sup> January 2020.

The fact that Namibians had just concluded the 2019 Presidential and National Assembly elections in November, a month from these by-elections, the electorates had an information overload with electoral related information, hence, the voter education officers had to come up with innovative approaches. The face-to face sessions/meetings with communities did not yield the required results, therefore, the educators used strategies such as door-to-door information dissemination, sound systems usage in the streets, manning the gazebos at public venues, shopping malls, visiting churches, OMAs, companies, pension pay points, schools and farms. The latter posed enormous challenges, as some farm owners denied access to voter education officers as they ordinarily locked farm gates which in the end disfranchised a number of farm workers of their constitutional and democratic right, to participate in the electoral process.

### **1.5.3 Engagement with Key Stakeholders**

The voter education officers also engaged key stakeholders, mainly political parties and Independent Candidates with a view to cascade the information to the electorates. This strategy was successful as the voters were keen to listen to their party leaders and candidates than the voter education officers, especially during the mass rallies and campaign drives. The churches also played a vital role, as many people attend church services, hence, the educators addressed the congregations after the services to educate and inform the voters on the electoral process. Schools also proved to be useful platforms to get more information to the electorates, especially the first time voters, but the educators chose not to utilize much of the schools in order to avoid disturbing the learning process of the students as they were busy with the final examinations of the academic year. In some instance, the educators gave the information flyers and posters to school principals and teachers to give to learners to take home, instead of conducting sessions/meetings with them.

Despite some challenges, the ECN conducted a successful voter and civic education campaign. The successful campaign is entirely attributed to the dedication, hard work and committed efforts by the staff members, assistance from the stakeholders and the community at large.



## 1.6 Training and preparation of registration and polling officials

The training of polling officials was conducted during the period 09<sup>th</sup> – 13<sup>th</sup> January 2020. The election officials were trained on all aspects of the polling processes, the duties and responsibilities of polling officials, and on relevant provisions of the Electoral Act. Extensive practical training was provided on the various electoral equipment such as the EVMs, VVDs and the Tabulator.

Training of registration and polling officials was conducted from 19<sup>th</sup> - 21<sup>st</sup> December 2019 and 09<sup>th</sup> - 13<sup>th</sup> January 2020 respectively. The following table depicts the number of election officials recruited for the five by-elections:

Positions	Gobabis	Keetmanshoop Urban	Khomasdal	Oshikuku	Walvis Bay Urban	Total
Registration Officials	30	17	25	36	19	127
Polling Officials	75	46	76	---	66	263

## 1.7 Supplementary Registration of Voters

In accordance with the Electoral Act No.5 of 2014, Section 25 (2), a Supplementary Registration of Voters (SRV) process must be conducted before any election. The purpose of an SRV is to enable any voter who has not registered in any previous registration process and those who turned 18 years of age since the last SRV to register to vote. The SRV process for the Gobabis, Keetmanshoop Urban, Khomasdal, Oshikuku and Walvis Bay Urban Constituencies was conducted during the period 01<sup>st</sup> – 02<sup>nd</sup> November 2019. The total number of voters registered per constituency was as follows:

Constituency	Registered Voters
Gobabis	13,457
Keetmanshoop Urban	11,534
Khomasdal	25,550
Oshikuku	9,420
Walvis Bay Urban	23,169

## 1.8 Provisional Voters Register

Sections 31 and 32 of the Electoral Act No 5 of 2014, requires the ECN to prepare, publish and display the provisional voters register (PVR) for public scrutiny and objections against names of persons included therein. Such objections must be lodged with the Electoral Tribunals designated for the given magisterial geographical area. The Gobabis, Keetmanshoop Urban, Khomasdal, Oshikuku and Walvis Bay Urban Constituencies by-elections PVR was displayed for objections on the 05<sup>th</sup> November 2019. This provided any registered voters, registered political parties, Independent Candidates and political organizations the opportunity to scrutinize and object to the inclusion or non-inclusion of any name in the provisional voter's register. No objections were lodged and the final voters registers for all five (5) constituencies were accordingly published in the Government Gazette dated 20<sup>th</sup> December 2019.

### 1.8.1 Distribution of Election Materials

The distribution of election materials was done in two (2) phases. Phase one was during the conduct of the supplementary registration of voters which was done on **31<sup>st</sup> October 2019** in all five (5) constituencies.

The second phase of distribution of election materials was done during the conduct of election which was done on the **14<sup>th</sup> January 2020** in four (4) constituencies, mainly Gobabis, Keetmanshoop Urban, Khomasdal, and Walvis Bay Urban, at the same time, the teams were deployed to their different polling stations. The distribution of all election materials was concluded successfully and sufficient quantities were safely delivered to all constituencies as required by each constituency.

### 1.8.2 Transport

Reliable and adequate transport is crucial for conducting successful and efficient elections. With reference to transport, the Commission used its internal fleet and engaged the Government Garage in these five (5) constituencies to acquire additional GRN fleet. No vehicle accident was reported during the by-election period.

### 1.8.3 Stakeholder Engagement

As it is customary, when there is a by-election in a constituency, the Returning Officer as part of their duties and responsibilities is expected to engage local stakeholders, in order to ensure that they are informed and updated on all developments with regard to the by-election, and for them to give input in terms of registration points and polling stations and any other information the stakeholders might need. All Returning Officers have reported that stakeholders in all five (5) constituencies were engaged before the SRV and polling processes.

### 1.8.4 Printing of EVM Ballot Papers

The EVM ballot papers were printed on 16<sup>th</sup> December 2019 for all four (4) constituencies. Solitaire Press, a Windhoek-based printing company was contracted to print the EVM ballot papers. The authorized representatives from the four (4) contesting Political Parties and an Independent Candidate were invited for proof-reading of the ballot paper, which was subsequently endorsed.

### 1.8.5 First Level Checking and Preparations of EVMs

The conduct of the First Level Checks (FLC) of the EVMs is a legal requirement in terms of the EVM regulations. The FLC took place at the ECN Head Office in Windhoek on 07<sup>th</sup> January 2020. A first level check was conducted prior to the given election before the EVMs were utilized.

The main purposes of the FLC is to ensure that all machines are in a proper working condition. In addition, the afore-mentioned regulations further require the Returning Officer to carry out the setting of the machines, which requires preparation in terms of the type of election to be conducted and total number of candidates or political parties that will be contesting the election. Any contesting political parties or Independent Candidate are entitled to affix their own seals and record all serial numbers of the EVMs being prepared for the by-election.



**First level checks of the EVMs at the ECN Head Office in Windhoek.**

## 1.9 Nominations

The right to participate in a peaceful political activity, form and join political parties and participate in the conduct of public affairs, whether directly or through freely chosen representatives are enshrined in Article 17 (1) of the Namibian Constitution.

The qualifications of members of a Regional Council is provided for in terms of Section 6 of the Regional Councils Act which states that; no person shall be qualified to be a member of a regional council - unless he or she –

- (i) is registered, in terms of the laws governing elections for members of regional councils, as a voter for an election for members of regional councils;
- (ii) is qualified to be elected as a member of the National Council in terms of Article 72 of the Namibian Constitution;
- (iii) is ordinarily resident within the constituency for which he or she is elected, or (a) if such person is not so resident at the time of his or her election, becomes so ordinarily resident within a period of three months as from the date of his or her election as such a member; (b) if he or she is a member of any other regional council.

In addition to the above, the Electoral Act, in terms of Section 97 (1) further requires a person may only be nominated as a candidate for election as a member of a regional council if the person - qualifies to be a member of a regional council as stipulated above, and is -

- nominated, in a manner as hereinafter provided, either -
  - as a member of a registered political party, by the political party; or
  - as an independent candidate whose nomination is supported by at least 150 registered voters in the constituency for which the nomination is intended.

Nominations commenced on 21<sup>st</sup> November 2019 and was completed on the 06<sup>th</sup> December 2019. Submission of nominations in the case of an Independent Candidates took place on 04<sup>th</sup> December 2019, two days' prior to the actual nomination day. While the last day of nomination and submission of candidates for political parties was 06<sup>th</sup> December 2019.

Below are the candidates that have been duly nominated for each of the five (5) constituencies:

**1. Gobabis Constituency**

Duly Nominated Candidate	Political Party
Binga Sylvester Daniel	Landless People's Movement (LPM)
Kauesa Iuonga Elvis	Independent Candidate (IC)
Modise Ellenterius Braynie	Popular Democratic Movement (PDM)
Tebele Augustinus	SWAPO Party of Namibia (SWAPO)

**2. Keetmanshoop Urban Constituency**

Duly Nominated Candidate	Political Party
/Goagoseb Abraham	Popular Democratic Movement (PDM)
Minnaar Maxie Meliza	Landless People's Movement (LPM)
Shilimela Festus	SWAPO Party of Namibia (SWAPO)

**3. Khomasdal Constituency**

Duly Nominated Candidate	Political Party
Angolo Samuel	SWAPO Party of Namibia (SWAPO)
Baumgartner Mara Bonita	Landless People's Movement (LPM)
Diergaardt Raymond Reginald	Popular Democratic Movement (PDM)
Kauhuma Bartholomeus Tjiunomuinjjo	SWANU of Namibia (SWANU)

**4. Oshikuku Constituency**

Duly Elected Candidate	Political Party
Matheus Gabriel	SWAPO Party of Namibia (SWAPO)

**5. Walvis Bay Urban Constituency**

Duly Nominated Candidate	Political Party
Hoab Richard	Popular Democratic Movement (PDM)
Jason Kenneth Iilonga	Independent Candidate (IC)
Knowledge Ndunge Ipinge	Independent Candidate (IC)
Sirie Topulathana	SWAPO Party of Namibia (SWAPO)

In terms of section 82 (2) of the Electoral Act, if at the close of the sitting for submission of nomination only one person has been duly nominated in respect of the constituency, the returning officer must forthwith declare the person concerned, to be the duly elected member of the regional council for the constituency concerned with effect from the date on which the declaration is made. **Mr. Matheus Gabriel from Swapo Party of Namibia (SWAPO)** was thus declared as the duly elected member of the regional council for the Oshikuku Constituency by the Returning Officer on 06<sup>th</sup> December 2019.

## 2. 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 performance of EVMs and VVDs, the number of polling stations and the procedures used in the polling stations. Similarly, it expounds on 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.

### 2.1 Security Arrangements

Proper security arrangements were in place with the assistance of the Namibian Police from the onset of the electoral process in order to ensure law and order was maintained at all times during the electoral process. Specifically, the security arrangements were in respect of the guarding of the EVM ballots during the printing process, the transportation and safekeeping of the EVMs and the VVDs at the constituency police stations and the overall maintenance of the law and order on polling day.

#### 2.1.1 Polling Stations

In order to ensure that all registered voters had access to polling stations, ECN established the following polling stations per constituency:

Constituency	Fixed stations	Mobile stations	Total Polling Stations
Gobabis	8	7	15
Keetmanshoop Urban	7	2	9
Khomasdal	15	0	15
Walvis Bay Urban	10	3	13

The establishment of polling stations took cognizance of the availability of venues, the distribution of voters within the constituency and access to polling station amongst others. The distribution of election materials took place on 14<sup>th</sup> January 2020 and teams departed to their various polling stations on time. All election materials were returned back to Windhoek under strict security escort of the Namibian Police from the different constituencies police stations on 16<sup>th</sup> January 2020.

### 2.2 Voting Day

The Gobabis, Keetmanshoop Urban, Khomasdal and Walvis Bay Urban Constituencies by-elections was held on 15<sup>th</sup> January 2020. All polling stations opened at 07h00 and closed at 21h00 as prescribed by the Electoral Act. At closing of polls, all eligible voters in attendance at 21h00 were allowed to cast their votes as permitted by the law.



Voter verifying their information on polling day.

### 2.2.1 Voter Verification Devices (VVDs)

VVDs serve to verify and authenticate all eligible voters before allowing them to cast their votes. The voters register for each of the four (4) constituencies was loaded on each verification device. The operators of the VVDs were accorded adequate training.

### 2.2.2 Electronic Voting Machines (EVMs)

The EVMs were successfully used during the by-elections for each constituency. No technical challenges were encountered.

## 2.3 Counting of Results

The counting of results was conducted at each polling station after the close of polls as required by the Electoral Act. The results for the specific fixed or mobile stations were then displayed at the polling station. The collation centers were established at each constituency where results from the different polling stations within each constituency were tabulated.

## 2.4 Collation Centers

As mentioned above, the tabulation of results took place in each constituency, which was established as the collation centers. All polling station results were verified at the collation center. The Returning Officers verified the correctness of the returns furnished by the Presiding Officers, collated the results for their respective constituencies and recorded the votes on Elect 16 corresponding to the print out from the control unit of the EVM.

## 2.5 Analysis of Results

The by-elections for Gobabis, Keetmanshoop Urban, Khomasdal and Walvis Bay Urban Constituencies was successfully conducted on the 15<sup>th</sup> January 2020 and the results were announced by midnight. The results for the different constituencies were as follows:

*Results of the Gobabis, Keetmanshoop Urban, Khomasdal and Walvis Bay Urban Constituencies by-elections*

### 1. Gobabis Constituency

Candidate duly nominated (in alphabetical order)	Political parties/Independent Candidates	Total Votes recorded
Binga Sylvester Daniel	Landless People's Movement (LPM)	571
Kauesa Iuonga Elvis	Independent Candidate (IC)	82
Modise Ellenterius Braynie	Popular Democratic Movement (PDM)	277
<b>Tebele Augustinus</b>	<b>SWAPO Party of Namibia (SWAPO)</b>	<b>1,409</b>

## 2. Keetmanshoop Urban Constituency:

Candidate duly nominated (in alphabetical order)	Political parties/Independent Candidates	Total Votes recorded
/Goagoseb Abraham	Popular Democratic Movement (PDM)	292
<b>Minnaar Maxie Meliza</b>	<b>Landless People's Movement (LPM)</b>	<b>1,958</b>
Shilimela Festus	SWAPO Party of Namibia (SWAPO)	1,306

## 3. Khomasdal Constituency:

Candidate duly nominated (in alphabetical order)	Political parties/Independent Candidates	Total Votes recorded
<b>Angolo Samuel</b>	<b>SWAPO Party of Namibia (SWAPO)</b>	<b>1,227</b>
Baumgartner Mara Bonita	Landless People's Movement (LPM)	349
Diergaardt Raymond Reginald	Popular Democratic Movement (PDM)	326
Kauahuma Bartholomeus Tjiunomuinja	SWANU of Namibia (SWANU)	202

## 4. Walvis Bay Urban Constituency:

Candidate duly nominated (in alphabetical order)	Political parties/Independent Candidates	Total Votes recorded
Hoab Richard	Popular Democratic Movement (PDM)	208
Jason Kenneth Iilonga	Independent Candidate (IC)	436
<b>Knowledge Ndunge Ipinge</b>	<b>Independent Candidate (IC)</b>	<b>1,636</b>
Sirie Topulathana	SWAPO Party of Namibia (SWAPO)	1,313

The voter turnout for each of the four (4) constituencies in percentage was as follows:

Constituency	Number of registered voters	Votes cast	Percentage (%)
Gobabis	13,457	2,339	17.3
Keetmanshoop Urban	11,534	3,556	30.8
Khomasdal	25,550	2,104	8.2
Walvis Bay Urban	23,169	3,593	15.5

# 3. CHAPTER THREE: ELECTION CHALLENGES, RECOMMENDATIONS AND CONCLUSION

## 3.1 Election Challenges and Recommendations

Both the supplementary registration and polling processes were conducted successfully with minor administrative and logistical issues. The table below summarizes the challenges and recommendations for the Gobabis, Keetmanshoop Urban, Khomasdal, Oshikuku and Walvis Bay Urban Constituencies by-elections:

Activity	Challenges	Recommendations
<b>Legal Framework on by elections</b>	The time period, as per the Regional Councils Act at which by elections must be conducted (3 months) is limited in terms of preparations and logistics.	The time period, as per the Regional Councils Act is limited in terms of preparations and logistics. Amendment to conduct election within a longer period.
<b>Payments to election officials</b>	Most of the banking details for the election officials were erroneous though they carried certified stamps from the banking institutions.	An emphasis must be made by HR personnel during training about the importance that officials should verify their banking details before submitting.

## 3.2 Conclusion

The ECN is committed to strengthening electoral democracy in Namibia by executing its mandate in a free, fair, credible and transparent manner. The Gobabis, Keetmanshoop Urban, Khomasdal, Oshikuku and Walvis Bay Urban Constituencies by-election was organized and directed in strict compliance with the provisions of the Electoral Act.









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