



**Electoral Commission
of Namibia**

PERFORMANCE ASSESSMENT

**2019
Regional Council
Ondangwa Urban Constituency
By-Election**

15th June 2019

AND POST-ELECTION REPORT

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List of Abbreviations

CERC	Central Results Centre
ECN	Electoral Commission of Namibia
EVMs	Electronic Voting Machines
FLC	First Level Check
GRN	Government of the Republic of Namibia
LA	Local Authority
O/M/A's	Office, Ministries and Agencies
RC	Regional Council
SVR	Supplementary Voter Registration
VRKs	Voter Registration Kits
VVDs	Voter Verification Devices

Preface

Regional Government is one of the three tiers of government established in terms of the Namibian Constitution and allows citizens to elect by direct suffrage their representatives on regional level. Prior to independence the majority of citizens did not have the right to make decisions on matters directly affecting their lives and were not given the opportunity to determine their destiny, through electing representatives at grassroots level. At independence the concept of decentralization was introduced in the Namibian Constitution which provided for the concept of decentralization and the establishment of sub-national governments within the confines of a unitary state and national policies, ideals and values.

The establishment of regions and constituencies are carried out by the Delimitation Commission. The number of regions and constituencies determine the number of seats each regional council will comprise of, hence the number of councilors to be elected. Section 10 (3) of the Regional Councils Act, Act 23 of 1992 amongst others provides for the conduct of a by-election in all instances where a vacancy occurs in a constituency, within 90 days of such an occurrence.

A vacancy in the Ondangwa Urban Constituency occurred on the 18th March 2019, when the former Councilor, Honorable Elia Irimari was appointed as the Governor for the Oshana region, by His Excellency the President.

Although the Commission values the fact that any casual vacancy should be filled in the shortest period of time, the timeframe of ninety days constitutes one of the main challenges in terms of executing such a mammoth task. The Regional Councils Act, as noted earlier, prescribes 90 days within which a by-election must be conducted from the date when the vacancy has occurred. At the same time in terms of the Electoral Act, the voter registration must be completed timeously to ensure that the provisional voters register is displayed at least 30 days before polling day for possible objections and inclusion of persons registered and subsequently the hearing of objections within a prescribed period by the Magistrate. The objection period and hearing of objections might impact on the 90-day period within which the election is to be conducted.

Notwithstanding the time constraints and the ongoing preparations for the 2019 Presidential and National Assembly Elections, the Commission is once again pleased to announce that the Ondangwa Urban Constituency by-election was a resounding success.

Finally, we are thankful to all the stakeholders in particular the five contesting candidates, the electorate and Namibian Police for the participation and contributions during the Ondangwa Urban constituency by-election.

Adv. Notemba Tjipueja
CHAIRPERSON
July 2020



Executive Summary

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

The appointment of Honorable Elia Irimari as the Governor for the Oshana Region by His Excellency the President meant that a by-election had to be conducted in the Ondangwa Urban Constituency on 15th June 2019. The Commission notes with great satisfaction that it has duly complied with its obligations as outlined in the Constitution and other relevant legislation in this regard.

We are indeed proud of our contributions made towards the continued strengthening of constitutional democracy and democratic electoral processes in Namibia. This Performance Assessment and Post-Election Report consists of three Chapters:

Chapter one reports on the pre-election phase. It gives a brief synopsis of the place and scope of the Regional Council (RC) elections within the Namibian electoral system. Chapter two focuses on events that took place on polling day. This include the opening and closing of polling stations and whether the secrecy of the ballot was observed, the counting process, and the tabulation, transmission analysis of results and reports as the voter turnout. Chapter three summarizes the election challenges, draws some conclusion and gives recommendations as a way to redress the identified issues.

Finally, the Electoral Commission of Namibia has once again demonstrated its capabilities to conduct and execute its mandate by ensuring free, fair, credible, transparent and impartial elections.

Mr. Theo Mujoro

CHIEF ELECTORAL AND REFERENDA OFFICER

July 2020



MR. THEO MUJORO
CHIEF ELECTORAL AND REFERENDA OFFICER

Performance Assessment and Post-Election Report

The Performance Assessment and Post-Election Report of the Ondangwa Urban Constituency 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 (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. This is to be done 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 Ondangwa Urban Constituency by-election, which was held on 15th June 2019.

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 this particular election with regard to budgeting, procurement, recruitment and training of electoral officials, civic and voter education, voter registration, the publication of the provisional voters' register, the various stakeholder engagements held, as well as the printing of ballot papers, are some of the major issues reported in the next sections.

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 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 member of the Regional Council in that constituency.

1.1.2. Regional Councils

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 vacated his or her office expires during the said period of three months.

A vacancy in the Ondangwa Urban Constituency occurred on the 18th March 2019, when the former Councilor, Honorable Elia Irimari was appointed Governor for the Oshana region, by His Excellency the President.

In terms of the Section 10 (2) of the Regional Councils Act, Act 22 of 1992, the Chief Regional Officer for the Oshana Regional Council by notice in the Government Gazette dated 1st April 2019 gave notice of the vacancy.

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 by virtue of Section 10 (3) of the Regional Councils Act, 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 15th June 2019 as the date on which a poll for the Ondangwa Urban Constituency by-election 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 the Ondangwa Urban Constituency by-election:

Table 1: Expenditure in respect of the Supplementary Registration of Voters

DESCRIPTION	SECTION	UNIT	AMOUNT
Transport (fuel)	Transport	24 vehicles	N\$ 90 226.80
Training of Registration Officials	HR	45 people	N\$ 10 348.16
Registration Venues	Division Planning		N\$ 6 000.00
Lunch Packs	Registration		N\$ 43 758.00
Registration Officials	HR	45 people	N\$117 435.00
Travelling Allowances	Finance		N\$127 454.00
Overtime Expenses	Finance		N\$119 350.58
Total Expenditure Supplementary Registration of Voters			N\$ 514 572.54

Table 2: Expenditure in respect of the Polling process

DESCRIPTION	SECTION	UNIT	AMOUNT
Fuel use for vehicles before and during the Election process	Transport	33 vehicles	N\$ 43 714.20
Travelling allowance – ECN staff	Finance		N\$ 51 408.93
Training of Polling Officials (Venue)	HR	105 people	N\$ 41 400.00
Election Officials	HR	105 people	N\$ 243 611.00
Overtime Expenses	Finance		N\$ 115 271.69
Materials and Supplies (Ballot Papers)	Logistics	42 ballot papers	N\$ 27 120.53
Total Expenditure for Election			N\$ 522 526.35

The total expenditure for this by-election was N\$ 1 037 098. 89

1.3 Procurement

The Procurement of various items for the by-election was undertaken in terms of the Public Procurement Act, Act 15 of 2015 and Regulations.

1.4 Recruitment

The ECN, appointed forty-five (45) Registration Officials and one hundred and five (105) Polling Officials for the Ondangwa Urban by-election. As part of cost cutting measures, including savings on accommodation expenses which the institution has implemented, residents of constituencies are given preference when a temporary vacancy has to be filled. Preference was therefore given to the residents of the Ondangwa Urban Constituency as well as to those who previously worked in the Ondangwa Urban Constituency.

1.5 Voter and Civic Education

In terms of section 49, the Commission is required to conduct voter and civic education to the Namibian citizenry. The program 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 Production and distribution of voter education materials

Voter education materials produced for the Ondangwa Urban Constituency by-election were in the form of flyers, brochures, posters and radio adverts. All such materials were translated into local languages.

1.5.2 Voter Education Sessions

The Voter education sessions commenced on the 03rd April 2020. During this period voter education officers, concentrated on the registration requirements for the by-election. Voters were specifically informed about the importance of the election as well as the duty and functions of the Councillor. A practical demonstration on using the EVM was included in every session.

The voter and civic education campaign for the Ondangwa Urban Constituency by-election was reinforced and comprising of teams/officials from the Oshana and Oshikoto regions. The programme commenced with sharing of information with community leaders, which did not yield the desired results. Subsequently, the programme was adjusted and efforts were redirected to include visits of teams to venues such as open markets, shopping malls, cuca-shops, taxi ranks and churches to ensure maximum participation at the voter and civic education sessions. Voter education sessions to schools were excluded due to the conduct of examinations, however, flyers and posters were distributed. Some of the venues where the voter education sessions were conducted include amongst others the following:

- Omwandi gwElia, Omwandi wa Kamanya, Omukwiyu gwaNashidhiga;
- Onankome, Eputa, Olukolo, Oshitayi ELCIN Church, Olunkono, Ondjondjo;
- Omashaka, Uupopo, Omakulukuma, Ondiyala, Oluno Correctional Facility;
- Ondangwa Police Station, Oluno Military Base, Oluno Clinic, Onguta ELCIN Church;
- Universal Church, Etambo, Okaye, ABC Open Market, Sword Embassy Ministries;
- Baptist Church among others.

1.6 Training and preparation of registration and polling officials

Training of registration officials and party agents were conducted from 05th – 08th April 2019 in preparation for the Supplementary Registration of Voters (SRV). The training materials were kept at Ondangwa Police Station and were collected and returned to the station on a daily basis for safekeeping. The training focused the legal requirements pertaining to the registration of voters.

The training of polling officials was conducted during the period 08th – 14th June 2019. 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.

1.7 Voter Registration

In accordance with the Electoral Act 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, who has turned 18 years of age since the last SRV to register to vote. In addition, the Commission also issued duplicate cards for the voters who have either lost or damaged their voters' cards, and update residential addresses for those who moved from one region, constituency or local authority to another. The SRV process for the Ondangwa Urban Constituency was conducted during the period 10th – 12th April 2019. A total number of 1 441 voters were registered.



1.8 Provisional Voters Register

Sections 31 and 32 of the Electoral Act 2014 requires the ECN to prepare, publish and display the provisional voters register 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 Ondangwa Urban Constituency by-election provisional voters register was duly displayed on the 17th April 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 objection was lodged and the final voters register was accordingly published in the Government Gazette dated 20th May 2019.

1.9 Electoral Campaigns by Political Parties

The Ondangwa Urban Constituency by-election campaign period was conducted in a calm and peaceful atmosphere, with no major incidences of violence or intimidation reported before, during and after the election. Adherence to the code of conduct ensured that the election campaigns and political rallies were generally held in a peaceful and tolerant atmosphere.

1.9.1 Distribution of Election Materials

In order to ensure that all registered voters had access to polling stations, ECN established a total number of twenty-four (24) polling stations (18 fixed and 6 mobile stations), in the Ondangwa Urban Constituency. 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 14th June 2019 and teams departed to their various polling stations on time. All election materials were returned back to Windhoek under police escort of the Namibian Police from the Ondangwa Police Station on the 16th June 2019.

1.9.2 Transport

Reliable and adequate transport is crucial for conducting successful and efficient elections. With reference to transport, a total of twenty-four (24) vehicles for the Supplementary Registration of Voters and thirty-three (33) for the polling process were availed. The Commission used its internal fleet and engaged the Ondangwa Government Garage to acquire additional GRN fleet. In this regard, no vehicle accident was reported during the by-election period.

1.9.3 Printing of EVM Ballot Papers

The EVM ballot papers were printed on 24th May 2019. Solitaire Press, a Windhoek-based printing company was contracted to print the EVM ballot papers. The authorized representatives from the four contesting Political Parties and an Independent candidate were invited for proof-reading of the ballot paper, which was subsequently endorsed.

1.9.4 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 EVM regulations. The FLC took place at the ECN head office in Windhoek on 05th June 2019. A first level check is conducted prior to any given election when EVM's are utilized. The main purposes of the FLC is to ensure that all machines are in a proper working condition. In addition, the aforementioned 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.

1.10 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) Vis 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 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.

The nomination of candidates aspiring to contest the Ondangwa Urban Constituency was managed by the Returning Officer, Ms. Rauna Nkandi and commenced from 19th April – 06th May 2019. Submission of the nominations in the case of an independent candidates took place on 04th May 2019, two days' prior the actual nomination day. While the last day of nomination and submission of candidates for political parties was 06th May 2019.

Four (4) political parties fielded candidates in addition to one (1) Independent Candidate. Thus a total of five candidates were declared duly nominated in respect of the by-elections for the Ondangwa Urban Constituency.

The names of the duly nominated candidates were as follows:

Surname	First Name	Political Party
Asser	Vincent	APP
Immanuel	Angeline	Independent Candidate
Mandume	Andreas	COD
Martin	Johannes	PDM
Negonga	Leonard	SWAPO

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, expounds on whether the importance of 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 station and the overall maintenance of the law and order on polling day.

2.2 Voting Day

The Ondangwa Urban by-election was held on 15th June 2019. 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.



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 the Ondangwa Urban Constituency was loaded on each verification device. The operators of the VVDs were accorded proper and adequate training.

2.2.2 Electronic Voting Machines (EVMs)

The EVMs were successfully used during the Ondangwa Urban by-election. No technical challenges were encountered.

2.3 Counting of Results

The counting of results was done 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 center was established at the Ondangwa Trade and Industrial Centre where results from the different polling stations within the Ondangwa Urban Constituency were tabulated.



2.4 Collation Centers

As mentioned above, the tabulation of results took place at the Ondangwa Trade and Industrial Centre, which was established as the collation center. All polling station results were verified at the collation center. The Returning Officer verified the correctness of the returns furnished by the Presiding Officers, collated the results for the Constituency and recorded the votes on form 30 corresponding to the print out from the control unit of the EVM.

2.5 Analysis of Results

The Ondangwa Urban by election was successfully conducted on 15th June 2019 and the results were announced by midnight. The results for the Ondangwa Urban Constituency were as follows:

Candidate duly nominated for election as member of the regional council (in alphabetical order)	Political parties that partook in election	Votes recorded for each candidate
Asser Vincent	APP	97
Immanuel Angeline	Independent Candidate	1 402
Mandume Andreas	COD	31
Martin Johannes	PDM	326
Negonga Leonard S	SWAPO	1 936
TOTAL		3 792

ECN once again recorded a low voter turnout during the Ondangwa Urban by election which has emerged during most by-elections. From the total of sixteen thousand (16 000) registered voters, only three thousand seven hundred and ninety-two (3 792) voters casted their votes, representing a mere twenty-three percent (23%) of registered voters.

3. Chapter Three: Election Challenges, Recommendations and Conclusion

3.1 Election Challenges and Recommendations

Although both the supplementary registration and polling processes went well as planned, it was not concluded without minor administrative and logistical issues. The table below summarizes the challenges and recommendations experienced during the Ondangwa Urban by-election:

Activity	Challenges	Recommendations
Supplementary Registration	Conducting a supplementary registration during a period when a national supplementary registration process is ongoing.	The Commission should consult the relevant stakeholders for possible amendments to include a clause that enable the ECN to postpone or conduct SRV earlier.
Legal Framework on by elections	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 at which by elections must be conducted (3 months) is limited in terms of preparations and logistics. Amendment to conduct a longer period.
Budget	Due to the continuous control measures introduced by the Government in order to ensure financial feasibility and curb expenditure, monthly budget ceilings are allocated to different O/M/As. This places a huge risk on activities relating to elections that are to be executed. Conducting a by-election during the first quarter of a financial year through a contingency budget runs the risk of insufficient funds	ECN should implement proper measures to ensure availability of funds for by-elections in the first quarter of the financial year. Activities should be pushed to second quarter to ensure contingency budgets suffice if any by-elections in the first quarter

3.2 Conclusion

The ECN is committed to strengthen electoral democracy in Namibia by executing its mandate in fair, credible and transparent manner. The Ondangwa Urban Constituency by-election was organised and direct in a strict compliance with the electoral Act.



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